SENATE—*Wednesday, April 25, 1984*

(Legislative day of Tuesday, April 24, 1984)

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. May we never turn our backs on such love. We thank Thee for Resurrection 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 CHILES 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 Senator 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 RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that after the Proxmire-Kassebaum-Grassley special orders 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. BOSCHWITZ). Without objection, it is so ordered.

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

Mr. BAKER. Yes.

Mr. BYRD. 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 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 sewer systems. Mobile source control problems took up most of my personal time then and, shortly before I gave my first speech here, 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 96 percent, hydrocarbons 95 percent, and nitrogen oxides 76 percent from the uncontrolled 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.

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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 in order to keep the environment clean and public health protected. That's a fact as cold and undebatable as a profit-and-loss statement.

But 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 stages of a breakdown in the invaluable tradition that the environment is a national concern, as we see regional or local interests predominating 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 practical 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 then we were in the quite recent past. Part of the explanation lies, of course, in the vexed nature of the environmental issues that dominate the current decade. It was relatively easy to act against smoggy air and clouded waters, but in dealing with such problems as acid rain 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 proposed remedies and the damage we want to fix. Uncertainty can lengthen debate and stall action.

But more than that, our quandary 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 the message is the same—that government program is not what I mean when I say, there's too much government. In practice, we demand that our two-hundred-year-old political system do the wide variety of tasks we think are necessary to preserve our personal position in modern America. That often means a "liberal" governmental response. In the environmental area, in contrast, I believe we are ideological liberal and operationally conservative.

By this I mean we tend to establish environmental and health protection as absolute values rather than social goods in competition with other social goods. Oddly, of the many different kinds of risks attendant on membership in a technological society, we often single out those connected with environmental pollution as being totally unacceptable. Yet at the same time we are reluctant to make the changes in our way of life (even minor ones) required to attain such goals. Any time we suggest that an inspection and maintenance program be imposed on a municipal area to achieve the health goals the public has demanded in the Clean Air Act, the hue and cry is loud and clear—we want zero risk but not at my expense.

This position has led to some difficulties in the formation of an effective national environmental policy. While it is a fine thing to embody high ideals in legislation, laws should be written so that mortals can put them into effect on this imperfect earth, without either torturing the language or prescribing nonsense. I think it is clear now that in enacting several of our major environmental statutes we did not think through what strict interpretations would really mean. Environmental protection is an enormously complicated technical process; that it now shares the aura of Motherhood and the Flag makes it less, rather than more, likely that we will do a good job of it.

This is because we encourage public officials to strike extreme postures as defenders of the environment, while we shy away from requiring the hard decisions implied by such postures. As a result, in the typical environmental statute, concern for protection tends to overwhelm careful thinking about precisely how such protection will be accomplished. This passes the buck to the executive agency. Moreover, there is ample provision for judicial review, which passes the buck to the courts. And that's just on the Federal level; many statutes have State discretion built in—another set of bucks to be passed. Harry Truman's famous desk sign said "the buck stops here"; the trouble today is that the buck stops nowhere.

Unfortunately, the ordinary solution proposed, when hard decisions have been deferred, is for the Congress to order EPA to perform certain specified actions, usually within a strict timetable. The agendas of the Agency during much of its recent history have been set not by any sort of ordered, explainable, rational analysis, but by the press of public outcry and resultant political response. The public appears to be demanding immediate but not very painful solutions to long-standing problems that we don't know how to fix. Congress appears to believe that the way to satisfy this public demand is to load the statutes with specific constraints and directives. Motion is its own reward, whether or not it is in the right direction.

If I sound like I'm passing the buck back to Congress, I make no claim to be immune from the prevailing disease; but my point is that we should start thinking about how to cure the disease. This will not be easy, because these difficulties are rooted in some of the basic characteristics of American society. Like all other democracies, ours functions by means of a working consensus about the goals and values of national life. But our vast size and the relative isolation we have experienced during much of our history have made it possible for people who did not agree with the prevailing consensus to move on and, by and large, follow a different drummer. In many cases, nonconforming groups were able, by their example, to modify the existing national consensus; and so we have evolved as a nation.

This further spirit of independence and freedom of action remains part of our national consciousness and a source of our strength. It is a spirit embodied in our Constitution, which takes great pains to prevent tyranny by a majority, and which was designed by experts to enshrine our mistrust of concentrations of power by strictly separating the three branches of government. It's as if our national motto, instead of "one from many," was "not so fast."

The trouble is we no longer have a frontier to "hie off to." The world 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 evolve to fit the rapid change and consequent societal demands of modern life. If we are to remain competitive in the world we need to recognize the necessity of adjusting to change more rapidly, of harnessing our entrepreneurial spirit to a sense of national discipline, and that runs counter to the American tradition of independence. 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 not in their backyards or anywhere close. In some parts of the country, we are running out of places to put the stuff. It stays in improper 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 to the nation at large does not bother the local groups who resist disposal facility siting. 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—one 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 Vietnam war and Watergate, in which government appeared to fail the public, have simply exacerbated what has always been present in American thought. But from the standpoint of an American governmental agency charged with protecting human health and the environment, trust is the oil in the gearbox. 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, although we came close. Our agency, with its extraordinarily wide scope of responsibility, is especially vulnerable to failures of public trust. Can you imagine what would have happened if the decision we made recently about allowable levels of ethylene dibromide (EDB) in food had not been broadly accepted? Each State would have set its own protective standards; many foods would have vanished from the marketplace; and the food production and distribution industry would have been thrown into chaos. We were closer to this condition than many realized. But EPA was trusted enough, its

judgment did prevail, and we avoided such needless disruption.

I don't believe that EPA must be whipped into doing its job, but it is undeniable that many people do, and Congress often agrees with them. In my view this is not the way to establish a sensible environmental policy. We need a better way; we need to find some means of converting the broad societal consensus on the environment into a practical system for solving environmental problems. It can be done; and although it is probably bad manners in this city, I must direct your attention to the example of Japan.

Ten years ago, when I first visited Japan, their environment was a mess. Tokyo's air was so polluted that people with respiratory problems literally could not live there, and many of the rest were wearing masks. Substantial numbers of people in seaside communities had contracted a gruesome disease from eating contaminated fish. I estimated that Japan was three to five years behind us in coping with pollution.

I returned to Japan this past winter and found that they have been able to design and put into practice environmental standards that are in many cases stricter than our own. In terms of ambient air quality, they are now more advanced than us. Need I add, they have been able to accomplish this without noticeable decrement in their industrial muscle.

Now it must be admitted that the Japanese nation has a unique ability to mobilize for massive social change. This ability is largely due to their culture and the techniques they have developed for harmonizing individual, group and societal interests. They realize that someone gets hurt whenever change must occur, but they do not give the injured party a veto, as we so often do. Typically, they will not move on a major social project until everyone is accommodated in some way, until the details of who does what and who gets what and who loses what are entirely worked out. Once that process is over they can move very fast indeed. Although the Japanese may disagree with particular administrative actions, few doubt that national success and survival are the pre-eminent considerations for all government leaders, and for industrial leaders as well.

The Japanese example has led many to advise the adoption of Japanese institutions to solve American problems. While my admiration for the Japanese way is great, we cannot become them nor should we try. We must first understand the necessity of responding more rapidly to changed circumstances. We no longer have the luxury of traveling a decades-long road of adjustment to technological or economic change. We all love mavericks but they make lousy leaders. American corporations understand the necessity of building teams to achieve institutional goals. So must all of us strive to think of our relationship to our country as that of an individual to a team. Like it or not, we are in this together.

Another part of the answer is to create new American institutions to carry out the consensus-building and accommodation functions they do so well in Japan. In a small way this is already beginning. We're starting to see meetings between environmental groups and industrial groups designed to thrash out mutually agreeable positions. More formally, as many of you are aware, we have created a Health Effects Institute jointly funded by EPA and the motor vehicle industry, and this is an important experiment. The institute was created to sponsor impeccable and broadly acceptable research on the health effects of mobile source emissions and thereby prevent what has long been a vexing problem for us all: the inability to agree on the data that forms the foundation of regulatory action in environmental health protection.

We are also exploring with a group of industrial governmental and environmental leaders the possibility of increasing the use of industry's skill and resources in cleaning up toxic waste dumps. There is no reason why the chemical industry—with all that it represents in terms of skill and resources—should sit around like a spoiled child while the society cleans up its past mistakes. The chemical industry agrees: they want to get on with the job. I said earlier that industry attitudes have changed, and this is a good example. Most industrialists today understand that environmental protection is good business. Investments in pollution control will not show as profits in the next quarter, or the next year; but in the long run the benefits in the form of a more supportive public, a healthier work force, and preserved resources will be enormous.

This taking the long view is an essential part of creating a more practical consensus on the environment. Somehow we have to create institutional frameworks that will buffer our country's environmental commitment from the two-year and four-year cycles of the political world. It is sad that, although many knowledgeable people agree that our environmental laws need recasting to reflect scientific and practical realities, there is almost no chance of accomplishing this in the current political climate. But that climate must someday change, and in that hope we are actively and aggressively exploring ways of making our environmental statutes more consistent and effective.

When I spoke with you last, the message I tried to convey was that the EPA did not represent merely a red light for industrial growth, but that it served a green light's function too, in directing movement toward the kind of society we all wanted, one in which a healthy economy and environmental values coexisted. The metaphor is, I think, still apt across more than a decade, except that now we find ourselves at one of those infuriating intersections where the red, green and yellow lights are all on at once. We must develop more efficient ways of coming to a practical consensus in response to new problems, or we are heading toward a sort of societal gridlock. Nations that can forge the requisite social unity will have the road all to themselves. We must get back on that road or be out of the race.

ORDER OF PROCEDURE

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

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, will the majority leader arrange for me to retain the control of the leader's time on this side of the aisle under the standing order for later today and possibly prior to the expiration of the rule? I may have something to say about Afghanistan at that point. It would be out of order, if I did.

Mr. BAKER. Yes. Mr. President, I ask unanimous consent that the time allocated to the minority leader and the time remaining, if any, to the majority leader under the standing order may be reserved for their use at any time during the course of this calendar day.

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

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

Mr. BAKER. I thank the minority leader.

Mr. President, I have nothing further, and I, therefore, reserve the balance of my time. I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

WHY SURVIVAL DEPENDS ON REDUCING STRATEGIC NUCLEAR WEAPONS BY 97 PERCENT

Mr. PROXMIRE. Mr. President, in a recent article in Foreign Affairs, Dr. Carl Sagan lays down an extraordinary challenge to the world's nuclear powers. Dr. Sagan argues that nuclear arsenals are so immense today that if only a relatively few were used in wartime they might kill every survivor on the planet. Why do these nuclear arsenals pose such a terrible threat to human life on Earth? Because international scientists, including Dr. Sagan, contend that even a small fraction of today's nuclear weapons would trigger deadly, cold, dark radioactivity, pyrotoxins, 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 climatic catastrophe could take place with the explosion of between 500 and 2,000 strategic warheads. He calls for us to negotiate levels below the minimum 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 percent of their present nuclear armed strategic power.

Mr. President, there are at least two powerful forces working against the Sagan proposal. On the other hand, there is one nuclear weapon development working to make the Sagan proposal practical. Working against a drastic reduction in strategic nuclear weapons is the powerful momentum of a nuclear arms race that is now proceeding 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 have it. The Soviet Union 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, our 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 aresenals, you can kiss goodby 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 goodby 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 weapons with immense fallout and yield to pinpoint accurate nuclear weapons—many of them tactical with much smaller kilotonnage and strictly limited fallout. This continuing and decisive shift could conceivably 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 the cities and the population intact. 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 not such a world be 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 unanimous 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 major 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 rivarly or ideological confrontation justifies putting the species at risk. 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 longer periods of time. In many respects it is just such short-term thinking that is responsible for the present world crisis. The looming prospect of the climatic 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 cries out for 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 agreed upon, long-term policy 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 refine this talent. We should 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. PROXMIRE. 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 1949, 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.

Bruno Bitker was also a humanitarian, and his service to the world as a true champion of human rights should be an inspiration to us all. From 1947 to 1956, Mr. Bitker was a leading member of the Governor's Commission on Human Rights. He also served as chairman of the Wisconsin Advisory Committee to the U.S. Commission on Civil Rights, and chaired the human rights panel at the White House Conference on International Cooperation in 1965.

Bruno Bitker's extensive involvement and devotion to the cause of rights for all peoples continued with his selection by President Johnson to serve as a member of the President's Commission for the Observance of Human Rights Year 1968. He served as a member of that Commission's Special Lawyers' Committee charged with the important task of examining the Senate's treaty-making power involving human rights treaties. That same year, Mr. Bitker served with distinction as the American representative to the U.S. International Conference on Human Rights, held in Tehran.

Bruno Bitker was also a longtime, leading advocate of the Genocide Convention, and labored long and hard to bring the treaty to the attention of lawmakers and citizens. I am particularly indebted to this man for the help he has given to me in the attempt to secure ratification of this important human rights treaty.

We are not often blessed with the presence of so outstanding a citizen and human being in our lifetime. Bruno Bitker left behind a legacy of accomplishments, and a dream that will never die. He once said:

> Political entities are not eternal; like man-made structures, they can crumble with passage of time. But ideals and ideas never die. What is recognized through the Universal Declaration of Human Rights are those principles which are basic and essential to man's well being. It is in the support of these rights and in the dignity of every individual that I have directed my thoughts and my energies over the years.

Mr. President, the State of Wisconsin, the Nation, and the world have lost a peacemaker. Though we are saddened with his loss, we are proud to have known him, and the world is a better place because of his presence.

THE TOWN WHICH STOOD BOLDLY AGAINST THE HOLOCAUST

Mr. PROXMIRE. Mr. President, I would like to bring to the attention of the Senate today a small French village, Le Chambon-sur-Lignon, and its humble residents who heroicly defied the Holocaust for the good of humankind.

What was their heroic task? They concealed some 2,500 Jews and transported them to safety as the World War II Nazis swarmed through central 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 in an underground railroad spanning 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 Theis. They collaborated with the American Quakers, the Salvation Army, and Cimade, 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 Theis did more: They asked the Quakers to send refugees their way.

The courageous deeds of Pastors André Trocmé and Edouard Theis 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 of those persecuted 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 HOLDERS

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 FLORIO 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. To me, 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 what 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 RECORD.

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

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Trade Commission Act is amended by redesignating section 25 as section 26 and inserting after section 24 the following new section:

"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 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 approved by the Commission or the court. If the divestiture required by a decree, agreement, or order is not approved, such decree, agreement, or order may be rescinded by the Commission or court and an action or proceeding may be initiated to obtain appropriate relief, including requiring the person making the acquisition 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 declare the acquisition a violation of this Act or an Antitrust Act, 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 such action or proceeding may be protracted, the Commission or the court may, upon request of any party to the acquisition with respect to which such action or proceeding is initiated, modify or terminate the application of the requirements of this subsection if it finds that such modification or termination is in the public interest.

"(c) For purposes of this section—

"(1) the term 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the requirements of the Financial Accounting Standards Board Statement Number 69; and

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

"(d) The requirements of subsections (a) and (b) do not apply to consent agreements, consent decrees or orders of a court which are proposed or issued in connection with an action brought by a private party.".

(b) Section 25 of the Federal Trade Commission Act, as added by the amendment made by subsection (a), shall apply with respect to consent agreements proposed on or after January 1, 1984, by the Federal Trade Commission, consent decrees proposed on or before January 1, 1984, for submission to a court, and orders issued by a court or the Federal Trade Commission on or after January 1, 1984, respecting the acquisition of substantial energy reserve holders, except that the requirement of subsection (b) of such section respecting the electing of board of directors shall only apply with respect to agreements or decrees proposed after the date of the enactment of this Act or orders issued after such date.

SEC. 2. Subsection (e) of section 7A of the Act of October 15, 1914 (15 U.S.C. 18(a)) is amended by adding at the end the following:

"(3) The Federal Trade Commission or the Assistant Attorney General, in its or his discretion may extend the 30-day waiting period (or in the case of a cash tender offer, the 15-day waiting period) specified in subsection (b)(1) of this section or extended under paragraph (2) of this subsection for an additional period of not more than 60 days if the net sales or total assets of the person proposed to be acquired exceed $2,000,000,000.".

BUDGET FREEZE

Mrs. KASSEBAUM. Mr. President, along with the Senator from Iowa (Mr. GRASSLEY), the Senator from Delaware (Mr. BIDEN), and the Senator from Montana (Mr. BAUCUS), I will be sponsoring legislation to freeze all Federal spending across the board for 1 year. We anticipate offering such legislation as a substitute amendment for the Senate Republican leadership deficit downpayment plan.

Mr. President, at present we are convinced of a strong economic recovery. Figures in this morning's paper indicate the new first quarter figures of the CPI at a 0.2-percent increase. I think it is a healthy figure. I believe this is an important time for us to take this type of budget approach.

Mr. President, as we are all painfully aware, over the past 3 years, the issue of Federal budget deficits has consumed more time and occasioned more debate than any other subject to come before the Senate.

Since January 1981, we have debated and adopted three budget resolutions. We have also deliberated the merits of three budget reconciliation bills—two of which were enacted; the third is currently pending action. In addition, we have passed two major tax acts and a number of lesser revenue measures. We now have deficits in excess of $200 billion a year.

Mr. President, something is clearly wrong. Our existing approach to deficit reduction must be reexamined in light of the highly unsatisfactory results we continue to achieve.

At present, we are in the midst of a strong economic recovery. We have a unique opportunity, I think, to take effective, decisive, credible action against the structural imbalances in the Federal budget which are generating huge—and growing—deficits. The time we have in which to act, however, is not unlimited. This recovery will not last forever.

An immediate 1-year spending freeze will provide time for the development of a long-term solution to structural deficit problems without further aggravating the situation. In addition, such a freeze would provide the financial markets with the first credible evidence in over 2 years that Congress is serious about deficit reduction.

Let there be no misunderstanding about the consequences of Congress failing to seize this opportunity. If we fail to act this year—when the economy is strong and inflation is under control—we shall reconvene next year under less favorable conditions.

If we are unwilling to address budget reform when inflation is below 5 percent, we are choosing—by our inaction—to address COLA's and health care cost containment at a time and in a fashion that is guaranteed to cause massive economic and political pain. COLA reform in the face of double-digit inflation is not a pleasant prospect.

By the same logic, and for the same reasons, the time to address defense spending and revenues is also—not next year, or 1987—but now. To those who argue that spending for national defense is not a luxury, I grant the point. In response, however, I add that indifference toward the destruction of the economic base on which military power must depend is shortsightedness of the first order. If we do not begin now to voluntarily rationalize

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—out of economic necessity—to accept drastic reductions in the future.

Providing for an adequate national defense is an absolute necessity. On that issue there can be no question. The question we must ask ourselves, however—independent of the question of protecting the economic base on which funding for defense depends—is a question of magnitude. 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 cannot provide for an adequate national defense by adding another $264 billion on top of that in fiscal year 1985, our future is bleak indeed.

Freezing the budget is a drastic step. That is a fact that I do not deny. Many have called it simplistic. My hope for favorable consideration of this proposal is twofold. First, I believe many in this body are beginning to realize the necessity for drastic action; and, second, the equity of sacrifice inherent in an across-the-board freeze affords the proposal political acceptability. Americans are willing to sacrifice for a cause if that sacrifice is considered fair and the intended result is deemed worthwhile.

Failure to enact legislation requiring reasonable sacrifice now will mean we must mandate severe, forced sacrifice in the future. Current signals about the future of both interest rates and inflation are ominous. The prime rate recently has increased twice during the past 3 weeks.

The financial markets are looking for a tangible sign that Congress is serious about deficit reduction. As the climb in interest rates attests, so far they have not received it.

The Republican leadership agreement with the White House was greeted by Wall Street with a reaction that William Melton, vice president of Investors Diversified Services, said "could best be described as cynical."

Little wonder. This marks the fourth year running that Congress has announced a major 3-year, deficit-reduction package with declining deficits. The leadership plan follows the past pattern of savings heavily weighted toward the third year with steadily declining interest rates and stable inflation.

Financial managers have seen the results of multiyear plans and have greeted the deficit downpayment plan accordingly. Samuel Thorne, senior group vice president of Scudder, Stevens & Clark, said the package was void of any major significance and added, "The market seems to think this is just some kind of ceremonial dance."

Henry Kaufman, chief economist of Salomon Bros., responded to the leadership plan by remarking that he had seen nothing to suggest that 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 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 problems or if we really are ready to address them.

Unless we act decisively—and act soon—on deficits, interest rates are going to produce dramatic long-term problems. They are going to choke off borrowing for residential and commercial property, new construction, automobile purchases, and, perhaps something I feel most keenly, being a Senator from Kansas, agricultural 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 eventuality, we must make some tough political as well as economic 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 historically risen above partisan politics 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.

RECOGNITION OF SENATOR GRASSLEY

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 stand he has taken 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 review 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 I was told that this approach was not needed 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 proposing, 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 or learn from them—and I am paraphrasing—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 congressional Santa Claus is now dead, buried, and breathless under a mountain of deficits now $200 billion for 3 years in a row as we project if we do nothing. As Christmas is over, the love feast of the valentine season is beyond us and we are right now, the last week in April, in the season of the resurrection, the new life, and there ought to be some new ideas coming forth. If there are better ideas to look at than the freeze proposal, with a $23 billion lower deficit than the other proposal that is laid before this body, I am willing to look at that proposal. But there have been none proposed that gives an opportunity to dissect what the problem is with the various programs that have led us to a $200 billion deficit; an opportunity to make changes and to bring reform, and an opportunity then in future years to budget in the reality of the real world.

What I have said heretofore is how I approach this matter philosophically, but I also want to approach it in a very practical manner and take time during this special order to lay out what I think are some of the real problems.

Mr. President, the current fiscal predicament is a symptom of a process gone berserk. There is abundant evidence to suggest we are racing toward the edge. I would like to have you consider the sensitivity of the situation. Baseline deficits are projected to surpass $300 billion by 1989. In that scenario, as the good Senator from Kansas pointed out, interest rates, amazingly, are projected to decline if we do nothing; but as she said, that is not going to happen. If interest rates remain level, I want to hypothesize, over the next 5 years, instead of declining, the fact is a $300 billion deficit would become then a $400 billion deficit. Even worse, if interest rates rise from the current level, the 1989 baseline 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. But if 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 rose 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. In fact, we all know 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 uncontrolled 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 completely balanced. 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.

The bipartisan freeze asks each program, department, or individual to get by next year with the same level of income as this year. It is simply this: If we can get by for 365 days during 1984, can we not, in the same programs, out of necessity to reform, 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.

Any planning structure that responds to real-world circumstances with resistance and rigidity will only transform an otherwise curable problem into a critical one, and that has been the situation for the last several years.

Mr. President, structural disorder in the Federal Government is the driving force behind the deficit problem we face. Deficits in and of themselves are not the real problem. They are merely symptoms, warnings, a barometer of the structural disorder. It is that structural problem that we must get a handle on if we are to gain control of the deficits.

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 reelected by making everyone happy; that is, spending more money. The politician puts the spending process on automatic pilot, 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

roses, and volunteer ourselves as hostages to what 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 serious 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

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the special order be changed so that I may precede Senator BAUCUS.

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

BIPARTISAN BUDGET FREEZE

Mr. BIDEN. 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. Why do I believe we face such a major crisis? Let me just review for a few moments what I consider to be the economic facts of life that allow no other interpretation.

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 historically remain 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, unlike 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 effect 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 to 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. They are, in fact, borrowing and buying. They are buying cars, refrigerators, and the like, and I would argue some of them in an anticipatory sense because they figure if they do not do it now, it is going to be worse 6 months from now with inflation. It is going to be worse 6 months from now with interest rates. So they had better do it now.

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 about the deficit * * *?" 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 pushing interest rates up higher than 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 either. 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 economic 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. They have been down that course before, my fellow colleagues. They understand the promise by the President and the Congress that although we are not going to do anything big this year about the deficit, we will do it next year, and then the following year we will even do more and the following year we will even do more.

See what happens? They believe what they see and what they see is the

needed action that the House, the Senate, and the President are willing to take. Our bipartisan freeze is immediate, unequivocal. There is no mistake about it. If, in fact, it is passed, the savings are real and you see them. You do not have to worry about promises.

Madam President, as I said before, a large and immediate deficit reduction such as that proposed in the bipartisan budget freeze can give the markets a hope for the future that they will not otherwise have. The financial markets do not want outyear promises which is all the other major plans give them. They want to stop the growth of deficits now. The leadership plan deficit in fiscal year 1987—after implementing a 3-year plan—is $203.5 billion. That is $41.5 billion higher than under our 1-year freeze. Our lower deficit of $162 billion in fiscal year 1987 flows only from the 1-year freeze, with no further outyear action.

Mr. President, I ask unanimous consent that two tables comparing the major budget proposals be printed at this point in the RECORD.

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

DEFICIT REDUCTION PLANS COMPARED, FISCAL YEARS 1984–87 (USING CBO ESTIMATES) [1]

[In billions of dollars]

	Republican plan	Senate Democratic plan	House Democratic plan [2]	Hollings-Exon-Andrews	Kassebaum-Grassley-Biden
Total deficit reductions (total outlay savings plus revenue increases)	89	149	132	268	187
Defense reductions	+7	−11	−52	−22	−73
Total domestic reductions	−37	−39	−16	−81	−61
Interest savings	−11	−17	−16	−31	−23
Total outlay savings (defense plus domestic plus interest)	−41	−68	−83	−134	−157
Revenue increases	+48	+81	+49	+134	+30
1987 deficit	204	169	181	104	162

[1] Totals may not add due to rounding.
[2] Figures do not include fiscal year 1984 savings.

Note.—Prepared by: Minority Staff, Senate Budget Committee, April 25, 1984

DEFICIT REDUCTION PLANS COMPARED, FISCAL YEARS 1984–87 (USING REPUBLICAN ACCOUNTING) [1]

[In billions of dollars]

	Republican plan	Senate Democratic plan	House Democratic plan [2]	Hollings-Exon-Andrews	Kassebaum-Grassley-Biden
Total deficit reductions (total outlay savings plus revenue increases)	144	204	182	316	242
Defense reductions	−40	−59	−96	−70	−121
Total domestic reductions	−37	−39	−16	−73	−61
Interest savings	−18	−25	−22	−36	−30
Total outlay savings (defense plus domestic plus interest)	−95	−122	−134	−179	−212
Revenue increases	+48	+81	+49	+137	+30
1987 deficit	204	169	181	108	162

[1] Totals may not add due to rounding.
[2] Figures do not include fiscal year 1984 savings.

Note.—Prepared by Minority Staff, Senate Budget Committee, April 25, 1984.

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 take 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 of 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 many such years and quite possibly cuts into current benefits. 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 proclaims it.

In his 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.
Medical 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 use of Federal parks and lands, economic development subsidies through EDA, HUD, FmHA, Corps of Engineers, and the Tax Code.

The only thing not covered in these statements is Defense. But 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 feast or famine 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 excerpt was 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 overhead reduction, procurement reform, and unjustified economic subsidies which, after further analysis and refinement, can be expected to generate substantial savings proposals for next year's budget.

In particular, the following eight budget categories illustrate the opportunities for significant future savings beyond the limited measures proposed in the 1985 budget. In most cases, the detailed analysis necessary to estimate savings and justify proposed policy changes is still underway—with much work yet to be done. Nevertheless, they illustrate both the major opportunities as well as the kind of hard choices which will face the Administration and Congress next year in what must be a full-throttle effort to close the budget gap, if economic recovery is to be sustained.

(1) FARM PRICE SUPPORTS

As is shown below, the 1981 farm bill will result in the highest constant dollar net outlays of any 5-year period in recent history. Fortunately, this counter-productive law expires beginning with the 1986 crop year. This presents an opportunity for major savings beginning in FY 1987 if a more market-oriented price support and subsidy program can be fashioned next year. The current wide gap between out-of-pocket production costs and price support and target levels must be substantially closed if costly sur-

pluses and major commodity market imbalances are to be avoided in the second half of the decade:

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]

	Average annual constant dollar outlays	Percent of 1981 farm bill (1982–86)
1962–66	$9.4	76
1967–71	10.0	81
1972–76	4.9	40
1977–81	6.1	50
1962–81 average	7.6	62
1981 farm bill, 1982–86	12.3	100

(2) 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 $5.5 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 social insurance and low-income entitlements, which occurred during this same period.

Since 1978, however, 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 retrenchment 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 on the structural reform agenda for future budgets:

CONSTANT DOLLAR STUDENT AID AND HIGHER EDUCATION FUNDING TRENDS VERSUS OTHER DOMESTIC SPENDING

[Dollar amounts in billions of constant 1985 dollars]

Year	Domestic spending excluding social insurance and low-income benefits [1]	Student aid and higher education
1970	$115.4	$3.6
1978	$207.7	$5.5
Percent change from 1970	+80	+53
1984 enacted	$158.4	$8.1
Percent change from 1978	−24	+46

[1] As detailed in pt. III, fiscal year 1985 budget.

(3) VETERANS HEALTH CARE SYSTEM EFFICIENCIES AND IMPROVEMENTS

The operating and contruction 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 organization and hospital capacity, it is extremely doubtful that this continued rise in real budget costs can be avoided. However, the Grace Commission findings, as well as those by many medical economists, suggest that the nation's health care commitments to its veterans can be met at substantially less cost over the longer run if the current policy framework is adjusted. Such structural reform options include greater internal economic incentives, wider use of excess facilities in the private health care system, tighter implementation of the "inability to defray" standard, firmer service-connected disability requirements, and cost-sharing and third party cost recovery mechanisms. The Administration will be studying these options intensively within the coming years, with a view to finding ways to meet existing veterans health care commitments at significantly lower costs in the years ahead:

Constant dollar trend in VA health care system

Year	Amount [1]
1970	$4.7
1980	$8.7
Percent change from 1970	85
1984 enacted	$9.4
1987 proposed	$10.6
1989 proposed	$11.3
Percent change from 1980:	
1984	+8
1987	+21
1989	+30

[1] Constant dollar budget; billions of constant 1985 dollars.

(4) MEDICAL ENTITLEMENTS

The rapid, sustained constant dollar growth of the medicare and medicaid programs are nearly unprecedented in federal budget history. Between 1968 and 1981, the constant dollar cost of these entitlements rose from $17.8 billion to $65.8 billion—or at a compound annual rate of 10.4%. Despite a variety of cost-saving reforms adopted since 1981, 1984 constant dollar spending will be up another $17 billion reflecting a 7.9% rate of annual increase. By contrast, overall domestic spending has actually declined in real terms during the same period.

Moreover, even assuming the tight reimbursement restraints embodied in the prospective payment system for medicare (DRG) and similar state level medicaid reforms, constant dollar current services costs are projected to rise another $36 billion by 1989—representing a 7.5% rate of annual real increase from the 1984 level.

These trends make clear that much more must be done to restrain the cost growth of the federal medical entitlements. Without such additional efforts there is virtually no prospect of maintaining medicare solvency in the 1990s, nor of meeting the rising needs of the low-income elderly and families assisted by medicaid.

Since the underlying source of this enormous, sustained cost growth lies in the structural inadequacies and inefficiencies of the U.S. health care system and the lack of economic incentives for providers and beneficiaries alike, only generic reforms of a fundamental and far-reaching nature offer the potential for significant long-term cost reduction. Such 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.

Constant dollar trend for medicare/medicaid (billions of constant 1985 dollars)

Year	Amount [1]
1968	$17.8
1981	$65.8
Annual real growth from 1968 (percent)	10.4
1984 enacted	$82.7
Annual real growth from 1981 (percent)	7.9
1989 current services	$118.8
Annual real growth from 1984 (percent)	7.5

[1] Constant dollar budget level; billions of constant 1985 dollars.

(5) FEDERAL MILITARY AND CIVILIAN RETIREMENT PENSIONS

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 levels prior to 1974 justified large pensions and generous early retirement privileges as a form of "deferred compensation." Likewise, until the 1983 Social Security Act, federal civilian pensions 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, military 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 $38.5 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 are projected to rise an additional 12% by 1989. Stated differently, by 1989 current services federal pension costs alone will exceed 1% of GNP.

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 pension costs

Year	Amount [1]
1962	$6.5
1981	$38.5
Average compound annual growth rate (percent)	9.6
1984	$40.8
1989 current services	$45.7

[1] Constant dollar budget level; billions of constant 1985 dollars.

(6) FEDERAL CIVILIAN EMPLOYMENT

In 1985 the 2.1 million federal civilian payroll will cost $61 billion for basic compensation, health benefits, unemployment insurance and disability 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 government-wide personnel policies and individual agency staffing patterns strongly supports the presumption that major costs 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 FTE's; 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 draconian staffing reduction to generate significant savings over a reasonable period of time. On a fully implemented basis, a 5% reduction in the federal work force by 1988 would yield savings of $3.7 billion per year.

1985 cost [1] of Federal civilian work force

	Billions
Basic compensation	$56.6
Health benefits	3.4
Unemployment insurance	.2
FECA	.8
Total	61.0

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

(7) 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 methods. Over the past three years, the Administration has launched sweeping efforts to simplify and consolidate federal procurement regulations—and these efforts are beginning to produce tangible results.

Nevertheless, large savings depend upon basic policy changes—most of which must be approved or supported by the relevant congressional committees. These include more extensive use of multi-year contracting, increasing the share of procurements subject to competitive bid, minimizing the impact of social policy restrictions on the procurement process, increasing accountability within procurement management organizations, simplification of product specifications for commercial type products and greater emphasis on economically optimum quantities in procurement orders.

While many initiatives in these areas have been proposed by the Administration, particularly by DOD, they have been consistently thwarted by restrictions and outright prohibitions in appropriations and authorization 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.

(8) 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. The major obstacles are the natural, parochial political pressures to retain previously granted advantages, and the more compelling argument advanced by individual interest groups that subsidies should be eliminated across-the-board or not at all.

Fashioning a consistent set of federal policy standards against which to assess local, regional and industrial 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. A policy framework based on user fee principles and national vs. purely local or sectoral economic benefits could be expected to reduce outlays significantly in the following illustrative areas. 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 the Coast Guard;

Capital and maintenance costs of deep ports;

Debt repayment and interest charges on outstanding federal loans to the federal power marketing administrations;

Large interest subsidies to rural electric and telephone cooperatives;

Operating subsidies for local mass transit systems and maritime operators;

Subsidized insurance premiums offered by the Pension Benefit Guarantee Corporation and many other federal insurance agencies;

Inadequate user fees for a variety of federal commercial inspection, licensing and information services offered by USDA, Commerce, HUD, Treasury and many of the regulatory agencies;

Charges and fees for use of federal lands, parks and other facilities;

Subsidies for local economic development which merely shift the geographic location of investment and development such as those offered by EDA, HUD, Farmer's Home Administration, Corps of Engineers, and through such tax code features as industrial development bonds.

This partial list of remaining unwarranted economic subsidies provides ample evidence that potential savings of billions per year are possible if an acceptable policy framework for subsidy phase-out can be developed, and intense special interest pressures overcome. To be sure, many of these proposals have been repeatedly rejected by individual congressional committees. Nevertheless, the overriding requirement for structural budget reform to bring future spending and revenue into alignment at an acceptable share of GNP necessitates that a comprehensive program to root out unjustified economic subsidies be considered in the next budget round.

Mr. BIDEN. Yet, Mr. President, if we fail to act decisively on deficits, if we allow the economy to come crashing down, this future agenda of the administration may well be only the beginning. We will be facing draconian measures in all aspects of budget, indeed in all aspects of our lives. That is why I feel so strongly that we must act now to prevent such an economic disaster.

Let me describe briefly what our bipartisan freeze will do, why it is more fair and more effective than any other proposal.

The only way that Congress will ever be able to come to grips with deficits is by dealing with all Federal programs as a package. This can happen when the beneficiaries of each program see that all others are being treated similarly. Most proposals I know of—including the leadership proposal—do not even pretend to seek equal sacrifice. As a result they treat many groups unfairly. And, equally important, they fail to stop the rise of deficits. Other plans deal across the board with most Federal activities, but they do not treat them in an even-handed manner.

Only our bipartisan budget freezes all aspects of the budget. It holds defense activities to the same budget that it has in fiscal year 1984 with no allowance for inflation. It similarly proposes no cost-of-living adjustments for 1 year for all indexed programs. It freezes reimbursements for health care providers, doctors and hospitals, for 1 year. It freezes budget authority for all discretionary programs at 1984 levels for a year. For farm price supports, it freezes target prices and loan levels at 1984 crop year levels. It provides no pay raise for Federal employees in fiscal year 1985.

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.

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

THE GRASSLEY-KASSEBAUM-BIDEN BUDGET FREEZE

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

COLAs:

FY 1985: No COLAs in any program.

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.

Farm price supports: 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 the plan.

REVENUES

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

Unspecified revenue increase (in billions of dollars)

Fiscal year:	
1985	10.0
1986	10.0
1987	10.0
1988	10.0
1989	10.0

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 our 1-year cuts in 1985 will have reduced the deficit to $162 billion as compared with $203.5 billion for the leadership plan and $169 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 $39.2 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 BAUCUS 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 sponsored it, and 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 in 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 prepared to support, but one 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 outright assault on all the portions 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 hollering 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 interdiction, but you will have people 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

the alternative will be budget deficits that continue to choke us.

In summary, the point I want to make and the part of the debate that I hope to shed the most light on among my colleagues who support this proposal, and again we approach it from a different perspective: I truly believe that without this drastic action for 1 year to give us time to put our house back in order that 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 the 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. Most economists agree that, at the rate we are going now, this debt will more than double over the next 8 years. If we pay an average interest rate of 10 percent on our debt, we will have to pay about $280 billion a year, just for debt service, by 1990. Of course, if Federal debt rises that high, interest rates are going to be much higher than 10 percent. And, as we all know, higher interest rates mean less economic activity, especially in interest-sensitive industries like housing and agriculture.

But that is only part of the problem. Another part is how this accumulating national debt affects American trade with other countries.

The United States now has an annual trade deficit approaching $100 billion. That is, we are buying about $100 billion more of foreign countries' products than they are of ours. That difference is the trade deficit, which has risen almost exponentially in the last several years.

Our trade deficit is closely related to our budget deficit.

Why? Because a large part of the increase in the trade deficit is due to an imbalance in exchange rates; that is, in the value of the American dollar compared to other countries' currencies. Our budget deficit increases interest rates. These, in turn, increase the international value of the dollar. As the dollar's international value rises, the relative value of other countries' currencies falls. In effect, this means that American exports are hit with about a 25-percent surcharge, and foreign imports receive about a 25-percent subsidy. Given this situation, it is not surprising that our exports are declining and our imports are rising.

And, perhaps worst of all, huge budget deficits mortgage our children's future, by forcing them to pay for our mistakes.

DEFICIT REDUCTION

Clearly, we cannot keep borrowing this way.

We have got to reduce the deficit.

The conventional wisdom says that, in an election year, Congress will not act.

But the deficit is increasing by $22 million an hour.

The fact of the matter is that we cannot afford not to act.

We must significantly reduce the budget now—not a year from now.

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 still will 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 education 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.

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 take to keep interest rates down.

In short, that is the kind of strong medicine we need.

TOUGH CHOICES

I know that the freeze is a controversial proposal, Madam President.

We are asking many individuals and groups to hold the line on spending.

But that is the only way we can get the job done.

At the same time, no paychecks or programs get cut.

In fact, when it comes to domestic discretionary programs, this plan stops the hemorrhaging that has occurred over the last 3 years.

And while we ask many individuals to forgo increases, we also ask the Pentagon and corporate America to forgo their increases.

Some will argue that we go too far in holding the line on defense spending.

But I do not know how we ask our veterans, our seniors, and our working men and women to hold the line if we do not ask the Pentagon to do the same.

Furthermore, the Congressional Budget Office estimates that there are $18 billion in funds that Congress has already authorized that will be available to the Pentagon.

That means that even with this freeze in place, the Pentagon will have a 7 percent 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.

The problem of the deficits is serious and every day we delay solving it, the problem compounds.

That kind of emergency demands immediate action.

We have to pay a price now—to avoid paying a much higher price later.

That is what this freeze proposal is all about.

Senators KASSEBAUM, BIDEN, GRASSLEY and I are really saying this: Let us act now.

Let us stop the fingerpointing.

Let us stop the rhetoric.

Let us stop the partisanship.

Let us join together, as Republicans, as Democrats, as liberals, and as conservatives.

Let us join together on a plan that can make a difference.

Let us join together on a plan that is balanced and fair.

That is what the bipartisan freeze is about.

That is why I am proud to be an original sponsor of it.

That is why I urge my colleagues to join us in our effort to get the deficit down now.

Madam President, I ask unanimous consent that the attached table comparing the 1-year freeze to other deficit reduction plans be printed in the RECORD.

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

COMPARISON OF BUDGET PLANS

[In billions of dollars]

	CBO baseline	Fiscal year 1985 changes from CBO baseline				
		President's original budget	Republican leadership plan	Chiles-caucus plan	Hollings freeze	1 yr bipartisan freeze
Revenue	733	+8	+11	+16	+23	+10
Spending:						
Defense	263	+10	+3	0	−1	−11
Nondefense discretionary	161	−2	−3	−2	−3	−4
Entitlements	425	−4	−4	−5	−12	−11
Interest	127	−1	−1	−2	−2	−2
Total spending	930	+3	−5	−9	−18	−28
Deficit	197	−5	−16	−25	−41	−38

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. Madame 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 Churl-Soon Yim, 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 Assemblymen 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 Presiding Officer (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 former owners, 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 defensive firepower, B-17's flew 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 am proud of my country's history in applying technology to use force precisely and not indiscriminately, and I am proud that two New Mexicans have such a role in seeing that this history is preserved.

CENTRAL AMERICA: REFLECTIONS ON A REGION

Mr. DOMENICI. Madam President, among the many publications on Central America that come across our desks each day, few have lasting impact. One of these is the article, "Central America: Reflections on a Region," that was published in the winter edition of the Washington Quarterly.

Georgie Anne Geyer, the author, has more than 20 years experience in the region, and has witnessed some of the major events there. An independent-minded reporter of the old school, she bases her analysis on solid experience. Neither the guerrillas nor the anti-Communist military leaders of the region escape her critical eye, but she retains the ability to understand the motivation of both groups.

Madam President, I have shared this important article with several of my colleagues and would like to make it available to a broader audience. I ask unanimous consent to insert Georgie Anne Geyer's "Central America: Reflections on a Region" in the RECORD at the conclusion of my remarks.

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

CENTRAL AMERICA: REFLECTIONS ON A REGION

The real question about the tragedy in Central America today is one that is not being asked: How can a Great Power have allowed such a poisonous situation to have developed on its borders, given the utter obviousness of the political dynamics in the region? How can it still so misunderstand the roots and the solutions to the bitter conflict?

I will attempt to penetrate and to answer these questions through some personal remembrances of a lifetime involvement with this tormented, beautiful, and strategic isthmus.

Memory 1: In October, 1966 I went to Guatemala as a foreign correspondent for the old Chicago Daily News. I was the first American correspondent to go to the mountains and live with the first Central American guerrilla movement, the Rebel Armed Forces or F.A.R., the forerunner of all the movements we see today.

It was a tortuous experience, and one that convinced me that the primary trait shared by the guerrillas is some strange compulsion to walk endlessly through mountains. We were in the rugged Sierra de las Minas and we would sleep a few early morning hours on the edge of various similar precipices (my favorite would have had me falling to a waterfall) and spend the day talking with guerrillas of various sizes.

Who were these first guerrillas? Well, they were not a creative mix at all, but basically middle class university students with a few genuine Marxists like the leader Cesar Montes, whose parents had been 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 sweeping down on the evil cities and destroying them from his base in the pure country.

"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 take power. The second 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 regular and irregular fashion."

What struck me even then was how this kind of ideology already was being grafted onto the real cause of the conflict, which was not the peasantry at all but the middle class politicized young: the constant, murderous denial of free elections by the rightist military and land owners. Had there 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 whatever sector, now ends with, 'If there still is time.'" I concluded the column, after comparing it to the newly-victorious Sandinista revolution 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 young guerrillas, unlike "my" Guatemalan guerrillas of 1966 who loved to have their names splashed all over printdom, did not want to be named or known. They used letters for their names. Their communiques were unsigned. This sent chills through me, for it is an unmistakable sign of the most extreme revolutionary. 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 colors. A radiance seemed to flow from him as though he were infused with so much good that his body could not hold it all.

He has been painted, however, by both the cruel right and the ruthless left as a one dimensional man. He was not, as he made eminently clear to me that day. He was of the impassioned center that was and is the only hope Central America. Speaking of the controversial Catholic "liberation theology" which is part of the search for the "new personality" in Latin America today, and which hovers philosophically and religiously somewhere between Catholic French worker-priests and extreme Marxists, he said clearly and critically, "This always risks being misinterpreted. If it is only temporal, it is not complete. I've always said that such a 'liberation' is not Christian. It must be total—social, yes, but eternal and transcendent. The fear today is that they consider liberation only temporal."

Nothing could be clearer than this man's realization of the complexities. He also further criticized the Marxists (who now claim him) by saying, "When I returned from Rome in April, there were bombs in the cathedral. Extremists (Marxists) had taken over our Catholic base organizations. . . ."

Memory III: It was the winter of 1978. The Sandinista revolt against the three decade reign of the Somoza family was well into its last phase. The guerrillas were closing in on Managua, where a decadent and sick Anastasio "Tacho" Somoza waited like a tropical Nero.

I found "Tachito", as always in those last years, in his famous "bunker." Visitors had to pass through a secured army post right next to the downtown Intercontinental Hotel. Somoza, quite literally, lived in the bunker at that point. It was dark and shadowy but filled with stylish modern furniture. I remember how the silver edges of some of the furniture shone in the deep shadows.

Somoza was an unlikely-looking dictator. No medals. No uniforms. He was a tall, incongruously laconic man with a rangy American southern accent. He looked cadaverous for he had sustained several serious heart attacks. The conversation was filled with endless talk about "international Communism" and degenerated into absurdities. At one point, for instance, he suddenly stopped then looked at me and said "Say, didn't you write a book about Latin America?"

When I said I had, he said ruefully, "You caused me a lot of trouble. My wife was reading it and she looked up at me and said, 'Do you have a mistress?' I had to tell her I did."

I had indeed written this in the book. But I was then forced to suggest, in the appropriate spirit. "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 get him out and usher in a moderate democrat? Why is it that the United States could do such a magnificent job of rebuilding Europe and Japan but cannot anticipate when 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.

Comandante 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 Sandinistas 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.

Eden Pastora, the famous "Commandante Zero," already was standing outside the Intercontinental Hotel looking into himself, a tropical Hamlet who already knew things were going wrong in the "democratic" revolution. But it was Tomas Borge, the cold-eyed and cold-minded Minister of the Interior, whom I found most revealing.

One night returning from the pool about 10 o'clock, I found the little, gnomelike Borge, who had suffered unspeakably under Somoza, in a clutch 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 was saying in a low, conspiratorial voice. "The more problems we have the less." He went on to say that the Nicaraguan revolution would be less sanguinary in its aftermath than the Cuban, but he made it clear that this was only tactical. "Me," he said, "I would shoot the Somozistas, but we won't because we do not want to turn the rest 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 Nicaraguan people, who wanted a democracy) 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 hard-line ideologues and not people we pushed—as many believe we did Castro—to Marxism.

These reminiscences may at first glance seem to some to be irrelevant, even selfindulgent. They are not. Actually, they are at the very heart of the looming tragedy. For the fact is that we, as a nation, and particularly as a government, have had painfully little realization of the intrinsic qualities of the struggle on Central America; a struggle that is at heart ambiguous, grey, of John F. Kennedy's classical "twilight" genre.

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, sullen, often sordid roots of the problem.

In discussing the Nicaraguan problem with one of the leading American policymakers, I mentioned the 50,000 Nicaraguans killed by Somoza. He was stunned. Three days later, he mentioned again to me that he had not known this. How can a government devise a policy which speaks to the intrinsic qualities of such a situation, when the leading decisionmakers do not know these basic facts and speak to these basic wounds of a people?

It is my own judgment that President Reagan is right in about 80 percent of his policy toward Central America. Certainly we need economic aid, military strength, and negotiation. But I am also convinced beyond the shadow of a doubt that there remains 20 percent of the problem that the president and his advisers still do not understand. The problem is that this area could and will be fatal if it is not addressed. It is this crucial grey political area which I will now address:

Point No. 1: The struggle is not at core economic (arising out of economic poverty as the liberals think) and it is not basically military and a problem of communist infiltration (as the conservatives think). It is a political problem. These revolutions were and are made by middle class young people, a class created by economic development and then ostensibly moved by economic misery and oppression of the "masses" when they are denied political power in legitimate ways and then become radicalized.

The brilliant Mexican writer Carlos Fuentes spoke at the Harvard commencement in 1983 about how this syndrome can be traced across the fiery little countries of the exploding isthmus. "The conflict in El Salvador," he said, "is the indigenous result 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 the Social Democrats of their victory 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 radicalization of these factors. U.S. policy 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 Salvador. 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, it isn't true. There is only one truth in Central America today: that this is an ambiguous struggle, John F. Kennedy's "Twilight stuggle", in which there are only shadows of grey and men on grey horses and no assurance of the outcome. It is exactly the kind of struggle that Americans, with their love of black and white and of easy-to-hate, clear devils like Hitler, Tojo, and Mussolini, are most incapable of confronting—but now must.

Point No. 3: There are real Marxists in Central America and many of them do not emerge from or care about social misery or reform at all—many just want power.

To digress a bit, in 1965 I was the first correspondent to write about the Tupumaros, a group of guerrillas trained by Castro for Uruguay. At first, the Tupumaros appeared to be rather amusing Robin Hoods, robbing the Punta del Este casinos and giving the money to the poor. They then proceeded to become the most vicious, murderous group in the hemisphere, kidnapping innocent professionals and holding them for years in underground "people's prison" cells and murdering others.

Uruguay, at the time was a near-perfect democracy. Furthermore, it was one of the original socialist countries, with wealth deliberately and consistently redistributed. But Castro's Tupumaros proceeded to destroy both Uruguayan democracy and Uruguayan socialism, and the nationalistic military of the right took over to stop the anarchy—and still ruthlessly hold power today in that once peaceful and prosperous nation.

The point is that the Castroite intention is not only to attack countries with terrible social grievances, like Salvador and Guatemala, but to destroy the democracies as well. The Nicaraguan Sandinistas, who came to power only through the generous aid of the Costa Rican government, now are trying to overthrow that democratic government. The murderous Castroite colonel who has taken over Surinam, once another prospering nation, has now murdered all of the opposition and declared himself a "Marxist." One has to differentiate, to see where social grievances leave off and the sheer lust for power—the total power that only Marxism can offer these men—picks up.

Point No. 4: There has been remarkably little serious discussion about what the Soviet intentions really are in Central America. The Soviets, of course, are not basically classical imperialists but exploiters of poisoned situations. The Soviets are exploiting a situation that offered itself to them and to the Cubans in Central America. But I am convinced that their intentions is not really to stay there, if any cost is involved.

The Soviet intent is to exploit the propaganda potential, which they have done brilliantly. (Consider the world's damning of the 55 American military advisors in Salvador, compared to 154,000 troops in Afghanistan!) It is to spread neutralism and pacifism within the United States and—most of all—it is to divert the American navy away from other trouble spots. Central America itself is a diversion to them and will remain so unless it is balanced by some cost on their side, like greater Western aid to the Afghan resistance.

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

The brilliant Venezuelan writer Carlos Rangel, who is not a critic of the United States, has raved how the "noble savage" of Latin America (as the Europeans saw them) has now been transmuted into the "noble revolutionary." "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 revolutionary, the romantic adventurer, Red Robin Hood, the Don Quixote of Cuba, the New Garibaldi, the Marxist 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 transmuted into revolution, which makes it all much more difficult to contain or to answer. These personality types do not respond to electoral options. They are the quintessential old absolutists of Spanish history. In fact, there is much of the Spanish Civil War in Central America today.

Fuentes, rightly I believe, sees the struggle as Latin America's effort to enter 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 dusk 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 this deep and authentic yearning—and speak intelligently and subtly to it—risks something even greater than what we have already seen; it risks a total cultural break between the two linked Americas.

Point No. 6: There has been too much casual talk about Central America being "another Vietnam". Charles Mohr, the fine New York Times correspondent recently was 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 when they ignore U.S. advice or pursue what the Washington officials consider to be self-destructive policies." As to the certification every 180 days on human rights improvements, he noted "that as certification has routinely followed certification, it seems to have become apparent to Salvadorean officials that only cosmetic measures are required on their part." He further notes that even "the South Vietnamese authorities and security forces never showed 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 America saga. For it is not 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 puts its total prestige and power on the line, at the service of others (and often a murderous set) and does not even call the shots!

And it is here, ironically, that President Reagan may lose the whole business. For the missing element in the Central American equation—what will emerge as the fatally missing element—is American pressure to clean up the murderousness of the Salvadorean 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 corrupt surrogates. This is how we succeeded and how we lost in the twilight struggles.

Finally, the importance of Central America to this country cannot be overestimated. We are now involved in something totally new in American history. For the first time, we have lost our territorial isolation—our protection from the cycles of the world and from the wheel of fortune—and we are a country like other countries, open to invasion or, more crucial and more likely, to every type of ideological subversion. The world of the "irregulars"—the guerrillas, terrorists, non-governmental and non-institutional combatants of all sorts who control so much of the world today—is now upon us. This is the first war that Americans can walk to. 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 subtlety—two elements that have not characterized U.S. administration in recent years, but ones that we must develop in this new age, when we can no longer 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 pension policy forums and studies to help draft such a new plan. The subcommittee's special counsel, Jamie Cowen, has just completed a series of articles for the Federal Times which examines the issues to be considered in designing a new civil service pension plan. I ask unanimous consent that the series of articles be printed in the RECORD.

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

DESIGNING A NEW RETIREMENT SYSTEM

(By James S. Cowen)

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

Establishing a new civil service retirement plan is necessary to coordinate the two systems and reduce the excessive 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 or 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 the federal community 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 to follow will try to give a basic framework for understanding pensions. We'll be looking at the importance of a new plan to the current work force, the objectives of a retirement plan, social security and how to coordinate it with a new plan, the major features and basic structure of retirement plans and, finally, the financing 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 entrants. 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 has little to do with the sufficiency of 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 fear that a social security-based plan will be forced on current workers is probably unfounded. There appears to be little support in Congress for such a move. Typically, companies and state governments establishing new plans grandfather current workers into existing ones. Concern should focus on mounting pressures to reduce the benefits of the current program.

A second reason for interest is the impact a new plan will have on the makeup of the future federal work force.

Retirement plans drive the demographics of a work force. Generous benefits for primarily long-career employees will attract individuals who want to spend their working life in government. Benefits for short-term workers will appeal to those who want career flexibility.

Retirement ages affect upward mobility in the work force and retention of expertise. What's beneficial to a government executive may not be to a carpenter. Because the current work force understands the benefits and shortcomings of the current retirement program, it can assist in the development of a new plan and, hence, a future work force.

Finally, many in the work force may have concluded that the current retirement plan does not adequately serve their own career and retirement plans. The current system primarily benefits individuals who retire at earliest eligibility. For those who leave government before retirement, it fails miserably.

In such a situation one may withdraw contributions at little or no interest, or leave the money in the system and defer receiving an annuity until age 62. Since the annuity is not indexed for inflation until retirement, deferring it until age 62 often results in the real benefit being significantly diminished.

Employees who work well beyond retirement age fare better in many private sector plans. Social security serves as the basis for private plans. It provides a full benefit at age 65 and a reduced one at 62. Many who retire at social security eligibility in the private sector would find that the combined benefits of social security and their private pensions exceed that of a federal employee retiring at the same age.

These federal employees may find that a new plan serves them better. Thus, they should ensure an attractive option exists to transfer to the new plan.

Normally, such arrangements exist in two forms.

An employee's benefits accrued up to the point of transfer are frozen, with the understanding that service in the new plan be counted for purposes of eligibility for retirement in the old plan.

An employee's service is simply transferred to the new plan and the option is sweetened with an incentive such as a refund of old-plan contributions with interest.

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.

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 100 percent of his preretirement salary. Many costs borne by the working population are not applicable to retirees. For them, mortgages are often fully repaid, children are gone, work-related expenses no longer exist and favorable tax treatment of the elderly applies.

Most experts agree that to maintain the standard of living for a low income worker, benefits equal to 70 to 80 percent of preretirement salary are necessary. For a high income employee, the amount suggested is 55 to 60 percent. This means that ideally the combined benefit of social security and the employer's pension for a career employee should equal those amounts.

From an employer's perspective, retirement should be encouraged at the point where the employer would benefit by replacing the older worker with a younger one. This point can vary greatly depending upon the type of job. For instance, employees in white collar jobs generally can work longer than those employed in blue collar positions. Thus an employer may vary retirement eligibility depending upon the type of work involved.

If an employer desires long-term employees with minimal turnover, the plan should provide for late vesting with generous benefits at a specified retirement age.

The plan's formula should be tilted to reward long-term employees as the civil service retirement system currently does. A compensation system tilted away from pay but toward rich retirement benefits will also encourage long-term employment.

If an employer prefers a certain amount of turnover, possibly an early withdrawal feature, common in thrift plans, could be made available to employees. If mid- or late-career recruitment is wanted, then a formula weighted toward early years of service and based on some final salary arrangement could be employed. Obviously, the richer or more costly the package the more successful the employer will be in recruiting and retraining desired personnel.

A retirement plan is only one part of an employer's compensation package, but it clearly will influence the work force's make up. Thus, before designing a new retirement plan for the government, decisions must be made as to the desired characteristics of a future federal work force.

COMBINING PENSION PLANS: WHAT'S BEST?

(By James S. Cowen)

The social security system and the civil service retirement system differ in the types of benefits provided, when they are provided and how they are provided. In fact, their goals also differ.

Social security is, in part, a social insurance program that redistributes wealth from high- to low-income workers. Civil service retirement, on the other hand, is a staff retirement plan which replaces a certain percentage of an employee's pre-retirement earnings at all income levels.

Social security attempts to provide a safety net for the elderly. Civil service retirement, in a sense, defers wages.

Coordination of the two programs, however, is readily feasible. Private firms, for example, often coordinate their pension programs with social security.

SOCIAL SECURITY

The basic benefit of social security is the old-age benefit. This is based on average career wages adjusted for inflation.

An eligible beneficiary can begin drawing a full old-age benefit at age 65 (this will increase gradually to ages 66 and 67 after the year 2000) and a reduced one at age 62. Workers become eligible for an old-age benefit if they work in covered employment the lesser of 10 years (40 quarters) or one quarter for every year after 1950 and before age 62.

A spouse of an eligible beneficiary is entitled to an additional 50 percent of the basic benefit upon reaching age 65. Survivor benefits are also available to spouses upon attaining age 60 or age 50 if disabled or any age if the spouse has dependent children.

The elderly spouse is entitled to 100 percent of the worker's basic benefit. The younger spouse and dependent children are entitled to 75 percent of the worker's benefit. Generally, survivors are eligible for benefits if the worker had 18 months (six quarters) of covered employment.

Finally, disability benefits are available to the covered worker and his family if the worker is ruled totally disabled and unfit for substantial gainful employment for one year or longer. Such workers are entitled to 100 percent of the basic benefit.

An elderly spouse or one with dependent children is eligible for an additional 50 percent for each person subject to a maximum

family benefit. To be eligible for a disability benefit, the worker must have had five years (20 quarters) 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 the same 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 1 [1]

Employee	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	$6,000	$8,200	$8,400
In percent	40	27	19
Civil service benefit	$8,000	$16,000	$24,300
In percent	54	54	54

[1] 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 underlying 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[1]

Employee	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	$6,000	$8,200	$8,400
Pension benefit (1.5 percent times service)	$6,100	$12,200	$18,200
Total income	$12,100	$20,400	$26,600
In percent	80	68	55

[1] Ed Hustead, Hay Associates.

Note in this example that the pension benefit—1.5 percent times service—is less than the current program. Yet, in most cases, it provides greater income than the current civil service system when coupled with social security.

Also note that the large redistributive nature of the social security program is retained, thereby proportionately benefiting those with lower income.

The Internal Revenue Code permits an employer's pension formula to substantially reverse or explicitly recognize the tilt in social security in order to level the percentage of pre-retirement earnings, replaced in the overall retirement benefit.

In Table III, for example, the pension benefit is reduced by one-half of the amount of the social security benefit:

TABLE III [1]

Employee	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	$6,000	$8,200	$8,400
Pension benefits gross benefits (2 percent times service)	$8,100	$16,200	$24,300
Half social security benefit	$3,000	$4,100	$4,200
Net benefit	$5,100	$12,100	$20,100
Total income (pension and social security)	$11,100	$20,300	$28,500
In percent	74	68	63

[1] 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 redistributive formula in 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 exceed current 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: the defined contribution plan. In this case, the employer, and occasionally the employee as well, contributes a specified percentage of salary to an employee trust 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 retiring employee to transform his or her account into a lifetime annuity. The amount of the annuity is determined by the employee's projected 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 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 specific benefit regardless of the economic climate. Poor economic conditions do not affect that benefit, especially if it is adjusted for inflation, as in the civil service retirement system. In a sense, the government bears the risks and costs of an inflation-adjusted benefit plan.

An important caveat to this is 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 plan. If federal employees owned their accounts, Congress could not reduce them. While Congress could change future contributions, it would be prohibited from tampering with the current accounts and funds. In such a case, a contribution plan would be more secure than a benefit plan.

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

The greatest advantage of a contribution plan is its portability.

Because an employee owns his account, most plans permit the employee to take his

account with him if he leaves the organization. This allows the employee to roll over the accrued funds into an IRA or the subsequent employer's pension system, so the funds can continue to grow.

In other words, the employee loses nothing by changing jobs. This allows a great deal of flexibility in career planning.

Most benefit plans in effect penalize less than full-career employees. A departing employee rarely can take any benefits with him. Instead, if he is vested, he is entitled to receive the benefit at retirement age. In most cases, however, benefits are not adjusted for inflation after the employee leaves, at least not until he begins receiving them. Thus, the real level of the benefit will be greatly reduced.

Another important factor is the entry age of an employee into the plan.

A contribution plan is more advantageous for a worker starting a job while relatively young. This gives his account time to accumulate contributions and take advantage of compounding interest.

For example, an early participant in the Teacher's Insurance and Annuity Association and College Retirement Equities Fund, the nation's largest defined contribution plan, would have seen his 1952 stock unit valued at $10.50 increase to $140 today when the compounding effect is considered.

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

Obviously, the contribution plan account of an older-entry employee will not have sufficient time to fully accumulate unless the employee is permitted to roll over a cashed-out account of another plan into his present one. Also, a benefit plan is far more adaptable to crediting past service than a contribution plan.

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.

Finally, which plan better hedges against inflation after retirement will depend upon the extent of the cost-of-living adjustment available in a defined benefit plan. A contribution plan can protect against inflation after retirement. Even while being disbursed through an annuity, funds in a contribution plan are 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 social security 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 is one of the budgetary items most under attack. It may be very difficult 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 thrift, salary reduction, stock option or profit-sharing plan.

The two plans together meet the objectives of many employees by providing the security inherent in a defined benefit plan with the portability attached to a defined contribution plan. A refined mixture of the two plans can make 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 retirement at the point where the employer would benefit from retiring the older worker and replacing him with a younger one.

When this point is reached depends in large part upon the position involved. Jobs requiring physical stress or labor may require a 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 white collar ones—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 2 and 6 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 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 age often is not adequate for retirement.

Thus, providing a retirement benefit equivalent in value to the one currently available at age 55 may be difficult in the new federal plan.

One way to handle this potential problem is for the government to add a supplemental savings plan to the basic pension. 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 shown for the needs of both the government as employer and of the employees themselves.

Vesting—when an employee becomes entitled to an eventual benefit under a pension plan—is another important issue. It is a particularly vital point to employees who want flexible careers, because a benefit vested after relatively short service is a portable benefit.

Under most defined benefit plans, employees are vested after 10 years on the job. Most defined contribution 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 late-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 employees terminating before retirement, benefits to long-term employees may be restrained to compensate.

Adoption 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-career employment is to be encouraged, earlier vesting is best.

Employee contributions to a pension plan are normally used to reduce employer costs, increase the eventual 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 employee 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 new plan will have to pay 7 percent 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, the current civil service system credits 1.5 percent of an employees "high three" years of salary for each of the employees' first five years of service—1.75 percent for 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 was designed for long-career employees and the back-loaded formula reflects that. Early years of service receive far less benefit accrual than later years, thereby encouraging longer service.

Plans can also be either frontloaded or constant. Some employers may want a youthful work force. 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 frontloaded 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 benefit lid of 80 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, private plans must prefund an employee's eventual retirement benefit. A final salary formula requires an employer to project employees' final salaries and to contribute to the pension fund accordingly.

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

Private 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 adjusted COLA. Many employers will grant ad hoc 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 indexation. The few plans that do provide automatic indexing tie the increases to 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 argued that the elderly face smaller cost of living increases than those indicated by changes in the CPI.

Full and automatic indexation of the new civil service pension plan will be heatedly debated. One important note is that the social security benefit is fully indexed, thus relieving some pressure on the new pension plan.

Social security provides a survivor benefit to an aged spouse or one with dependent children. The Employee Retirement Income Security Act additionally requires that a pension plan provide a post retirement survivor benefit equal to 50 percent of the worker's benefit.

But a worker may choose no survivor coverage. One who chooses the survivior benefit often finds his retirement benefit reduced by the total projected value of this benefit, which is usually significant.

Private pension plans are not required to provide a pre-retirement survivor benefit except to those workers who are eligible to retire. Thus, few do.

Most firms, however, provide substantial life insurance coverage, which when coupled with social security may be adequate survivor income.

The current civil service plan offers both a pre and post retirement benefit. With social security serving as the base of the new plan, the extent of additional survivor coverage needs to be considered.

Life insurance could act as an adequate supplement of social security, thereby diminishing the need for additional survivor protection, Also, the increasing number of two-worker families reduces the need for such coverage.

On the other hand, young spouses with no dependents are not eligible for social security benefits, possibly creating a need for some further protection.

Disability benefits are meant to provide a level of income to disabled employees. These benefits support employees during their disability but encourage them to attempt rehabiliation and return to work.

The actual amount to accomplish this is difficult to ascertain and varies among income groups. Social security provides fairly good disability benefits, particularly to those with a low income.

In fact, these often exceed current civil service disability benefits.

Rather than provide disability retirement, many employers offer a long term disability insurance program. If an employee becomes disabled, he is placed in such a program with benefits approximating 50 to 60 percent of his pay.

If his disability meets the social security definition, than the firm's benefits are offset by social security benefits to maintain the 50 to 60 percent of pay as total income.

If he fails to become eligible for social security and is not restored to employment, he can usually remain on the disability program for up to two years and is then cut off.

The current civil service plan maintains employees on the disability rolls as long as they continue to meet the civil service definitions. Those with less than 22 years of service, however, are limited to 40 percent of their "high three" years of salary.

The major issues involved in the design of the new civil service retirement 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, most major 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 the Tennessee Valley Authority, now offer thrift plans. The Fed also has a salary reduction plan.

In a thrift plan, an employee's contributions to a savings account are matched by the employer. In a salary reduction plan, the employee sets aside a portion of his pay, deferring some tax liability.

Supplemental plans also are fully portable. Vesting is normally immediate and there are several tax advantages. In any case, supplemental plans can provide a great deal of flexibility to employers and employees in their 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 investment income. A plan's actual 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 benefit formula, wage growth, investment income, price inflation, mortality, 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 36 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 price inflation.

The Social Security Administration uses other sets of economic assumptions for its programs. Its moderate set of assumptions, termed II-B, project 6.1 percent interest, 5.5 percent wage growth and 4 percent inflation.

When these assumptions are used to estimate the cost of the civil service system, the total normal cost is 31 percent rather than 36 percent. The government's cost is 24 percent versus 29 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.

Fully funding a system is usually unnecessary. This would entail an employer contributing 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, the system 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 civil 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. Becasue 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 paid 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 very 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 sense, the company's 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 financially troubled times, the adequacy of the retirement fund could be jeopardized.

In the federal plan, the retirement fund is required to hold government securities. Since there is little chance of the federal government going bankrupt, financing the retirement plan 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. On the other hand, without adequate prefunding, the true cost of a new plan could be hidden until later years, causing backlash now experienced by the civil service system.

Therefore, a new plan should provide for funding methods that the federal 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 draw-backs—from the government's and employee's perspectives—of investing pension funds outside the federal government? And what are the economic implications of such a change?

Currently, funds of the civil service system are invested solely in government securities. Although the interest earnings have no 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 this figure.

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

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

Investing solely 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. Two, real money is not needed until benefit payments become due many years after the establishment of the plan.

It should be noted, however, that almost all other pension funds invest outside the employer's entity, including state and local governments to which such investments are optional. The two federal government thrift plans, at the Federal Reserve Board and the Tennessee Valley Authority, invest in a variety of instruments.

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

While internally held funds 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 which, when coupled with benefit payments from the current program, would increase government spending at least for the near term. But the question becomes: What real impact would be felt on financial markets?

Presumably, the Treasury would borrow additional monies from private markets to make the contributions.

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. Stringent 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 conflicts a new civil service plan would experience. Adequate protection can be afforded, but it is impossible to absolutely prevent abuse. The risk 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 its coverage of a relatively few number of people. As the plan's coverage and contributions grow, other funds will similarly grow.

Besides, 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 historical practice, but it should be considered. Such an initiative, however, should be approached carefully.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The PRESIDING OFFICER. 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. RUDMAN). 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 REQUIRED

SEC. . (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 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 the applicable fiscal year under section 1105(a) of title 31, United States Code; and

(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.

(c)(1) 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 Congressional Budget Act of 1974) provided by law which does not exceed an amount equal to the total amount of budget authority provided for such payments 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 provided by titles II and XVIII of the Social Security Act.

(d) To carry 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 (10) 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 $8,900,000,000 in fiscal year 1986; and to reduce budget authority by $10,800,000,000 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 $13,500,000,000 in fiscal year 1985; to reduce budget authority by $15,100,000,000 in fiscal year 1986; and to reduce budget authority by $18,700,000,000 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 $1,900,000,000 in fiscal year 1985; 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 $1,700,000,000 in fiscal year 1985; to reduce budget authority by $1,000,000,000 in fiscal year 1986; and to reduce budget authority by $300,000,000 in fiscal year 1987.

(6) The Senate Committee on the 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 $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.

(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 $1,300,000,000 in fiscal year 1985; to reduce budget authority by $1,300,000,000 in fiscal year 1986; and to reduce budget authority by $1,300,000,000 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 $400,000,000 in fiscal year 1985; to reduce budget authority by $400,000,000 in fiscal year 1986; and to reduce budget authority by $500,000,000 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 $2,100,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $2,600,000,000 in fiscal year 1987.

(10) The Senate Committee on Indian 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 $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.

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 in all areas of the budget 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.

Mr. President, because of the unusual nature of the budget debate this year, as the first installment on a so-called deficit reduction plan, I feel now is an appropriate time to offer my proposal and to discuss it.

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 suggested by the leadership on this side of the aisle which I understand are fully acceptable to President Reagan.

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, which 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

[By fiscal year in billions of dollars]

	1984	1985	1986	1987	1985–87 total
SBC Baseline	189.4	197.3	216.9	245.2	
Deficit Reductions:					
Revenues (No change)					0
Spending					
Defense: Senate Republican defense targets		2.6		1.4	4.0
Entitlements: fiscal year 1985–87 outlays 10 percent below fiscal year 1984 exc. soc. sec. and medicare		−30.5	−35.1	−41.9	−107.5
Nondefense discretionary: Fiscal year 1985–87 budget authority 10 percent below fiscal year 1984 for other nondefense discretionary		−15.0	−24.8	−31.6	−71.4
Offsets[1]					0
Interest	0	−2.2	−7.8	−15.4	−25.5
Total deficit change	0	−45.1	−67.7	−87.5	−200.4
New deficit	189.4	152.2	149.2	157.7	

[1] Employer share, employee retirement.

TABLE 2.—HELMS REDUCTIONS IN NONDEFENSE DISCRETIONARY SPENDING

	1985		1986		1987		1988		1989	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
150	−3.216	−1.502	−3.768	−2.461	−4.957	−3.255	−5.772	−4.134	−6.502	−5.042
250	−1.760	−1.191	−2.206	−2.005	−2.664	−2.452	−3.173	−2.944	−3.705	−3.465
270	−1.224	−0.620	−1.568	−0.901	−1.932	−1.179	−2.345	−1.491	−2.706	−1.806
300	−2.538	−1.590	−3.065	−2.154	−3.602	−2.778	−4.178	−3.383	−4.777	−3.904
350	−0.628	−0.613	−0.718	−0.706	−0.815	−0.792	−0.905	−0.883	−1.001	−0.982
370	−1.108	−0.462	−1.272	−0.742	−1.440	−1.069	−1.651	−1.417	−1.853	−1.645
400	−2.207	−1.505	−2.590	−2.034	−3.010	−2.747	−3.462	−3.809	−3.942	−4.881
450	−1.083	−0.443	−1.164	−0.645	−1.437	−0.871	−1.720	−1.025	−2.011	−1.277
500	−4.411	−1.102	−5.657	−4.498	−6.939	−5.900	−8.264	−7.174	−9.612	−8.491
550	−1.873	−1.003	−2.366	−2.086	−2.882	−2.584	−3.456	−3.128	−4.059	−3.713
570	−0.000	−0.219	−0.000	−0.287	−0.000	−0.305	−0.000	−0.321	−0.000	−0.337
600	−3.231	−0.863	−3.989	−1.406	−4.805	−2.001	−5.695	−2.550	−6.598	−3.137
650	−0.000	−0.593	−0.000	−0.694	−0.000	−0.755	−0.000	−0.918	−0.000	−0.984
700	−1.827	−1.366	−2.095	−1.835	−2.378	−2.258	−2.673	−2.544	−2.992	−2.854
750	−1.060	−0.867	−1.192	−1.068	−1.328	−1.276	−1.476	−1.440	−1.627	−1.590
800	−1.067	−0.919	−1.194	−1.139	−1.324	−1.296	−1.468	−1.438	−1.618	−1.587
850	−0.100	−0.100	−0.108	−0.108	−0.116	−0.116	−0.124	−0.124	−0.132	−0.132
Total	−27.333	−14.957	−32.952	−24.771	−39.629	−31.634	−46.362	−38.724	−53.135	−45.827

TABLE 3.—HELMS BUDGET PLAN VS. SBC BASELINE ENTITLEMENTS

	1984	1985	1986	1987
Committee:				
Agriculture	0.0	−7.0	−8.9	−10.8
Armed Services	0.0	−2.5	−3.8	−5.0
Banking	0.0	0.0	0.0	0.0
Commerce	0.0	0.0	0.0	0.0
Energy	0.0	0.0	0.0	0.0
Environment	0.0	0.0	0.0	0.0
Finance	0.0	−13.5	−15.1	−18.7
Foreign Affairs	0.0	−1.9	−2.2	−2.5
Government Affairs	0.0	−1.7	−1.0	−0.3
Judiciary	0.0	−0.1	−0.1	−0.1
Human Resources	0.0	−1.3	−1.3	−1.3
Rules	0.0	−0.4	−0.4	−0.5
Veterans	0.0	−2.1	−2.4	−2.6
Indian Affairs	0.0	−0.1	−0.1	−0.1
Total	0.0	−30.5	−35.1	−41.9 −107.5

TABLE 4.—HELMS, FUNCTION 050

[In billions of dollars]

	1984	1985	1986	1987
SBC baseline:				
Budget authority	264.1	297.3	329	367.2
Outlays	234.4	263.4	294.6	329
Helms:				
Budget authority	264.1	299	333.7	372
Outlays	234.4	266	294.6	330.4
Difference:				
Budget authority	0	+1.7	+4.7	+4.8

TABLE 4.—HELMS, FUNCTION 050—Continued

[In billions of dollars]

	1984	1985	1986	1987
Outlays	0	+2.6	0	+1.4

TABLE 5.—HELMS PAY PLAN (MAR. 13, 1984) SAVINGS RELATIVE TO THE SBC BASELINE

[By fiscal year, in millions of dollars]

	1985	1986	1987
Function 920:			
Budget authority	−1,008	−2,753	−4,683
Outlays	−1,041	2,885	−4,951

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

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 stamp and child 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 anywhere from $1 billion to $2 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 and to cast 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, merely to nibble away at 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 do it by illusory mirror 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 our 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 symptomatic 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 there a suffficient second? There is a sufficient second.

The yeas and nays were ordered.

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 he is indeed courageous. There is no doubt in my mind that, as I look at his amendment and listen to 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 Agriculture Committee. He 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 other part 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 you just cannot take entitlement 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 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 specific 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 the Senator 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 in the Senate.

This gives me an opportunity to pay tribute to him, one of the hardest working Members of the Senate, with perhaps the most difficult job in the Senate. I have thought many times that no matter how difficult I think the Agriculture chairmanship may be, the Budget Committee is four times as consuming, involving more study and consideration. I want to pay my respects to Senator DOMENICI, a great American and a great Senator.

I know that this will be a difficult proposal for Senators, but I think the time has come for us to put up or maybe shut up about fiscal responsibility. If no one has further comment on the amendment, I am ready to vote.

The PRESIDING OFFICER. Is there further debate?

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, it is always good to hear 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 serve to combat 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 the money for the FBI 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 Senate and 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 provide any new revenue. None. So all the dabate 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 have to do something about these deficits, and everybody has to take a cut?

You really do not achieve anything when you cut compensatory education, and when you cut disadvantaged children. Eventually we pick them up in the prison system. Eventually we pick them up in the welfare system. Entitlement programs will soon pick them up. If you are in prison, somebody has to pay for you. The Federal courts will say you get a certain amount of exercise room, you get a certain amount of space, you cannot put but so many in a prison. They, in effect, tell the States, "If you do not comply with this, we will let people go. We will put them out on the street."

So we have to put them in the prisons and we have to take care of them. But we are going to cut children off the rolls from compensatory education, approximately 700,000, because we are going to save money. The savings we achieve now, will only mean a higher human and financial cost later.

I think these examples, Mr. President, illustrate why we should not try to enact an across-the-board plan. If we want to look at individual programs and cut them, let us do it. But exempt defense? By exempting defense, we find in addition to its growth of 7 percent it would also grow by inflation. So it gets about a 13-percent increase. But, at the same time, we would turn around and cut SSI 10 percent. So there would be a 23-percent spread between what we are doing for military spending and what we would be doing in the domestic area.

I think defense is tremendously important in this country, Mr. President. I think we have to increase funds for defense. The Senator from Florida has been voting to do that and, has a plan to be debated later that will add to the money we appropriated last year in defense. But to turn around now and say we are going to cut 10 percent off of last year's payment to the people in this country who cannot do for themselves is hard to justify.

Sure, we have some shirkers out there. If we can devise legislation to take them off the rolls, let us do it. But we also have some elderly in this country who cannot do for themselves any more. They have done a lot for the country. They have helped build the Nation's economic base. Some of them cannot take care of themselves now. But we are going to say to them, 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 and local 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 $165 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.

Mr. President, I could 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 we would indiscriminately cut while accelerating the pace of military spending, I do not think that is very sound. I hope the Senate will not adopt this amendment.

Mr. HELMS. Mr. President, I am not certain which amendment the Senator from Florida is opposing in his remarks. He certainly echoed precisely what was said last year by the distinguished Senator from Colorado (Mr. HART), when he stated his opposition to doing something about the deficit. I have been waiting around this place for 12 years, Mr. President, and for much longer than that when I was a private citizen back in North Carolina, for Congress to do something. It is a pretty clear matter of record that some of the people who complain the loudest and the longest about deficits are the very ones who, in past years, have voted for the excessive appropriations.

Mr. President, if we are just going to say we cannot do anything and bring forth the litany of purported examples of what will happen, then we will not do anything; the Senator from Florida is exactly right. But I do not think he is aware that this amendment bestows upon the committees of the Senate the duty to find ways to reduce Federal spending without doing undue harm to the most worthy aspects of Federal programs.

The litany that the able Senator from Florida listed is almost the same as what Senator HART did last year. This is what we shall hear every time somebody proposes to do something realistic about reducing Federal spending. I am aware of that. It is a game we play around here, to try to nail a Senator, to identify him as hard-hearted and all that sort of thing. But the most hard-hearted attitude Congress can take toward the American people is not to reduce Federal spending, not reduce the Federal deficit, not bring down the interest rates.

I submit that this amendment is fair, it does place a resonsibility on committee chairmen, it does place a responsibility on the Appropriations Committee in particular. But that is what we are paid for, Mr. President. We are paid to do this sort of thing and to take on the difficult responsibilities.

If we want to, we can sit back and say, well, we cannot do this, because we might get some bad publicity back home because some Senator got up and said oh, that thing cannot pass. 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, by dragging out a litany of things which will not happen if the committees of the Senate will do their duty, which I am sure the committees will.

I thank the Chair.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from North Carolina if he is ready to vote.

Mr. HELMS. Yes, Mr. President, I am.

Mr. DOMENICI. I am just going to make an observation, Mr. President. This amendment has caused me to develop a quick table. I do not know that it offers anybody a reason for voting for or against it, but for those who want to know something about the Federal Government's budget and what it is really made up of, this amendment has caused the Senator from New Mexico to take the 1984 outlays of the Federal Government and put them up alongside the 1985 outlays as contemplated by the budget resolution reported out before the holiday recess and then break them down into the categories he addresses and adding in net interest, Mr. President. The Senator obviously does not want us to cut interest by 10 percent, but save whatever interest we can by reducing the deficit. The table is very interesting, I am going to just quickly read it.

The outlays for 1984 would be $855 billion, for 1985 would be $924 billion. If you take those items that the distinguished Senator from North Carolina wants to send to committees and let them reduce it by 10 percent at their discretion, taking into account the goals, programs, and objectives and trying to meet them as best possible, interestingly enough, the 1984 outlays for all those programs is only $269 billion.

They would have grown under the budget resolution to only $276 billion. The three items: defense, medicare, and social security, are as follows: $237 billion in 1984 and $266 billion in 1985 for defense; medicare, $60 billion in 1984 and $67 billion in 1985; social security, $179 billion in 1984 and $190 billion in 1985; and then net interest, $110 billion in 1984 and $125 billion in 1985.

I merely state that because out of $855 billion and $924 billion budgets, respectively, for each of the 2 years, only $269 billion and $276 billion are not part of 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:

[In billions of dollars]

	Fiscal years—	
	1984	1985
Total outlays in budget resolution reported by Senate Budget Committee	855	924
Deduct budget elements not subject to Helms amendment 10 percent cut:		
Defense	−237	−266
Medicare	−60	−67
Social Security	−179	−190
Net interest	−110	−125
Outlays subject to Helms amendment 10 percent cut	269	276

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.

The bill clerk called the roll.

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

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from Kentucky (Mr. HUDDLESTON) 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:

[Rollcall Vote No. 78 Leg.]

YEAS—27

Andrews	D'Amato	Exon
Boren	Denton	Garn

Goldwater	Laxalt	Rudman
Hatch	Long	Symms
Hecht	Mattingly	Thurmond
Heflin	McClure	Trible
Helms	Murkowski	Warner
Humphrey	Nickles	Wilson
Kasten	Nunn	Zorinsky

NAYS—68

Abdnor	Eagleton	Moynihan
Armstrong	Evans	Packwood
Baker	Ford	Pell
Baucus	Glenn	Percy
Bentsen	Gorton	Pressler
Biden	Grassley	Proxmire
Bingaman	Hatfield	Pryor
Boschwitz	Hawkins	Quayle
Bradley	Heinz	Randolph
Bumpers	Hollings	Riegle
Burdick	Inouye	Roth
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kassebaum	Simpson
Cochran	Lautenberg	Specter
Cranston	Leahy	Stafford
Danforth	Levin	Stennis
DeConcini	Lugar	Stevens
Dixon	Mathias	Tower
Dodd	Matsunaga	Tsongas
Dole	Melcher	Wallop
Domenici	Metzenbaum	Weicker
Durenberger	Mitchell	

NOT VOTING—5

Cohen	Hart	Kennedy
East	Huddleston	

So Mr. HELMS' amendment (No. 3028) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

ON THE DEATH OF DAVID KENNEDY

Mr. GLENN. Mr. President, the loss of any young life is always tragic. It is doubly so in the case of David Kennedy because he was a young man of such great potential. Annie and I knew David—and we were fortunate enough to know his father as a friend. And in times of great sorrow, Robert Kennedy often quoted Greek poet Aeschylus who wrote:

> God, whose law it is that he who learns must suffer. And even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Let us pray that in this tragedy, too, the Lord will grant us wisdom. Our prayers and deepest sympathy go out to Ethel, David's brothers and sisters, our colleague, TED, and the entire Kennedy family.

The PRESIDING OFFICER (Mr. ARMSTRONG). The majority leader is recognized.

Mr. BAKER. Mr. President, I join with the Senator from Ohio in speaking, I am sure, for every Member on this side of the aisle in extending our sympathy to the family of David Kennedy, especially to his mother, Ethel, and his brothers and sisters at this time of sorrow.

I knew David's father well. I served with him in this body. Perhaps I knew David as a young man, as a child.

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.

The minority leader is recognized.

Mr. BYRD. 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 Presiding Officer (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. Let me explore that possibility in a moment, and perhaps we can do it this afternoon.

May I inquire of the Senator? Do you think a rollcall vote would be required?

Mr. DOLE. I do not think a rollcall vote will be required. We have agreed to 10 minutes on each side. We do not think it will take that long.

Senator BRADLEY and I have a colloquy. I have another colloquy with Senator JEPSEN. There are no amendments.

Mr. BAKER. I thank the Senator.

Mr. PROXMIRE. Mr. President, if the majority leader would yield, I do not have an amendment. I do have a speech that I would like to make on the economic consequences of the budget reconciliation bill which we are considering. But I would be happy to defer that speech until the Senator from Kansas takes up his bill, if the majority leader wishes to do it that way.

Mr. BAKER. I thank the Senator.

Mr. President, what I propose to do now, if the minority leader can agree, is take us off this bill temporarily, and ask that we go to the child support enforcement bill on a time limitation.

While I explore that possibility with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, the manner of clearing 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, 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, if cleared, or otherwise to a brief period for the transaction of routine morning business. However, I do not expect further action on this bill, or on the pending measure today, with the exception of the statements as in the case of the Senator from Wisconsin.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, may I yield the floor briefly to the Senator from Florida without losing my right to the floor?

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I thank the Senator from Wisconsin. I thank him for initiating the economic assumptions. The Budget Act provides that, first, 4 hours of debate on the budget resolution shall be about economics. Since our main consideration, deficits, is going to be on this bill, I think we ought to start our debate

talking about the impact of the deficit reduction plans on the economy.

I will have some comments to make about economic assumptions, but I certainly am delighted that the Senator from Wisconsin—in the role that he has played in regard to the Joint Economic Committee, and his concern about the economy—is here to initiate the remarks.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the Senator from Florida.

WHY FISCAL POLICY FOR THE NEXT SEVERAL YEARS SHOULD BE A TRAIL OF THORNS

Mr. PROXMIRE. Mr. President, this is the first time, to my knowledge, that that provision of law to which the Senator from Florida has referred has been honored in the Senate. It has been honored every year in the House of Representatives where they 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 mamoth 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 must finance homebuilding, the purchase of automobiles, farm equipment, capital expenditures by American business, and borrowing by State and local municipalities. The deficits will smash 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 the recovery continues, 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 15 percent on a long-term mortgage, interest constitutes 75 percent of the entire monthly payments. So rising interest rates mean rising monthly payments and diminishing housing sales. In 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. Seventy-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 king-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 TV's, and 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 to grit our teeth and get ready for an incredible $100 billion adverse balance of trade. A few years ago American trade was in balance. 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 will cost this country in new home construction, in automobile 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, on 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 $66 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-

icit will stay at or above the $150 billion level. Interest rates will stay high and interest-sensitive industries—homebuilding, auto production and trade effected industries—will suffer drastically.

Will these high deficits guarantee us continued economic recovery? No. They will have virtually no stimulus because it is the increase, I repeat the increase in the deficit that lifts and pushes the economy. I repeat, the increase—the increase is critical. The economy moved out of the recent recession because the deficit leaped from $56 billion to $109 billion and then to $195 billion. If the deficit floats along at the present level it will not bring any new stimulus to growth or jobs.

What will be the job and growth 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 by millions and 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 and reduce the rate of economic growth in the country, according to some respected forecasters.

None of the major forecasters has yet published analyses of the deficit reduction plans, but we have found two recent studies—one on the Senate Republican's $150 billion plan and one on Senator CHILES' $200 billion reduction proposal—both of which show that budget tightening, has a restraining effect on the economy and inflation from what otherwise would have been the case and similarly lowers interest rates. A third budget reduction plan of $185 billion in the House's first concurrent resolution has not yet been formally analyzed, but its effect should be similar to the other two plans.

Allen Sinai, chief economist for Lehman Bros. Kuhn Loeb, used the DRI model on the Republican plan and came up with the following economic results: By 1987, real GNP would be 1.6 percent lower than with no deficit reduction, inflation would be 0.7 percentage points lower, the unemployment rate would be 1.4 percentage points higher, and interest rates would be 1.05 to 1.26 percentage points lower.

Mr. DOMENICI. Will the Senator answer a question?

Mr. PROXMIRE. I will be delighted to.

Mr. DOMENICI. The statement made just before the comment on Senator CHILES, was that compared with doing nothing that that would occur?

Mr. PROXMIRE. That compared with no change in the deficit over the levels that are projected at the present time, if we do not change policy now.

Mr. DOMENICI. So that is if we do nothing, with current policy, a deficit reduction package of the size we offer will harm rather than help? Is that what the Senator is saying?

Mr. PROXMIRE. No; and I am for deeper reductions, as I will come to in a minute, because I think we have to bite the bullet. What it would do is to increase unemployment, but it will also decrease inflation, also decrease interest rates. But the overall effect, according to the studies by these economists, is that it would have some adverse effect on unemployment. The 1.4 percentage points higher is a big increase, well over 1 million jobs. Whether that is worth the price or not is something else. I think it is well worth the price. We ought to go farther. I am trying to spell out the fact that we should have our eyes open.

Mr. DOMENICI. I just wanted to say that I have a thought. There is a statement around that to err is human but to get paid for it is divine.

Mr. PROXMIRE. I agree with the Senator's implications of his remarks. Economists are often wrong. But at the same time I think we ought to be aware of the fact that there is no easy fix here. No matter what we do, we are going to cause some pain. We cannot do this painlessly. I think we ought to be able to recognize that.

A study of the Chiles plan being prepared for Senator BENTSEN by George Tyler of the JEC staff, which also uses 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 $189 billion in fiscal 1984 and $182 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, this may already be starting. Since all three plans provide very little deficit reduction in 1985, excessive stimulus will continue to provide strong growth during the rest 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. I believe that deficit 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 agonizing ordeal 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 advocate 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

put the time request for the consideration of all Members?

I ask unanimous consent that when the Senate turns 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 bill to be equally divided between the Senator from Colorado (Mr. ARMSTRONG) and the ranking minority member of the Finance Committee or their designees; 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 resume 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 rollcall vote on this measure.

Mr. BAKER. Mr. President, may I ask the distinguished chairman of the Finance Committee if he anticipates a rollcall 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 suggest the absence of a quorum.

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.

Without objection, the bill will be stated by title.

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 income withholding 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. Limitation 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 "(1)" after "(a)";

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

(3) by striking out paragraph (2) and redesignating paragraphs (1) and (3) as subparagraphs (A) and (B), respectively;

(4) by amending paragraph (1)(A) as so redesignated to read as follows:

"(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 "specified in clause (1) or (2)" 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) 69 percent for fiscal year 1987,

"(C) 68 percent for fiscal year 1988,

"(D) 67 percent for fiscal year 1989,

"(E) 66 percent for fiscal year 1990, and

"(F) 65 percent for fiscal year 1991 and each fiscal year thereafter.".

(b) Subsections (d)(1)(B), (d)(2)(A), (d)(2)(B), and (e) of section 452 of such Act are each amended by striking out "455(a)(3)" and inserting in lieu thereof "455(a)(1)(B)".

(c) The amendments made by this section shall apply to fiscal years after fiscal year 1983.

FEDERAL INCENTIVE PAYMENTS

SEC. 4. (a) Section 458 of the Social Security Act is amended to read as follows:

"INCENTIVE PAYMENTS TO STATES

"SEC. 458. (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 the Federal share of assistance to families of absent parents, pay to each State for each fiscal year, on a quarterly basis (as described in subsection (e)) beginning with the quarter commencing October 1, 1985, an incentive payment in an amount determined under subsection (b).

"(b)(1) Except as provided in paragraphs (2), (3), and (4), 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)(26) 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 a State's AFDC collections or non-AFDC collections for any fiscal year, the percent specified in paragraph (1)(A) or (B) (with

respect to such collections) shall be increased to the higher percent determined under such subsection (with respect to such collections) in determining the State's incentive payment under this subsection for that year.

"(3) 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 paragraph (1)(B) (after adjustment under subsection (c) if applicable) shall in no case exceed the dollar amount of the portion of such payment which is determined on the basis of its AFDC collections under paragraph (1)(A) (after adjustment under subsection (c) if applicable).

"(4) The Secretary shall make such additional payments to the State under this part, for fiscal year 1986 or 1987, as may be necessary to assure that the total amount of payments under this section and section 455(a)(1)(A) for such fiscal year is no less than 80 percent of the amount that would have been payable to that State and its political subdivisions for such fiscal year under this section and section 455(a)(1) if those sections had remained in effect as they were in effect for fiscal year 1984 prior to the amendments made by the Child Support Enforcement Amendments of 1984.

"(c) If the total amount of a State's AFDC collections or non-AFDC collections for any fiscal year bears a ratio to the total amount expended by the State in that year for the operation of its plan approved under section 454 for which payment may be made under section 455 (with the total amount so expended in any fiscal year being hereafter referred to in this section as the State's 'combined AFDC/non-AFDC administrative costs' for that year) which is equal to or greater than 1.4, the relevant percent specified in subparagraph (A) or (B) of subsection (b)(1) (with respect to such collections) shall be increased to—

"(1) 6.5 percent, plus

"(2) one-half of 1 percent for each full two-tenths by which such ratio exceeds 1.4;

except that the percent so specified shall in no event be increased (for either AFDC collections or non-AFDC collections) to more than 10 percent. For purposes of the preceding sentence, laboratory costs incurred in determining paternity in any fiscal year may at the option of the State be excluded from the State's combined AFDC/non-AFDC administrative costs for that year.

"(d) In computing incentive payments under this section, support which is collected by one State on behalf of individuals residing in another State shall be treated as having been collected in full by each such State.

"(e) The amounts of the incentive payments to be made to the various States under this section for any fiscal year shall be estimated by the Secretary at or before the beginning of such year on the basis of the best information available. The Secretary shall make such payments for such year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section shall be deemed obligated.".

(b) Section 454 of such Act is amended—

(1) by striking out "and" at the end of paragraph (18);

(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 458, provide that, if one or more political subdivisions of the State participate in the costs of carrying out activities under the State plan during any period, each such subdivision shall be entitled to receive an appropriate share (as determined by the State) of any such incentive payments made to the State for such period, taking into account the efficiency and effectiveness of the activities carried out under the State plan by such political subdivision.".

(c) 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(16) of the Social Security Act is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) to facilitate the development and improvement of the income withholding and other procedures required under section 466(a) 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 appropriate officials with respect to any arrearages in child support payments which may occur, and (E)".

(b) Section 455(a)(1)(B) of such Act (as redesignated by section 3 of this Act) is amended—

(1) by inserting after "automatic data processing and information retrieval system" the following: "(including in such sums the full cost of the hardware components of such system)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or meets such requirements without regard to clause (D) thereof".

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

REQUIRED STATE PROCEDURES

SEC. 6. (a) Section 454 of the Social Security Act (as amended by section 4(b) of this Act) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; and"; and

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

"(21) provide that (subject to section 466(c)) the State (A) shall have in effect all of the laws required by section 466, and (B) shall implement the procedures (designed to improve child support enforcement effectiveness) which are prescribed in or pursuant to such laws.".

(b) Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

"*REQUIREMENT OF STATUTORILY PRESCRIBED PROCEDURES TO IMPROVE EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT*

"SEC. 466. (a) Each State must enact laws requiring the use of the following procedures, consistent with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

"(1) Procedures described in subsection (b) for the withholding from income of amounts payable as support being collected under the plan.

"(2) Procedures under which liens are imposed against real and personal property for amounts of overdue support (as defined in subsection (d)) owed by an absent parent who resides or owns property in the State, in those cases in which the State determines that the imposition of liens is appropriate.

"(3) Procedures under which the State child support enforcement agency shall request, and the State shall provide, that for the purpose of enforcing a support order being enforced under any State plan approved under this part—

"(A) any refund of State income tax which would otherwise be payable to an absent parent will be reduced, after notice has been sent to that absent parent of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any overdue support (as defined in subsection (d)) owed by such absent parent;

"(B) the amount by which such refund is reduced shall be distributed in accordance with section 457(b)(3) or (d)(3) in the case of overdue support assigned to a State pursuant to section 402(a)(26) or 471(a)(17), or, in the case of overdue support which a State has agreed to collect under section 454(6), shall be distributed, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed; and

"(C) notice of the absent parent's social security account number (or numbers, if he has more than one such number) and home address shall be furnished to the State agency requesting the refund offset, and to the State agency enforcing the order.

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.

"(4) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent residing in the State will 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))) upon the request of such agency; except that (A) if the amount of the overdue support involved in any case is less than $1,000, information regarding such amount shall be made available only at the option of the State, (B) any information with respect to an absent parent shall be made available under such procedures only after notice has been sent to such absent parent of the proposed action, and such absent parent has been given a reasonable opportunity to contest the accuracy of such information (and after full compliance with all procedural due process requirements of the State), and (C) a fee for furnishing such information, in an amount not exceeding the actual cost thereof, may be imposed on the requesting agency by the State.

"(5) Procedures which require in appropriate cases that an absent parent give security, post a bond, or give some other guarantee to secure payment of overdue support (as defined in subsection (d)), after notice has been sent to such absent parent of the proposed action and of the procedures to be fol-

lowed to contest it, and after full compliance with all procedural due process requirements of the State.

"(6) Procedures under which expedited processes are in effect under the State judicial system for establishing paternity and obtaining and enforcing child support orders. All decisions or recommendations resulting from such expedited procedures must be reviewed by a judge of the appropriate court for purposes of ratification or modification or remand, and any appellate procedures applicable under State law shall apply. The Secretary may waive the provisions 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 enforcement within the political subdivision (in accordance with the general rule for waivers under subsection (c)). Political subdivisions using administrative processes shall qualify for such waiver treatment on the same basis as subdivisions using judicial processes.

"(b) The procedures referred to in subsection (a)(1) (relating to the withholding from income of amounts payable as support) must provide for the following:

"(1) In the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). If there are arrearages 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 whom services are already being provided under the State plan, and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued 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, on the earliest of—

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

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

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

"(4) 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) applies regarding the proposed withholding and the procedures such absent parent should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact. If the absent parent contests such withholding on such grounds, the State shall determine whether such withholding will actually occur, and (if so) shall, within no more than 30 days after the provision of such advance notice, send notice to such parent of the date on which such withholding is to begin.

"(5) Such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457 under procedures (specified by the State) which provide for the keeping of adequate records to document payments of support and permit the tracking and monitoring of such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

"(6)(A)(i) The employer of any absent parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such absent parent's wages the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by him or her) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (4)) for distribution in accordance with section 457.

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

"(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to the appropriate agency or agencies (with the portion thereof which is attributable to each individual employee being separately designated).

"(C) The employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee when such amount is required under this subsection to be so withheld following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

"(D) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer.

"(7) Provision must be made under State law for the priority of support collection under this subsection over any other legal process under State law against the same wages.

"(8) The State may take such actions as may be necessary to extend its system of withholding under this subsection so that such system will include withholding from forms of income other than wages, or will include the imposition of bonding or other requirements in cases involving absent parents with income from sources other than wages, in order to assure that child support owed by absent parents in the State will be collected without regard to the types of such absent parents' income or the nature of their income-producing activities.

"(9) The State must extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by absent parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

"(10) Provision must be made for terminating withholding.

"(c) If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other actual data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures required by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State, subject to the Secretary'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 involved.

"(d) For purposes of this section, the term 'overdue support' means the amount of a delinquency (which has continued for such minimum period of time as established by the Secretary) pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child, which is owed to or on behalf of a minor child. At the option of the State, overdue support may include spousal support in the same manner as spousal support may be included for purposes of paragraphs (4) and (6) of section 454. At the option of the State, overdue support may include amounts which otherwise meet the definition 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 include spousal support, and the option to include support owed to children who are not minors, shall each apply independently to each procedure required under this section.".

(c) Section 454(6)(B) of such Act is amended to read as follows: "(B) an application fee for furnishing such services shall be imposed, which shall be paid by the individual applying for such services, or recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and shall not be considered revenue to the program), the amount of

which (i) will not exceed $25 (or such higher or lower amount (which shall be uniform for all States) as the Secretary may determine to be appropriate for fiscal years after fiscal year 1985 to reflect increases or decreases in administrative costs), and (ii) may vary among such individuals on the basis of ability to pay (as determined by the State), and".

(d)(1) Section 454 of such Act (as amended by sections 5(b) and 6(a) of this Act) is amended—

(A) by striking out "and" at the end of paragraph (20);

(B) by striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

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

"(22)(A) impose a late payment fee on all overdue support (as defined in section 466(d)) under any obligation being enforced by the State agency, in an amount equal to a uniform percentage determined by the State (which may not be less than 3 percent nor more than 10 percent) of the overdue support, which shall be payable by the absent parent owing the overdue support; and

"(B) assure that the fee will be collected in addition to, and only after full payment of, the overdue support, and that the imposition of the late payment fee shall not directly or indirectly result in a decrease in the amount of the overdue support which is paid to 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 "directly to the family" the following: ", and the individual will be notified at least annually of the amount of the support payments collected,".

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

(2) Section 454(22) 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 the Social Security 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 PROGRAMS; MODIFICATION OF PENALTY

SEC. 7. (a)(1) Section 452(a)(4) of the Social Security Act is amended by striking out "not less often than annually" and inserting in lieu thereof "not less often than once every three years (or not less often than annually in the case of any State to which a reduction is being applied under section 403(h)(1), or which is operating under a corrective action plan in accordance with section 403(h)(2))".

(2) Section 402(a)(27) 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".

(b) Section 403(h) of such Act is amended to read as follows:

"(h)(1) If a State's program operated under part D is found as a result of a review conducted under section 452(a)(4) not to comply substantially 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—

"(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 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)(A) The reductions required under paragraph (1) shall be suspended for any quarter if—

"(i) the State submits a corrective action plan, within a period prescribed by the Secretary following notice of the finding under paragraph (1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate;

"(ii) the Secretary does not disapprove such corrective action plan as being insufficient to achieve substantial compliance; and

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

"(B) A suspension of the penalty under subparagraph (A) shall continue until such time as the Secretary determines that—

"(i) the State has achieved substantial compliance, or

"(ii) the State is failing to implement its corrective action plan or has failed to achieve substantial compliance within the appropriate time period (as specified in subparagraph (A)(i)).

"(C) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(i), the penalty shall not be applied to any quarter during the suspension period. In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(ii), the penalty shall then be applied to all quarters during the suspension period, and in determining the percentage reduction, all reviews carried out during the suspension period shall be considered to be consecutive findings.

"(3) Any reduction under this subsection, whether taken following a finding by the Secretary that the State's plan does not meet the requirements of this part, or that the State is failing to implement its corrective action plan, shall continue until the first quarter throughout 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 402(a)(27), and section 452(a)(4), a State which is not in full compliance with the requirements of this 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.".

(c) 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 at the end thereof the following new subsection:

"(e)(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 such 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 and 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 significant assistance in carrying out the purpose of this subsection. The Secretary may waive any of the requirements of this part which would otherwise be applicable, to such extent and for such period as the Secretary determines is necessary or desirable in order to enable the State to carry out such project.

"(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 with respect to the project as the Secretary may specify.

"(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, $10,000,000 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";

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

(3) by striking out "403," in paragraph (2) and inserting in lieu thereof "403, 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 any experimental, pilot, or demonstration project undertaken under subsection (a) to assist in promoting the objectives of part D of title IV, the project—

"(1) must be designed to improve the financial well-being of children or otherwise improve the operation of the child support program;

"(2) may not permit modifications in the child support program which would have the effect of disadvantaging children in need of support; 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 OF THE SECRETARY

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;

"(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;".

(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"; and

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

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

(c) The amendments made by this section shall be effective for reports for fiscal year 1986 and each fiscal year thereafter.

CHILD SUPPORT ENFORCEMENT 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 with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the 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 to the person responsible 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 (with 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 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 "(subject to subsection (d))" after "shall" in the matter preceding paragraph (1).

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

(1) in section 454(4)(B), 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, and shall apply to collections made on or after that date.

CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

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

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

(2) by striking out "the net amount of" in paragraph (2), 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 by striking out ", after determining that the absent parent cannot be located through the procedures under the control of such State agencies,".

(b) The amendment made by this section 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) and" before "the most recent address".

(b)(1) Section 6103(l)(6)(A)(i) of the Internal Revenue Code of 1954 is amended by inserting "social security account number (or numbers, if he has more than one such number)," before "address".

(2) Section 6103(l)(8)(A) of such Code is amended by inserting "the social security account number (or numbers, if he has more than one such number)," before "net earnings".

(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 523(a)(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,"; and

(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 456(b) of the Social Security Act is amended by striking out "under section 402(a)(26)" and inserting in lieu thereof "for collection under the State plan approved under this part".

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

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 paragraphs:

"(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 subsection (c)) which such State has agreed to collect under section 454(6), 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 tax return as a married or unmarried individual). If the Secretary of the Treasury finds that any such amount is payable, he shall withhold from such refunds an amount equal to such past-due support, and shall concurrently send notice to such 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 in order to secure his or her proper share of the refund. The Secretary of the Treasury shall pay the amount withheld to the State agency, and the State shall pay to the Secretary of the Treasury any fee imposed by the Secretary of the Treasury to cover the costs of the withholding and any required notification. The State agency shall, subject to paragraph (4), distribute such amount to or on behalf of the child 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 taken to contest the State's determination that past-due support is owed or the amount of the past-due support. The notice shall also provide information, as may be prescribed by the Secretary of Health and Human Services by regulation, with respect to procedures to be followed, in the case of a joint return, to protect the share of the refund which may be payable to another person.

"(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 notify the State that the withholding is being made from a refund based upon a joint return, and shall furnish to the State the names and addresses of each taxpayer filing such joint return. The State may 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 proper share of a refund from which a withholding was made under paragraph (2), the Secretary of the Treasury shall pay such share to such other person. The Secretary of the Treasury shall deduct the amount of such payment from amounts subsequently payable to the State agency to which the amount originally withheld from such refund was paid.

"(6) In any case 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 withheld 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).".

(b) Section 464(b) of such Act is amended—

(1) by inserting "(1)" after "(b)";

(2) by adding at the end of paragraph (1) as so redesignated the following: "Any fee paid to the Secretary pursuant to this subsection may be used to reimburse appropriations which bore all or part of the cost of applying such procedure."; and

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

"(2) In the case of withholdings made under subsection (a)(2), the regulations promulgated pursuant to this subsection shall include the following requirements:

"(A) The withholding shall apply only in the case where the State determines that the amount of the past-due support which will be owed at the time the withholding is to be made, based upon the pattern of payment of support and other enforcement actions being pursued to collect the past-due support, is equal to or greater than $500. The State may limit the $500 threshhold amount to amounts of past-due support accrued since the time that the State first began to enforce the child support order involved under the State plan, and may limit the application of the withholding to past-due support accrued since such time.

"(B) The fee which the Secretary of the Treasury may impose to cover the costs of the withholding and notification may not exceed $25 per case submitted.".

(c) Section 464(c) of such Act is amended—

(1) by striking out "(c) As used in this part" and inserting in lieu thereof "(c)(1) Except as provided in paragraph (2), as used in this part"; and

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

"(2) For purposes of subsection (a)(2), the term 'past-due support' means only past-due support owed to or on behalf of a minor child.".

(d) Section 454(6) of the Social Security Act is amended—

(1) by redesignating clause (C) as clause (D);

(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" 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 464(a)(2), and".

(e)(1) Section 6402(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 "collecting such support"; and

(B) by inserting before the last sentence thereof the following: "A reduction under this subsection shall be applied first to satisfy any past-due support which has been assigned to the State under section 402(a)(26) or 471(a)(17) of the Social Security Act, and shall be applied to satisfy any other past-due support after any other reductions allowed by law (but before a credit against future liability for an internal revenue tax) have been made.".

(2) Section 6402 of such Code is further amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF PAYMENTS TO STATES.—The Secretary may provide that, for purposes of determining interest, the payment of any amount withheld under subsection (c) to a State shall be treated as a payment to the person or persons making the overpayment.".

(f)(1) Section 6103(l) of such Code is amended by adding at the end thereof the following new paragraph:

"(9) DISCLOSURE OF CERTAIN INFORMATION TO AGENCIES REQUESTING A REDUCTION UNDER SECTION 6402(c).—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE.—The Secretary shall, upon receiving a written request, disclose to officers and employees of a State agency seeking a reduction under section 6402(c)—

"(i) the fact that a reduction has been made or has not been made under such subsection with respect to any taxpayer;

"(ii) the amount of such reduction;

"(iii) whether such taxpayer filed a joint return;

"(iv) Taxpayer Identity information with respect to the taxpayer against whom a reduction was made or not made and of any other person filing a joint return with such taxpayer; and

"(v) the fact that a payment was made (and the amount of the payment) on the basis of a joint return in accordance with section 464(a)(5) of the Social Security Act.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Any officers and employees of an agency receiving return information under subparagraph (A) shall use such information only for the purposes of, and to the extent necessary in, establishing appropriate agency records or in the defense of any litigation or administrative procedure ensuing from a reduction made under section 6402(c).".

(2) Section 6103(p)(3)(A) of such Code is amended by striking out "(l)(1), (4)(B), (5), (7), or (8)" and inserting in lieu thereof "(l)(1), (4)(B), (5), (7), (8), or (9)".

(3) Section 6103(p)(4) of such Code is amended by striking out "(l)(1), (2), or (5)" and inserting in lieu thereof "(l)(1), (2), (5), or (9)".

(4) Section 6103(p)(4)(F)(ii) of such Code is amended by striking out "(l)(1), (2), (3), or (5)" and inserting in lieu thereof "(l)(1), (2), (3), (5), or (9)".

(5) Section 7213(a)(2) of such Code is amended by striking out "(l) (6), (7), or (8)" and inserting in lieu thereof "(l) (6), (7), (8), or (9)".

(g) The amendments made by this section shall apply with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985.

STATE GUIDELINES FOR CHILD SUPPORT AWARDS

SEC. 17. (a) Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"STATE GUIDELINES FOR CHILD SUPPORT AWARDS

"SEC. 467. (a) Each State, as a condition for having its State plan approved under this part, must establish guidelines for child support award amounts within the State. The guidelines may be established by law or by judicial or administrative action.

"(b) The guidelines established pursuant to subsection (a) shall be made available to all judges and other officials who have the power to determine child support awards within such State, but need not be binding upon such judges or other officials.

"(c) The Secretary shall furnish technical assistance to the States for establishing the guidelines, and each State shall furnish the Secretary with copies of its guidelines.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1986.

WISCONSIN CHILD SUPPORT INITIATIVES

SEC. 18. (a)(1) If the State of Wisconsin requests the Secretary of Health and Human Services to waive the requirements of parts A and D of title IV of the Social Security Act, or to waive the requirements of part D and only those requirements of part A of such Act as relate to the provision of aid to dependent children as defined in section 406(a) of the Social Security Act (hereafter referred to in this section as "dependent children in single-parent families"), in order

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 requirements if—

(A) the State provides a complete description, in accordance with paragraph (2), of the program, known as the Initiative, which it will operate in place of the programs under such parts A and D, and makes the description readily available to the public throughout the State;

(B) the Governor provides assurances that, under the Initiative, assistance will be provided to all children in need of financial support, and the State will continue to operate an effective child support enforcement program;

(C) 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 (insofar 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 changes in Federal law or regulations occurring after the date of the enactment of this Act;

(D) the State specifies measurable performance objectives, submits an evaluation plan (including criteria for evaluating the Initiative), and agrees to submit interim and final evaluations and reports, at such time or times and containing such information, as the Secretary may require; and

(E) the State agrees to obtain, at least once every two years, a financial and compliance audit of the funds received under this section and to obtain, after the close of the operation of the Initiative under this section, such an audit and make it public within the State on a timely basis and provide a copy to the Secretary within 30 days after its completion.

(2) 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 benefits and establishing and enforcing child support obligations. The description shall also include estimates of cost and program effects and provide other relevant information necessary 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.

(b) The Child Support Initiative proposed by the State of Wisconsin as detailed in the program description submitted to the Secretary, and the related requested waivers, shall become effective within 120 days after its submission unless the Secretary determines that the financial well-being of children in the State will be adversely affected by the Initiative. The Secretary shall notify the State in writing that, effective with the beginning of the following quarter (or of such later quarter as the State may select), the State may operate its Child Support Initiative instead of its programs of aid to families with dependent children (or, if the State had so requested, instead of its program of aid to dependent children in single-parent families) and child support enforcement in such county or counties, or on a statewide basis, as the State has indicated in its request.

(c)(1) For each quarter during which such program is in effect throughout the State, the Secretary will pay to the State with respect to any quarter the sum of its proportionate share (as defined in paragraph (4)(A)) of each of the following:

(A) the amount advanced by the Secretary to all the other States (as defined in section 1101(a) of the Social Security Act) for such quarter with respect to section 403(a)(1) and (2) of such Act;

(B) the amount so advanced by the Secretary with respect to section 403(a)(3) of such Act;

(C) the amount so advanced by the Secretary with respect to section 455(a) of such Act; and

(D) the amount so advanced by the Secretary with respect to section 458(a) of such Act;

reduced by so much of its 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 last quarter of fiscal year 1986.

(2) If in any quarter the Initiative approved under this section is in operation in fewer than all the counties in the State, the amount paid to the State with respect to the counties to which the waiver under subsection (a) applies shall equal (in lieu of the amount specified in paragraph (1)), the proportionate share with respect to the counties in which the Initiative is operated (as defined in paragraph (5)(A)) of the amount advanced to the State under the four authorities specified in paragraph (1) with respect to all the other counties for such quarter, reduced by so much of the proportionate share of support collections (as defined in paragraph (5)(B)) with respect to the counties in which the Initiative is operated, as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the last quarter of fiscal year 1986.

(3) Payment under this subsection shall be estimated by the Secretary before the beginning of each quarter during which the Initiative is in effect on the basis of the advances made under parts A and D of title IV of the Social Security Act for such quarter, and the Secretary shall make payments for such quarter on a monthly basis (with each payment made no later than the beginning of the month involved), in the amounts so estimated, and adjusted as necessary to reflect the amount of any previously made overpayment or underpayment under this section. Payment of any amount determined with respect to paragraphs (1)(A) and (1)(B) shall be made from amounts appropriated to carry out part A of title IV of the Social Security Act for the appropriate fiscal year; payment of any amount determined with respect to paragraphs (1)(C) and (1)(D) shall be made from amounts appropriated to carry out part D of title IV of the Social Security Act.

(4)(A) The State's proportionate share of each amount enumerated in paragraph (1) shall be the portion of such amount that bears the same ratio to such amount as the corresponding portion advanced to the State for quarters in fiscal years 1984 through 1986 bears to the total corresponding amount advanced to all the other States for such quarters.

(B) The State's proportionate share of support collections means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children by all the other States for the quarter involved as such collections by the State for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other States for such quarters.

(5)(A) The proportionate share with respect to the counties in which the Initiative is operated, in the case of—

(i) the amount advanced to the State under section 403(a)(1) of the Social Security Act;

(ii) the amount advanced to the State under section 403(a)(3) of such Act;

(iii) the amount advanced to the State under section 455(a) of such Act; and

(iv) the amount advanced to the State with respect to section 458(a) of such Act;

is the sum of such amounts, each having been multiplied by the ratio of (I) the corresponding amount advanced with respect to such counties for all quarters in fiscal years 1984 through 1986 to (II) the corresponding amount advanced with respect to all the other counties in the State for all such quarters.

(B) The proportionate share of support collections for any quarter, with respect to the counties in which the Initiative is operated, means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children with respect to all the other counties in the State for such quarter as such collections by such counties for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other counties in the State for such quarters.

(6) If the State requests, under subsection (a), waiver of only those requirements under part A of title IV of the Social Security Act as relate to the provision of aid to 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 only that amount) shall be computed under paragraph (4) by application of the ratio of (i) the amount advanced to the State, under section 403(a)(1) of the Social Security Act for quarters in fiscal years 1984 through 1986 with respect to expenditures in the form of aid to dependent children in single-parent families, to (ii) the amount advanced to all the other States, under section 403(a)(1) and (2) of such Act with respect to such expenditures, rather than by application of the ratio specified in paragraph (4); and

(B) part A of title IV of such Act shall continue to apply to the State's program of aid to families with dependent children deprived by reason of the unemployment of a parent; 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.

(d)(1) The State may cease to conduct the Initiative under this section and (if it so chooses) return to the administration of its plans approved under part A and part D of title IV of the Social Security Act upon the provision to the Secretary of at least 3 months notice (or such greater advance notice as may be necessary so that administration of such plans will resume at the beginning of a quarter in the fiscal year).

(2) The Secretary may terminate approval of the Initiative upon the giving of 3 months

advance notice (or such greater amount as specified in paragraph (1)) to the State if it is determined that the financial well-being of children in the State (or county or counties involved) would be better achieved by the operation of programs under part A and part D of title IV of the Social Security Act.

(e) This section shall be in effect for quarters beginning after September 30, 1986, and ending before October 1, 1994.

SENSE OF THE CONGRESS THAT STATE AND LOCAL GOVERNMENTS SHOULD FOCUS ON THE PROBLEMS OF CHILD CUSTODY, CHILD SUPPORT, AND RELATED DOMESTIC ISSUES

SEC. 19. (a) The Congress finds that—

(1) the divorce rate in the United States has reached alarming proportions and the number of children being raised in single parent families has grown accordingly;

(2) there is a critical lack of child support enforcement, which Congress has undertaken to address through the child support enforcement program;

(3) Congress is strengthening that program to recognize the needs of all children;

(4) related domestic issues, such as visitation rights and child custody, are often intricately intertwined with the child support problem and have received inadequate consideration; and

(5) these related issues remain within the jurisdiction of State and local governments, but have a critical impact on the health and welfare of the children of the Nation.

(b) It is the sense of Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly 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 recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

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 House of Representatives passed H.R. 4325 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. 1691, 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 duties of floor manager for 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 (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. 1691 and chaired hearings on the reform proposal 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 TRIBLE provided valuable support during 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 longstanding 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 this Senator feels 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 Governors, State legislators, State administrators, judicial officials, and parents to discuss the problems of child support enforcement, child custody and visitation issues. The President, 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.

THE CHILD SUPPORT PROBLEM

Many of us are familiar with the grim statistics surrounding the payment—or nonpayment—of child support. According to the U.S. Census Bureau, more than 8.4 million women in 1981 were raising children whose fathers were absent; 30 percent of these women and children were living in poverty. Although most of the women should receive child support payments, obligations have been established on behalf of only 4 million of them.

More than one-half of those 4 million received only partial payment of child support or received no payment at all. The Census Bureau estimates that these defaults are depriving children of nearly $4 billion in properly due child support each year. Clearly, this lack of support is a significant factor in the increase in the number of women and children in poverty.

Even more alarming than the fact that regular child support payments are made in such a small percentage of cases is the fact that there has been a steady decline in the amount of support being received. The Census Bureau study indicated that there has been a steady decline in the amount of support being received. The Census Bureau study indicated that for those who did receive child support, payments after adjustment for inflation averaged about 16 percent lower in 1981 than in 1978. Payments were also being received in fewer cases in 1981 than in 1978.

The problem will not get any smaller. Every year the parents of 1.2 million children are divorced and another 700,000 children are born out of wedlock. Incredibly, half of the children born this year are expected to live in single parent families before age 18. This disturbing trend has led to a rapid increase in the number of child support and paternity cases which are brought to the State Child Support Enforcement Office. Annually an estimated 2 million children with potential child support problems are added to the existing backlog of cases. One large city in California reports that its child support office takes on 1,000 new cases every week, more 50,000 families a year.

THE CHILD SUPPORT PROGRAM

The growing problem of child support was recognized by the Finance Committee as early as 1967. Finally, in 1975, the Federal-State child support enforcement program was established. The program provides services to locate absent parents, establish paternity, and assist in the establishment and collection of child support. The program covers both welfare and nonwelfare families.

Currently, there are wide variations in the effectiveness of the State programs. For example, if we look at families receiving welfare payments—families that make up one-third of all families owed support—six States account for 88 percent of all support collected,

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 means 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 6 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 their programs to at least 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. 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 federally funded child support program those activities which are currently financed out of State and local funds, with not increase in the level or efficiency of child support services. All States will benefit from the new nonwelfare incentive payment because, as my colleagues know, currently no incentives at all are being paid for collections made on behalf 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 creaming 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 Federal deficit in 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 a slight, gradual decrease in the Federal matching percentage for administrative costs associated with running the child support program. As you know, the Federal Government currently pays 70 percent of the administrative costs of the program. This was reduced from 75 percent by a House-passed provision of the Tax Equity and Fiscal Responsibility Act of 1982. Fiscal year 1983 administrative expenditures totaled $691 million—the Federal share was $483.7 million.

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 provision, a State would be guaranteed 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 sharing of costs. An increased stake 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 benefited 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 match was 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

really be seeking is 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 families with 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 jailing 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 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 child support enforcement program. The addition of incentive payments for nonwelfare collections, even when coupled with the slight reduction in the Federal match, will still produce increased State savings for all but the worst performing States. If all States improve their collections, as they should through the use of the mandatory procedures, no State will suffer a loss of Federal funding.

It is important to remember that the Federal-State child support enforcement program is designed not to produce revenue 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 over 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 strengthen that partnership 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 issue is briefly 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 needs 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, let me thank you again 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. DOLE. 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 committee deliberations. 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. 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 met on a regular basis in most cases 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

(By James J. Kilpatrick)

Those of us in the news business 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 salary garnisheed.

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 pay. The National Law Journal reports that non-compliance now amounts to an estimated $4 billion a year. Census Bureau figures show that fewer than half of the custodial parents actually get what a court has awarded them. My recent column accordingly gave a hiding 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 inexcusably. One father whose gross income was $2,000 a month sent $500 a month for the support of his two children. His ex-wife, he says, spent most of the money "on clothes for herself and presents for the man she was sleeping with."

She effectively prevented him from seeing his daughters. When her lover moved to a remote part of the state, she packed up and moved with the 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 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 appears, such decrees are often unenforceable. If an embittered ex-wife wishes to prevent her ex-husband from seeing his children, she can find ways of achieving that purpose.

The resentful fathers are seeking amendments to the pending bill that would balance the equities. They want the same kind of swift and effective mechanisms for enforcing visitation rights that the law would provide for enforcing child support payments. They want a rebuttable presumption that the mother is to be regarded automatically as the first choice for custody. They argue convincingly that in many cases a judge will award hefty child support as a kind of alimony, and this they resent.

Whatever these problems may be, as the Law Journal observes, they are certain to get worse. One-third of all children born in the 1980s, before they turn 18, will see their parents divorced.

The typical American family, beloved of government statisticians, supposedly is composed of a resident mother and father and two children. Such families are going the way of the orc and the dodo. Between illegitimacy and divorce, the trend points increasingly to 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 bill is expected to pop 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 and Iowa, 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 as either an option or preference.

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 ponder or try to solve. We can, however, reaffirm a parent's responsibility for a child, who is otherwise all too vulnerable to the ill wind of desertion, separation, or divorce. In looking after the needs of our children, two important steps are to insure that parents comply with court orders to pay child support and court orders determining visitation rights.

We all owe thanks to Senator DOLE for his dedicated leadership in assuring passage of this legislation. His legislative craftsmanship is admirable, especially in this bill which demonstrates our commitment to States that we welcome their efforts to diligently 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 suppport 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 unanimously 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, 28 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 expected to increase child support collections by at least $600 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 65 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 becomes increasingly 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 nonpayment 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 court redress. 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. 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, as follows:

CHILD SUPPORT ENFORCEMENT AMENDMENTS

I. SUMMARY

The bill (H.R. 4325), as amended by the Committee, strengthens the child support enforcement and paternity establishment 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 and to increase the effectiveness of their programs, and by otherwise improving Federal and State administration of the program.

Purpose of the program.—Language is added to the statement of purpose assuring that services will be made available to non-AFDC families as well as AFDC families.

Federal matching of administrative costs.—The Federal matching share is gradually reduced from 70 percent as follows: 69 percent in fiscal year 1987, 68 percent in fiscal year 1988, 67 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, and to improve program cost effectiveness. The basic incentive payment will be equal to 6 percent of the State's AFDC collections, and 6 percent of its non-AFDC collections. States may qualify for 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 dollar amount of incentives paid for non-AFDC families may not exceed the amount of the State's incentive payment for AFDC collections. States may exclude the laboratory costs of determining paternity from combined administrative costs for purposes of computing incentive payments. States are 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 amoun' due them under the new incentive and Federal match provisions, or 80 percent of what they would have received under prior law.

The provision is effective beginning with fiscal year 1986.

Matching for 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 improvement of the income withholding and other procedures required in the bill through the monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and the provision of prompt notice to appropriate officials with respect to any arrearages that occur.

The amendment also specifies that the 90 percent matching is available to pay for the acquisition of computer hardware.

The provision is effective October 1, 1984.

Improved child support enforcement through required State laws end procedures.—States are required to enact laws establishing the following procedures with respect to their IV-D cases:

1. Mandatory wage withholding for all IV-D families (ADFC and non-AFDC) if support payments are delinquent in an amount equal to 1 month's support. States must also allow absent parents to request withholding at an earlier date.

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 amount of overdue support owed by an absent parent, to any consumer credit bureau, upon request of such organization.

5. Requiring individuals who have demonstrated a pattern of delinquent payments to post a bond, or give some other guarantee to secure payment of overdue support.

6. Establishing expedited processes within the State judicial system for determining paternity and obtaining and enforcing child support orders. Decisions or recommendations resulting from the expedited process must be reviewed (i.e., ratified, modified, or remanded) by judges of the courts. Appellate review would be conducted by the regular court system at the request of either party.

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 administering a plan approved under part D of title IV of the Social Security Act 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 first session of such State's legislature ending on or after October 1, 1984.

Fees for services to non-AFDC families.—States will be required to charge an application fee for non-AFDC cases not to exceed $25. The amount of the maximum allowable fee may be adjusted periodically by the Secretary to reflect changes in administrative costs. The State may charge the fee against the custodial parent, or pay the fee out of State funds, or it 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 State may not take any action which would have the effect of reducing the amount of support paid to the child and will collect the fee only after the full amount of the overdue support has been paid to the child. The late payment fee provision is effective upon enactment.

Periodic review of State programs; modification of penalty.—The Director of the Federal Office of Child Support Enforcement is required to establish standards of performance and to conduct audits 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. A State which is not in full compliance would be determined to be in substantial compliance only if the Secretary determines that any noncompliance is of a technical nature which does not adversely affect the performance of the child support enforcement program.

The provision is effective beginning in fiscal year 1984.

Special 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 $5 million in 1985, $10 million in 1986, 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 upon enactment.

Modification in content of annual report by the Secretary.—The present annual report information requirements are expanded to include data needed to evaluate State programs.

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 a child receiving foster care maintenance payments under the title IV-E foster care program.

The provision is effective upon enactment.

Continuation of support enforcement for AFDC recipients whose benefits are being terminated.—States must provide that families whose eligibility for AFDC is terminated due to the receipt of (or an increase in) child support payments will be automatically transferred from AFDC to non-AFDC

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 State 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 provide for 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 State of Wisconsin to allow it to implement its proposed 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.

Sense of the Congress that State and local governments should focus on the problems of child custody, child support, and related domestic issues.—The Committee amendment incorporates the language of S. Con. Res. 84 urging State and local governments to focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are within the jurisdictions of such governments.

Mr. ARMSTRONG. Mr. President, I also ask 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, WARNER, MATTINGLY, JEPSEN, HAWKINS, HATCH, TRIBLE, COCHRAN, KASSEBAUM, CHILES, MATSUNAGA, NUNN, and WARNER.

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

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 various proposals regarding reform 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 primary responsibility of any parent is the well-being of their children.

Since the inception of the child support enforcement or IV-D program in 1975, 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 has compiled a package of reforms 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 much needed changes in the financing of the program in order to better reflect the performances 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 packages, 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 should not be used in an undeclared war between divorced individuals. I sincerely hope States take seriously their responsibility and fulfill the goal the committee amendment makes concerning an examination of visitation rights, custody and child support levels. Senator LONG made an important contribution to this package through his successful inclusion of an amendment requiring the States to develop a set of guidelines to be considered by judges in determining support orders.

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 voicing their stong approval of the child support enforcement amendments.

Mr. DOMENICI. 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, clinical process, the program attempts to locate these parents, to establish paternity, and to obtain a court order for support.

This is a formidable task. The Census Bureau reports that 8.4 million

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 children.

The child support enforement program has been successful since its beginning in fiscal year 1976. Between fiscal year 1976 and fiscal year 1982 more than $8.8 billion in payments have been collected, $3.8 billion on behalf of families receiving AFDC and $5 billion on behalf of non-AFDC families. In fiscal year 1981 over 782,000 parents were located, a fourfold incease 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 $9 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 late. 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 require the implementation of effective collection techniques, and would provide a financial incentive system to reward States for administering efficient programs.

The alarming growth 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 this 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. ABDNOR. Mr. President, I rise today as a cosponsor of the child support enforcement measure developed by my friend and colleague from Colorado, Mr. ARMSTRONG, 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: Almost 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 support cases. This is a Federal and State effort, and its 9-year history is one of significant success. More than $8.8 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 wage 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, visitation rights, and other 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 these households increased more than 100 percent. Poverty rates among women who head their households are much higher than for male heads of households and husband-wife couples. Fifty-two percent of all in 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 female-headed households, and 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

striking. 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 profound 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 due.

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 paychecks of parents who are in arrears with child support payments. Federal income tax refunds would also be withheld.

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 any child support. These 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 in 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 increase in aid 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 those deprived of the support they are owed by absent parents. Almost 90 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. ARMSTRONG. Mr. President, I now yield to my colleague from Minnesota (Mr. DURENBERGER), who has been especially interested and active on this issue.

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 system. 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. LONG), 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 PACKWOOD, and Senator ARMSTRONG for their tremendous work on this legislation.

Failure to pay child support in this country has reached epidemic proportions. In fact, this situation has become so serious that everyone knows someone who is not receiving child support.

Translated 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 the rapidly growing number of single-parent familes.

What happens to a woman when confronted with a marriage that has been irreconcilably broken by financial problems, communication breakdowns, and changing 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.

If she is fortunate enough 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 collecting past-due support. 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 we, 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 interwine to catch the children in their parents' game of cat and mouse. For example, any one of the following are 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 signficant part of both the Economic Equity Act of 1981 and the Economic Equity Act of 1983. I strongly support passage of this forceful 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 become more cost-effective and respnsive to all families—not just those receiving AFDC.

There is a gradual reduction in the Federal matching formula incuded 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 women 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 set 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 1966, 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-realized resource in America is the talent of its women.

Mr. ARMSTRONG. Mr. President, I thank the Senator from Minnesota. I would be remiss if I did not 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 Senator 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 Louisiana has time, and I will be happy to yield the floor.

Mr. LONG. Mr. President, in order to put all Senators on record, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, first let me thank the distinguished chairman of the committee (Mr. DOLE) for the part he has played in bringing this legislation before the Senate, and Mr. ARMSTRONG, the manager of the bill, and Mr. DURENBERGER for the fine work they have done in connection with this matter.

I also congratulate my colleague from New Jersey (Mr. BRADLEY) for the fine contribution he has made in shaping this legislation and bringing it before the Senate.

Mr. President, 10 years ago the Finance Committee recommended legislation based on the proposition that children have a right to be supported by their parents. This legislation was enacted into law as the child-support enforcement program.

The existence of that program has greatly improved the extent to which the child's right to support has become a reality. In its brief history this program has collected nearly $5 billion for welfare families and over $6 billion for families not on welfare. This is a program which directly benefits children and which also saves the taxpayer money.

The child-support program has been successful. But there are still too many cases where children receive little or no support from absent parents who could and should be providing that support. The bill before the Senate would, in most respects, strengthen the program. States would be required to establish systems of wage withholding. They would have to use other enforcement techniques against parents who became delinquent in meeting this support obligation. Federal assistance for State enforcement efforts will be expanded by providing easier access to information in Federal files; this will help locate absent parents. In addition, the highly successful procedure of withholding past-due support from tax-refund checks will be made available to nonwelfare as well as welfare families.

The original child-support bill called upon States to help all children—not just those on welfare—to obtain the support due them. Some States have vigorously carried out this mandate; others have not. The pending bill reemphasizes this responsibility. It restructures the incentive payments to provide a financial bonus for State performance in this area.

This bill can do a great deal to strengthen the enforcement of child-support orders. But an effective enforcement mechanism will have little impact if the support orders themselves are not carefully and reasonably established. Too often, support orders are set at levels well below the level which represents reasonable support in the light of the child's needs and the parents' resources. The bill requires each State to devote attention to this problem and to develop a set of guidelines for judges to consider in establishing support orders.

To meet our goals, the bill includes a number of new requirements and procedures. But it must be recognized that the success of the child-support program will continue to depend on the seriousness with which it is pursued by those who administer the program at the Federal, State, and local levels.

The bill reemphasizes the responsibilities of the Director of the Office of Child Support Enforcement. He must set standards of effectiveness and conduct audits to assure that States achieve an effective level of operation in all areas of responsibility. This includes establishing paternity, locating absent parents, establishing support orders, collecting support orders, and providing adequately for interstate enforcement.

The one area in which I find the committee bill somewhat disappointing is in its financial provisions. Fortunately, the committee did agree to retain the incentive financing at approximately its current level. The bill does this by providing a 6-percent incentive rate for welfare and nonwelfare collections. However, the incentive provisions are structured in a way which could discourage efforts to determine paternity. In addition, the committee provides for a further reduction, from 70 to 65 percent, in the general Federal matching rate for this program. Although this reduction is phased in over 5 years, it may raise doubt on the part of the States about the seriousness and stability of the Federal commitment.

On balance, however, I believe the bill reported by the Finance Committee will strengthen the program. If its provisions are properly implemented, there should be a significant improvement in State efforts to obtain the support payments which are owed by absent parents to their children. I intend 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 recognized.

Mr. BRADLEY. Mr. President, I rise as a supporter of the child-support enforcement reform bill now before the Senate. This bill is modeled on legislation that I introduced last January to insure that court-ordered child-support payments are actually made. The current 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.

Mr. President, there has been a major increase in recent years in the number of children living in single-parent families. In 1980, there were over 8 million single-parent families in the United States—an increase of over 100 percent since 1970. Women headed 90 percent of these families.

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 percent received only part of what they were entitled to; and 28 percent received nothing at all—even though a court had ordered payments to be made.

The nonpayment cheats children out of $4 billion in support annually. I repeat, the failure of a significant proportion of absent parents to take financial responsibility for their children is a national disgrace.

Mr. President, there has been a lot written lately about the feminization of poverty—the alarming increase of women and children living below the poverty level. The statistics here are compelling. The mean income of female-headed families is only 42 percent 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 responsibilities for their children; if all absent parents paid their child support, we would see a significant reduction in the number of women living in poverty.

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 due to child-support collections, 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 major 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 women who are not receiving 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 insure the payment of child support through mandatory income withholding, incentive payments to States, and other improvements in the child-support enforcement program. The major provisions of the bill are as follows:

Mandatory wage withholding if child-support payments are delinquent in an amount equal to 1 month's support.

New streamlined administrative procedures to assure that States will make all reasonable efforts to improve the enforcement of child-support obligations. These procedures were set up in New Jersey in Essex County with tremendous results: child-support payments doubled, administrative costs were cut by a half million dollars, and the huge backlog of court cases was eliminated.

The withholding of State and Federal tax refunds if the noncustodial parent is delinquent in support payments.

Requiring individuals who have demonstrated a pattern of delinquent payments to post a bond, or give some other guarantee to secure payment of past-due support.

A new incentive formula. Instead of rewarding States solely for collections made on behalf of AFDC families, the new formula rewards States for collections made on behalf of both AFDC and non-AFDC families. The Federal incentive payment increases as the State's ratio of collections to administrative costs improves; $15 million a year in demonstration grants to States to test methods of improving interstate child-support collections.

Mr. President, these are significant changes that I believe will help improve our record on the child-support enforcement. But these efforts may not be enough to correct the abuse and neglect we are witnessing today. If these reforms do not prove to be a sufficient enforcement tool, we may well have to incorporate automatic withholding of child-support payments from the wages of those obligated to pay as a part of the original court decree. I will certainly be monitoring 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 bills are similar in most respects, there are a few differences between them. I am hopeful that the House-Senate conferees agree to strengthen the final version 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 House and Senate 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 reason 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, this 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.

The concept of a 4-month extension of medicaid for a family that loses AFDC in such circumstances is not new. The Social Security Act already provides for similar coverage when a family loses AFDC due to increased income from wages. The amendment that I offered in committee was therefore simply an equitable extension of a benefit already available to families who lose AFDC due to wages.

Medicaid coverage would only assist families who desperately need the medical coverage because HHS is proposing regulations that require States to seek medical-support coverage from the absent parent whenever medical coverage is available at a reasonable cost. Therefore, most people will have private insurance available to cover medical costs and therefore won't need the medicaid coverage.

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 the conferees will at the least allow States at their option to provide 4 months of medicaid coverage?

Mr. DOLE. As my colleague knows, I did not support the amendment he offered with our colleague 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 cosponsors 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. TRIBLE).

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. TRIBLE. Mr. President, I thank my distinguished colleague from Colorado for yielding. I, too, commend him for his leadership and that of Senator LONG, Senator DURENBERGER, Senator DOLE, and the other distinguished members of the Finance Committee.

Our Nation can no longer tolerate the costs 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 theft from 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 money to go back to court and enforce what is legally due her and her children. When she does go back to court, she faces delays and roadblocks. The time has come for a new system of enforcing what is already a legal and 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 parents responsibility to suport his or her children. That is why this is so important an initiative. I commend my colleagues for their leadership, and I urge the Senate to adopt this amendment.

Mr. ARMSTRONG. Mr. President, does the Senator from Florida seek recognition?

Mrs. HAWKINS. Yes.

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.

Mr. President, I am pleased that the Senate is considering legislation to improve the Federal Child Support Enforcement Act. I commend the distinguished Senator from Florida for providing the leadership for passage of this most important legislation, probably the most important legislation we will handle this year.

Passage of the original act in 1975 was significant because for the first time a Federal law addressed the causes as well as the symptoms of poverty among children. While we must continue our financial support of social service programs addressing the immediate needs of children living in poverty, I feel that we must step up our efforts to address the causes. We must face the ugly fact that at least 80 percent of the families seeking aid for families with dependent children (AFDC) do so because of insufficient child support from the absent parent.

We have all heard much about the "feminization of poverty." It is almost a buzz-word. It is a very real problem for women in this country. Indeed, the statistics prove that women in this country are the ones who are bearing the great brunt of any downturn in the economy. As more and more women go to work, more and more children are left untended. More and more children are missing. I do not know when it became a right in this country for a father to abandon the responsibility of providing for his child.

I am thinking about the children all the time I am in the Senate, because they provide the basic unit of the family. Mothers and fathers are involved with making a living.

There is still much hidden discrimination against women in terms of, jobs, child care, child support, and retirement benefits. Since the 1940's there has been a tremendous increase in the female labor force—but no increase in economic security. Women are still making less money than men. Women are still by far the ones forced on welfare.

But it is the children who are most deeply affected by the "feminization of poverty." It is the children who suffer when their mother's child care needs are not properly met. And it is the children who suffer most from nonpayment of child support.

Congress made a good effort to address this problem in 1975 with the child support enforcement program. This program required each State to enforce child support by tracing fathers through the social security system and using income-tax offsets and wage withholding. It was a good start, but much more needed to be done.

My own State of Florida recognized the problem and enacted its own child support enforcement legislation in 1974, a year before passage of the Federal legislation. But reforms are needed now to improve this program and make it more effective. In 1980, our Florida Office of Child Support Enforcement entered into a contract with the Center for Governmental Responsibility at Holland Law Center at the University of Florida. They undertook a 2-year research project to determine what factors affect the collection of court-ordered child support payments and which methods of enforcement are most effective. The final results will be published this February, and then the center will embark on a 1-year pilot project in 20 Florida counties to implement some of the research findings.

The results of the research study should give Florida a better idea of how to improve the State child support enforcement program even more. It will also provide valuable data about which enforcement techniques seem to be the most effective.

Although the final research results have not yet been published, a researcher from the center did travel to Washington, DC, this November to discuss the preliminary findings with the staff of both the Senate children's caucus and family caucus. The center discovered wide discrepancies from county to county regarding enforcement and enforcement techniques. An alarming discovery was that many of the courts responsible for enforcement were unaware of the variety of enforcement techniques available to them. For example, many of the judges were not aware that Florida State law permitted the courts to impose mandatory wage assignment on non-AFDC as well as AFDC recipients if the absent parent missed two or more payments. Even worse, many judges who were aware of the provision were reluctant to use it because of the liability the provision imposed on their clerks who administer the depository account. The original language made the clerk of the court personally liable for any checks to the court depository accepted by him. The clerks were, therefore, understandably reluctant to accept support payment except in the form of money orders or certified checks. When this situation was discovered, Florida modified its law to provide that the clerks of the circuit court not be personally liable if the personal check tendered by the employer is returned by the bank. This improved and encouraged the use of

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 child support cases that are 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 parent's 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 our 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, the question is, Shall it pass? 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. HUDDLESTON) 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. HUDDLESTON), 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:

[Rollcall vote No. 79 Leg.]

YEAS—94

Abdnor	Goldwater	Nickles
Andrews	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hatch	Pell
Baucus	Hatfield	Percy
Bentsen	Hawkins	Pressler
Biden	Hecht	Proxmire
Bingaman	Heflin	Pryor
Boren	Heinz	Quayle
Boschwitz	Helms	Randolph
Bradley	Hollings	Riegle
Bumpers	Humphrey	Roth
Burdick	Inouye	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kassebaum	Simpson
Cochran	Kasten	Specter
Cranston	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Symms
Denton	Long	Thurmond
Dixon	Lugar	Tower
Dole	Mathias	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky
Garn	Moynihan	
Glenn	Murkowski	

NOT VOTING—6

Cohen	East	Huddleston
Dodd	Hart	Kennedy

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, INOUYE, LEAHY, LEVIN, EXON, ANDREWS, ABDNOR, 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 their 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 years into the future 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, as I pointed out yeaterday, 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 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 RECORD at page S4729, 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 limit 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. That 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 would like to do them en bloc, if he does not object.

Let me now ask unanimous consent that the Senate consider en bloc the following items: Calendar Order Nos. 737, 739, 749, 751, 768, 769, 770, and 771.

Does the acting minority leader have any comments?

Mr. BINGAMAN. We have no objection.

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

RELIEF OF HARVEY E. WARD

The bill (S. 1126) for the relief of Harvey E. Ward, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harvey E. Ward of Zion, Illinois, the sum of $15,475.59, pursuant to the findings of the United States Claims Court in Ward against United States, Congressional Reference Case numbered 6-76 (1982), in full satisfaction of all claims of the said Harvey E. Ward against the United States for withheld disability retirement pay from service in the United States Coast Guard.

SEC. 2. No part of any amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. A violation of this section is a misdemeanor punishable by a fine in an amount not exceeding $1,000.

REFERRAL OF S. 413 TO THE CHIEF JUDGE OF THE U.S. CLAIMS COURT

The resolution (S. Res. 48) to refer S. 413 to the chief judge of the U.S. Claims Court, was considered, and agreed to as follows:

S. RES. 48

Resolved, That S. 413, entitled "A Bill for the Relief of James P. Purvis", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Claims Court, and the Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509, title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusion thereof as shall be sufficient to inform the Congress of the nature and character of the demand of the claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to James P. Purvis.

RELIEF OF VLADIMIR VICTOROVICH YAKIMETZ

The Senate proceeded to consider the bill (S. 1989) for the relief of Vladimir Victorovich Yakimetz, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert:

That (a) notwithstanding paragraphs (14) and (28) of section 212(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 visa fee. Upon the granting of permanent residence to such alien as 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 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(b)(1) Vladimir Victorovich Yakimetz shall be held and considered to have satisfied the provisions of section 316 of the Immigration and Nationality Act which relate to required periods of residence and physical presence within the United States and shall not be held or considered to be within any of the classes of persons described in section 313 of such Act.

(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 otherwise eligible for naturalization under the Immigration and Nationality Act.

Mr. MOYNIHAN. Mr. President, I rise to invite my colleagues to join me in supporting S. 1989, a bill to confer U.S. citizenship on Mr. Vladimir V. Yakimetz. Mr. Yakimetz, recently a citizen of the Soviet Union, worked until December 1983 as an international civil servant in the United Nations Secretariat in New York City.

Before going any further, I wish to express my appreciation to the distinguished chairman of the Judiciary Committee (Mr. THURMOND), the ranking member of the committee (Mr. BIDEN), and the chairman of the Immigration Subcommittee (Mr. SIMP-

SON) for their cooperation in expediting consideration of S. 1989. S. 1989 was introduced on October 21, 1983. On April 5, 1984, it was reported favorably by the Judiciary Committee.

S. 1989 is a private bill with a public purpose. The purpose is to encourage employees of the United Nations to believe in—and to uphold—the Charter of the United Nations.

Passage of S. 1989 will not make the U.N. perfect. But it would be a tangible demonstration of congressional support for the noble principle enshrined in the charter. It would represent a small step toward enabling the U.N. to live up to those principles.

The case for the bill before us may be put simply: Mr. Yakimetz is a man who has lived up to the charter, and—due to the intervention of the Soviet Government—has lost his job at the U.N. in consequence. With American citizenship, he will be able to return to his post as a U.N. employee, beholden to no interest other than the U.N.

I reveal no closely held secret of the intelligence community when I state that it is standard practice for Soviet bloc employees at the U.N. to accept instruction from their governments and to use their privileged diplomatic positions in New York to engage in espionage aganist the United States and other nations. This is in unambiguous violation of article 100 of the U.N. Charter which states that:

(i)n the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

It may fairly be said that this provision lies at the very heart of what it is required of an international organization if it is to function as intended. If the organization is ever to enjoy the confidence of member states, the Secretariat must be truly international in character.

Vladimir Yakimetz merits our attention precisely because he has sought to live up to the principle expressed in article 100.

In 1982, 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 the 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 precedents of the U.N. not 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 S. 1989, 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 see that it is possible to abide by the chapter.

It is important to note that Vladimir Yakimetz does not seek early citizenship for personal gain or convenience. Having been granted political 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 Jeane 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 impurity. 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 212(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 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 203(a) of the Immigration and Nationality Act of, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(b)(1) Vladimir Victorovich Yakimetz shall be held and considered to have satisfed the provisions of section 316 of the Immigration and Nationality Act which relate to required periods of residence and physical presence within the United States and shall not be held or considered to be within any of the classes of persons described in section 313 of such Act.

(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 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. Senate,
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 UN 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 to retain his position in the Secretariat through December 26, 1983, when his current contract expires. The agreement also appears to open the way for Mr. Yakimetz to arrange a new contract with the Secretariat after December, provided he secures U.S. citizenship by that time.

The Secretary General normally extends the employment of capable and time-tested Secretariat personnel who enjoy the support of the UN member state of which they are citizens. In this case, the hostility of the country of original nationality makes it impossible for the Secretary General to grant an extension of contract unless the staff member concerned obtains citizenship of a supportive member state. For this reason, the immediate bestowal of U.S. citizenship on this worthy individual who has chosen freedom seems to me not only warranted but essential.

Many senior officials of this Mission have been working with Mr. Yakimetz's attorneys and with interested Washington agencies to ensure that Mr. Yakimetz's rights and his status as an international civil servant and UN employee of good standing are secure. I understand that his attorney has discussed with your staff the introduction of a private bill granting Mr. Yakimetz citizenship. I want you to know that I am in full accord with the course he proposes. If I can help further, I am at your service,

Sincerely,

JEANE J. KIRKPATRICK.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN GOLD STAR MOTHERS, INC.

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 died or 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 decendants; and

(j) to promote peace and good will for the United States and all other Nations.

On page 6, line 11, strike "(60)" and insert "(62)".

So as to make this bill read:

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

CHARTER

SECTION 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of 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 died or 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 States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock not to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, 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", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60)*(62)* American Gold Star Mothers, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall 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 of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. 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 for membership to 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 Committee's requirement 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 THURMOND), 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 Conference on 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 commitments undertaken 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 when Jews around the world commemorate 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 faith.

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 51 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 in 1984.

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 do dare to speak out. In October 1983, Iosef 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 number plummeted to 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 they are 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 East-West 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.

I believe 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 Soviets 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 extinguished. We must continue to stand up for 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 rallies and other 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 basic 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 religous 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 Ida 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 1979, 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 Jewish emigration movement began in the late 1960's; 1984 does not promise to reverse the trend. Only 229 Jews were allowed to leave in the first 3 months of this year. On the basis of an average monthly figure of 76, the total for 1984 will be approximately 912—a figure less than that of 1983 and a sure indication that 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 receive after applying 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 soldarity 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 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 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 denying them even those few rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish cultural classes, by arresting teachers of Hebrew, and by harassing those Soviet Jews who seek only to practice their religion; and

Whereas leading Soviet Jewish activist and prisoner of conscience Anatoly Shcharansky, who was arrested in March of 1977 and falsely charged with espionage and "anti-Soviet agitation", continues to suffer exceptionally harsh treatment in Chistopol prison; and

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet Union and Soviet Jews are increasingly deprived of occupational and educational opportunities; and

Whereas thousands of innocent Jews and other persons, having applied to leave the Soviet Union, have been subjected to immediate induction into the armed forces, improper incarceration in mental institutions, explusion from school, and constant surveillance and harassment; and

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the free world so long as those who cherish liberty continue to speak on behalf of beleaguered people everywhere; and

Whereas "Solidarity Sunday for Soviet Jewry" shall provide vigorous expression of American determination to secure freedom for Soviet Jewish prisoners of conscience incarcerated solely for their desire to emigrate; and

Whereas the Government of the Soviet Union refuses to permit the free exercise of religious beliefs and cultural expression and also refuses to remove all obstacles to the free emigration of its Jewish citizens and others who wish to leave and live in other countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Congress fully supports "Solidarity Sunday for Soviet Jewry" and encourages Americans to participate.

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. PRYOR. 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 nursing home 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 likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, 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 cosponsors 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.

The response to this initiative has been very gratifying. In particular, I want to thank the chairman and ranking minority member of the Judiciary Committee, Senator THURMOND and Senator BIDEN, for their support and assistance in bringing this measure through the Judiciary Committee from which it was reported on April 12, and before the Senate so quickly.

Mr. President, despite the fact that many women have served bravely and well in the Armed Forces—there are at present 1.15 million women veterans—their service in the military has, until very recently, been largely ignored. As a consequence, for far too long neither did they receive the public recognition and thanks they deserved nor, in many instances, were they made aware of the many benefits available to them from the Federal Government because of their service.

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.

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 Advisory Committee on Women Veterans, first on an administrative basis last year by the Administrator of Veterans' Affairs, Harry N. Walters, and in November 1983 by a statutory provision I authored in the Senate that was enacted in Public Law 98-160. The Advisory Committee will have its third meeting very shortly and has already issued its first set of recommendations to the VA Administrator. It is most gratifying that almost all of these recommendations were accepted by the Administrator. I believe that the Advisory Committee will continue to make many important contributions in the months and years ahead as it identifies problem areas in the Federal Government's response to women veterans and recommends solutions.

Another area relating to women veterans in which important steps have recently been taken involves access to VA health care. In Public Law 98-160,

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 on this score as well. 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, detailing the Army Agent Orange Task Force's progress in identifying women Vietnam veterans, be placed in the RECORD at the conclusion of my remarks.

Mr. President, despite the important strides made on behalf of women veterans, a concern lingers that far too many citizens remain unaware of the contributions women veterans have made to our Nation. It is for this reason that I proposed with my colleagues that the week beginning on Veterans' Day this year be designated as "National Women Veterans Recognition Week." Our goal has been and is to provide a fitting and proper focus on the many contributions of women veterans over the years. Such a week, with appropriate ceremonies and events, should help bring these patriotic women into public view and gain for them the proper degree of recognition they so richly deserve.

Thus, I am delighted by the warm reception and the rapid consideration that Senate Joint Resolution 227 has received in the Senate. I hope and strongly urge that our colleagues in the other body will take swift action to insure enactment of this measure in time to allow advance publicity of the week it proposes to proclaim.

The letter follows:

DEPARTMENT OF THE ARMY,
ARMY AGENT ORANGE TASK FORCE,
Washington, DC, March 27, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Committee Member on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This is in response to your letter of April 11, 1983 regarding the Veterans' Affairs Committee hearings held on March 9 and 10, 1983. During the hearings, you indicated that a lack of reliable data existed on the number of women who served in the Armed Forces in the Vietnam War. You requested that I provide, for the record, information on the status of the project to identify these veterans. I submitted testimony that the research was underway and more complete data would be furnished to the committee in 12 months.

With the exception of the Air Force which had the needed information available on computer, this effort has been time consuming as units involved in the Vietnam War did not maintain separate lists of assigned women. Consequently, a manual analysis was required of personnel reporting records of the many units known to have, or believed to have had, women attached.

The most reliable data sources were morning reports, personnel diaries, distribution control reports and, in certain cases, computer tapes. These provided personnel information. Organizational and historical records, as well as oral histories, were also of use.

To date we have determined that women were assigned to 92 U.S. Army units in Vietnam. The Air Force has identified 33 units and the Navy, eight. Marine Corps women were assigned to Headquarters, Military Assistance Command Vietnam and Commander Naval Forces Vietnam.

From these units we have been able to identify 5,816 women who served in the Vietnam area of operations between 1961 and 1973. A breakdown by service reveals the following distribution of women: 4,588 (Army), 771 (Air Force), 421 (Navy), and 36 (Marine Corps). We are continuing our research and will keep you informed.

I am happy to be of assistance in this important matter.

Sincerely,

RICHARD S. CHRISTIAN, C.R.M.,
Director, Environmental Support Group.

The joint resolution (S.J. Res. 227) 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:

S.J. RES. 227

Whereas there are more than one million one hundred thousand women veterans in this country, representing 4.1 per centum 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; and

Whereas recognition of women veterans by the Congress and the President throught 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 their 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 6, 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:

S.J. RES. 244

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 resources exist 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 among employees;

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; and

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 several items were passed and/or agreed to.

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

The motion to lay on the table was agreed to.

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.

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

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.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 3555, a bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York, and that the bill 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, when 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.

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate receives from the House H.R. 5394, the Omnibus Budget Reconciliation Act of 1984 Medicare and Medicaid Budget Reconciliation Amendments of 1984, it be placed on the calendar.

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 Chair lay before the Senate S. 1870, Calendar Order No. 725.

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

The bill will be stated.

The assistant legislative clerk read as follows:

A bill (S. 1870) to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments:

On page 2, line 6, strike "in circumstances" and insert "in a circumstance".

On page 2, line 9, after "buys," insert "receives".

On page 2, line 11, after "knowingly," insert "and with intent to defraud or transfer unlawfully,".

On page 2, line 13, strike "with intent to defraud or transfer unlawfully,"

On page 3, strike lines 2 through 4 and insert:

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

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".

On page 4, line 5, after "device" insert "to obtain".

On page 4, line 6, strike "for the purpose of initiating" 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, 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 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

"(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.

"(c) The circumstance referred to in subsection (a) of this section is that—

"(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 means of account 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);

"(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 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.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new item:

"1029. Fraud and related activity in connection with payment devices.".

Mr. BAKER. I ask unanimous consent that the committee amendments be considered en bloc.

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

The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. DOLE. Mr. President, I rise in support of S. 1870, 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 and debit card fraud. As a cosponsor of S. 1870, 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 important commercial interests who wish to see Federal criminal jurisdiction expanded to deal with particular problems of their industry. The difficulty arises when the harsh reality is faced that the Federal enforcement resources are quite limited.

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. Testimony received during the course of the hearings on S. 1870 from Justice Department officials made it abundantly clear that credit fraud enforcement would 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 possible case of credit card 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 reduce the likelihood of credit card abuse. The industry—in the early 1970's, 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 such as social security cards, birth certificates, and drivers licenses. At present, more than 7,000 agencies using more than 1,000 different formats issue original or duplicate birth certificates. These certificates are then used to obtain drivers licenses, passports, social security cards, food stamp identification cards, and innumerable additional documents. These documents then enable fraud artists to collect unemployment compensation, food stamps, tax refunds, student loans, and other Government benefits. The problem is serious and its magnitude expands with each passing year.

S. 1706 has now passed the Senate in the form of a committee amendment to the omnibus crime bill, S. 1762.

DOLE AMENDMENT

Mr. President, I shall offer an amendment aimed at establishing the goal of positive verification for credit card transactions. This amendment would be compatible with the positive identification objective of S. 1706. If approved, it would encourage and assist private industry to help itself in dealing with the problem of credit card fraud. To the extent that the bona fides of a particular credit card transaction can be established at the time of the transaction, the opportunity for fraud and abuse will be greatly reduced.

Discussions have been held with representatives of the credit card manufacturers and issuers. I understand that the proposed amendment is not opposed by those groups who have been urging passage of the legislation before us today.

The industry should work with Federal and State officials having responsibility for the development and operation of identification documents to standarize identification data elements and formats. Perhaps someday, it will be possible for fraud-proof identification documents to be utilized directly for credit or debit transactions in automated point-of-sale systems.

Rapidly developing technology in the field will allow highly reliable means of identity verification on a real-time basis. This technology should be utilized to eliminate fraud and abuse as well as redundancy and unnecessary expense.

I appreciate the willingness of the floor managers to accommodate me on this matter.

AMENDMENT NO. 3029

(Purpose: To encourage the establishment of a system to positively verify persons 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 stated.

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 while 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, which encourages the industry'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 one 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 each of 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 by creating a subcommittee of the Senate Judiciary Committee with explicit jurisdiction over 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, including those incorporated 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. 3030

(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 Senator 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, which has also enjoyed 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 Judicary 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 Judicary 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. Specifically, where 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 $25 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 transaction. 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 appropriations.

Mr. President, S. 1870 is urgently needed legislation. According to the International Association of Credit Card Investigators, which is composed of many State and local law enforcement 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 cosponsor, 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 $175,000 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 credit card fraud in 1982.

My interest in the bill goes beyond protecting banks from economic loss. I am also very concerned about the loss to the consumer. Consumers lose every time their bank is, in effect, held up by the use of a fraudulent or counterfeit credit card. Those unfortunate citizens who have their own cards stolen suffer a financial loss and must pay an inflated cost of goods charged by retailers who must protect themselves from business losses due to processing counterfeit credit cards. Consumers as well as banks must be protected from the increasing incidence of these crimes and the Federal Government has the resources to assist them, particularly with respect to large-scale organizations that have become involved in complex networks of counterfeiting and fraud.

My one concern about this bill was how to insure that the relationship between State and local law enforcement and the Federal agencies is coordinated in the investigation and prosecution of these offenses. Witnesses at the hearing chaired by Senator THURMOND, documented the need for Federal involvement in appropriate cases. The increasing sophistication and organized nature of these activities makes Federal involvement and resources useful, particularly where counterfeiting activities take place in connection with other criminal endeavors, such as drug trafficking and the manufacture of false identification. Second, the interstate and international aspects of the problem were amply demonstrated at the committee's hearing. Finally, the involvement of federally chartered banks and financial institutions and Federal regulation of credit cards and electronic funds transfers serve as additional reason for Federal criminal legislation.

While the Federal interest is clear, witnesses testifying before the committee 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 or foreign commerce before there is Federal jurisdiction, adequately resolves my concern.

I compliment Chairman THURMOND for his expedience in moving this bill to the Senate floor. As in the past, I enjoyed working with the chairman as a cosponsor 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 devices

"(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 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 occuring in any twelve-month period; or

"(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.

"(c) The circumstance referred to in subsection (a) of this section is that—

"(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 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 a transfer 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 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.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new item:

"1029. Fraud and related activity in connection with payment devices.".

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.

Mr. BAKER. I move to reconsider the vote by which the bill passed.

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 peoples. 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 to eliminate the Jews, and 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 not future 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 1944, and Milwaukee has its electronic scoreboard, an instant replay machine, salaries higher then the President's, a mascot who slides down a beer mug after each win, and double-knit uniforms. And even though we wish our baseball heroes wore belted uniforms made of wool—baggy trousers and socks worn high, just below the knee, we can be thankful in Milwaukee for owners who revere the franchise and the fans.

Wisconsin is blessed with civic leaders who happen to also be the owners of the Milwaukee Brewers. The team is a part of the heart of our city and our State and the players give of themselves in youth work, beautification programs and other civic works.

Milwaukee is a very lucky baseball franchise. And we can thank Bud Selig, Harry Dalton and the other owners. Their ownership goals for baseball and Milwaukee are dreams and hopes of the fans. They are fans who happen to be owners.

Spring is here. The fans are in the stands. "Play ball" are the two most melodic words we hear. And things just seem a little better today—baseball's back.

I ask unanimous consent that the article be printed in the RECORD.

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

AND NOW BACK TO THE GAME

(By Lewis H. Lapham)

NEW YORK.—On opening day at Yankee Stadium, the cognoscenti behind first base talked mostly about the avarice of George Steinbrenner. Nobody bothered to say much about the game in progress against the Minnesota Twins. After a week on the road, the Yankees already looked dispirited and old, as if they were playing out their sentences on a prison team in West Texas. The concensus of opinion in the field-level seats held that Steinbrenner would fire Yogi Berra as manager before July 4, and that after the usual trades and recriminations, the team would finish a poor fourth in the Eastern Division behind Baltimore, Toronto and Detroit.

What was left to talk about except the ways in which the principal owner had degraded the great American game? The television screen in right center field was showing commercials, and a Dixieland jazz band was trying to make what it thought was a happy sound. The pregame ceremonies had involved a fund-raising spiel for the 1984 Olympics; a tiny figure skater, cute as a button in sneakers and designer jeans, had thrown out the first ball.

"Maybe next year Steinbrenner will hire cheerleaders," a fan wearing a Brooklyn Dodgers cap said.

"Maybe," said somebody else, "he'll rent advertising space in the latrines."

Within a community of about five rows, the fans in residence had accumulated roughly 200 years of attendance at baseball games. Their disgust with Steinbrenner was unequivocal, but they understood that the man's swinishness was symptomatic of the times. The game had been lost to the networks 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 they would do if they owned a team 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 watered by Steinbrenner's thieving 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.

Televised 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 spotter climbs a ladder and places the number in the slot. No television screens in the park; no instant replays; no neon exclamations 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.

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 franchise: 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 justice 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. The fan in the Dodgers cap thought otherwise. "On the contrary, gentlemen," he said, "the team would earn a fortune."

Such a team, he said, would be the wonder of the world. The mercenary pygmies employed elsewhere in the league would learn the meaning of the game. Even fans as debased as those in New York would pay to see ballplayers made of the old stuff.

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 alongide Generals Eisenhower, MacArthur, Patton, and Bradley.

I was honored to attend his funeral at the Citadel in Charleston, SC, and I want to again extend 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 consumed 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 four-star 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 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 one of his most 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 Command and the North Korean Army and the Chinese forces, 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, leaving behind a stronger educational program and a renewed commitment to military strength and discipline.

Mr. President, accomplishments of General Clark's magnitude 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 of 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 wrote the homily which was delivered 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 compromise; 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 democracy.

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 much more than 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 was overwhelmed, and 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 giving me an honorary degree here at The Citadel, and he invited me to speak here on a number of occasions. I had talks with him a number of times and from his lips I heard some of the most thrilling stories about

World War II, the Korean War, politics and religion as we sat for hours at a time either alone, or with friends.

There are many lessons we can learn from his life. But today I would like to briefly mention four.

First, Mark Clark was a man who was concerned with quality not quantity. He believed that a well-trained, well-disciplined, courageous fighting unit could overcome an enemy that was numerically superior. And he proved it during the long and bitter Italian campaign of World War II.

His writings and speeches show that he returned from Europe convinced that every man in the Army should be trained first as an infantryman before going on to other specialized training. When the situation demanded it, he wanted every man in the army—cook, driver, typist, mechanic, everyone—to be trained and able to pick up a rifle and take his place on the fighting line.

As Chief of Army Field Forces from 1949-52, he put his ideas into practice and today's training still reflects his influence.

In his emphasis on quality rather than quantity, he mirrors the experience of one of the great military commanders in the Bible—a man named Gideon.

Second, Mark Clark demonstrated his belief in commitment, not convenience. His four decades of military service were punctuated by long and painful separations from his family. He was unable to attend his daughter's wedding and almost missed his son's because of his commitment to his country and to duty.

Service of any kind—military, political, or spiritual—has never been a matter of convenience and it never will. Somehow, in our modern age, we have allowed ourselves to become captives to set periods of time. We want to know just exactly how long everything is going to last, and when the time is up, we're ready to pack up and go home.

But the people who have left their mark on history have been those who committed themselves to a task with no thought of quitting until it was finished. I believe we need to recapture that spirit in America today.

General Clark once closed a speech commemorating the anniversary of the Chaplains Corps by quoting these lines:

There are people who carry life's burdens,
Their own and others beside;
There are people who stand in their places,
And who stand there whatever betide.

There are two kinds of people—you know them,
As you journey along life's track,
The people who take your strength from you,
And the others who put it all back.

As he observed the world picture at the end of the Korean War, Mark Clark considered the global struggle and wrote something we should recall today:

"Perhaps, both sides, with the frightening instruments of total destruction in their hands, may decide that these terrible weapons must never be used. I pray fervently that this be true, not only because of the lives that would be saved, but also because I know America can reap a richer harvest from peace than can her enemies." (Calculated Risk, p. 330)

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 are certain things 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," General 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 as many of the trainees' hardships and dangers 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 eighteen months. She had had him for eighteen 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.

And finally, Mark Clark was a man who believed in Christ. His belief was more than just an intellectual assent or lip service to Christian ideals, but a personal faith in Christ as his own Lord and Savior.

In 1953, he concluded an Easter message to all those serving in Korea by saying:

"Easter, commemorating the resurrection of Jesus Christ, is a time of renewed conviction in the triumph of life over death, of good over evil, of the spiritual over the material. That conviction will carry us through whatever lies ahead."

As we honor General Mark Clark today, his life and his memory challenge us to live lives of Quality, of Commitment, and of Character.

Today we do not say goodby to Mark Clark. We say, as the French would say, "Au revoir!" "Till we meet again."

CLARK RECALLED AS COURAGEOUS SOLDIER, PATRIOT

[From the Charleston Evening Post, Apr. 17, 1984]

Generals, statesmen, religious leaders and friends remembered Gen. Mark W. Clark Tuesday as a courageous soldier and patriot.

"A noble and gentle friend has left us," said Maj. Gen. T. Eston Marchant, S.C. Adjutant General. "Gen. Mark Clark was not only one of our greatest military commanders, but one of the most respected and admired Americans in our country's history. He recognized the threats to our survival as a free nation. He conveyed them in a forceful and effective manner. The general will be sorely missed."

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 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," Riley said.

A long-standing friend of Clark, U.S. Sen. Strom Thurmond, R-S.C., said the nation "has lost one of its most courageous 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. Grimsley. "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" as president from 1954 to 1965, Grimsley 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 the cadets he had under him at 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 Grenadan 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 grays."

"Another thing I'll never forget that he told me was that as a complete military commander you never make pure military decisions," Farris said. "There are 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."

U.S. Sen. Ernest F. Hollings, D-S.C., said Gen. Clark's contribution to The Citadel, the state and the nation is unequaled. "Gen. Clark is one of the great Americans of my time."

Rep. Thomas F. Hartness, R-S.C., termed Clark "one of America's last, truely 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 isn't shared by the vast majority of Americans today.

Rep. Butler Derrick, D-S.C., also mentioned Clark's contribution to youth, noting

the summer camps Clark had established at The Citadel. "The state of the nation suffered a great loss" with Clark's death, said Derrick. "He will go down in history as one of the great warriors of our time, together with Gens. Eisenhower, Bradley, Patton and others, as World War II heroes."

"The passing of Gen. Clark really is the passing of an era * * *" said North Charleston Mayor John E. Bourne, Jr. "His tremendous service to the nation and to the world, really, as a military commander, and then his major contributions to education as president of The Citadel and contributions he's made to every walk of life can hardly be duplicated."

Novelist Pat Conroy, author of "The Lords of Discipline" and a 1967 graduate of The Citadel, said the general was president of The Citadel for two years while the novelist attended the school.

"My greatest impression of him is that he was—by far—the most exciting, exhilerating, wonderful public speaker I've ever heard," Conroy said, adding that he remenbers Clark "from the vantage point of a kid."

"To me, he appeared to be the soul of how a great man looked and acted.* * * He had this aura of grandeur and I guess you could say I was terrified of him. But, then, great men scare people who are not great. * * * Everything that he did, everything that he touched, seemed to have importance. Because he was the soul of honor."

Charleston Mayor Joseph P. Riley, Jr. said, "The city of Charleston and the United States of America today lost a very special citizen. It was Charleston's great fortune that after Gen. Clark's extraordinary military career as one of the great generals of World War II and Supreme Commander in Korea that we enjoyed 30 years of his leadership at The Citadel and in our community."

In addition to his many contributions to this community and nation, the Roman Catholic Church is indebted to Clark "for the humane way in which he governed Italy during the tragic days of World War II," said the Most Rev. Ernest L. Unterkoefler, bishop of the Diocese of Charleston. "He had close association with Pope Pius XII and Pope Paul VI."

"The world is indebted to Gen. Clark for his understanding of human freedom and civil liberty. * * * We pray for his family. May he rest in peace," Unterkoefler said.

GEN. MARK W. CLARK

[From the Columbia Record, Apr. 17, 1984]

At the Medical University of South Carolina early today, retired four-star Army Gen. Mark W. Clark breathed his last. As he expired, the last of the fabled combat commanders of the Second World War passed from us.

Throughout his adult years, Mark Clark remained with snappy salute a good and faithful servant of this nation of free peoples, believing in his innermost being in the intrinsic values of the country. He valued the sanctity and security of the individual, without fear or favor of oppressive governments, as a military protector.

A brilliant and successful strategist and tactician who always strove to proceed to decisions with cared consideration for each life, he was a West Point graduate commissioned in 1917 whose future career was both illustrious, appreciated and dutiful.

With care, precision and personal ardor in the Second World War, he helped plan the invasion of North Africa as Deputy Commander 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 invasion of Italy in 1943, tried vainly to secure more troops and extra naval firepower—and landed. Citizen soldiers of National Guard components fought brilliantly against skilled German defense counter-attacks and, rather swiftly, the Fifth Army captured Rome, the first Axis capital to be liberated.

A confidante and friend of the late Dwight Eisenhower, Clark felt that 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 head of United Nations forces in Korea during the conflict there, died of pancreatic cancer yesterday at the Medical 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 principal campaigns were the bloody landing at Salerno, Italy, in which he himself led an attack against German tanks threatening 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 Commissioner 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." General of the Army 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 solutions he brought to them, and to let these speak for themselves. In general, they provide a sense that the general did a difficult job well.

Like other major operations, the one Gen. Clark conducted in Italy was dictated not only by the relative strength of the opposing sides, but by geography, politics, and strategic considerations, both in the Mediterranean theater and elsewhere in the world. In some of these categories 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 dislodge an enemy that enjoyed nearly every advantage the lay of the land could offer. The narrow Italian peninsula with its high ribbing of mountains forced attackers into head-on assaults. There were few opportunities for rapid and sweeping armored envelopments, such as those conducted by the Germans early in the war and by Gen. George S. Patton and other Allied commanders on the plains of northern and eastern Europe later in the conflict.

The frontal attacks were costly and gained little. An alternative was an amphibious flanking movement, such as the one at Anzio. For want of effective leadership on the ground, the opportunity presented by Anzio was lost, and it, too, settled into months of bitter and unproductive fighting.

In addition to terrain, there were the problems inherent in such a heterogeneous force as the 15th Army Group. Gen. Clark took command in December 1944, succeeding Field Marshal Sir Harold R. L. G. Alexander of Britain. The group was made up of units from 26 nations and the general had only varying degrees of control over the various components. His enemy, by contrast, was led by a unified German command that had some of the best soldiers and officers in the history of Europe.

Adding to those problems was the fact that for political and strategic reasons Italy was to a certain extent a "forgotten" war. The Normandy invasion and the battle in the Pacific received priority in terms of officers, men, materiel and precious naval units.

Whatever the difficulties, Gen. Clark never lacked critics, including some subordinate commanders and some historians.

They fault him for Salerno, where the Allies nearly were thrown back into the sea, and for Anzio. They fault him for the destruction of the historic abbey at Monte Cassino. They fault him for the heavy casualties his army took for little gain.

They fault his strategy, asserting that it contributed to the degeneration of the Italian fighting into a prolonged slugging match. They contrast it to the lightning advances achieved in northern Europe and the comparatively bloodless drives of Gen. Douglas MacArthur in the Southwest Pacific.

But the criticism does not change the fact that Gen. Clark conducted one of the most difficult campaigns of the war and brought it to a successful conclusion.

In a written statement, President Reagan praised Gen. Clark as a soldier who served "with courage, dignity, integrity and, above all, honor. General Clark's memory will live forever in the hearts of his countrymen."

Mark Wayne Clark was born on May 1, 1896, at Madison Barracks, N.J. He graduated from the U.S. Military academy at West Point in 1917 and was commissioned in the infantry. He was wounded in France in 1918 and later served with occupation forces in Germany.

Between the world wars, he graduated from the Army War College, the Command and Staff College and the Infantry School at Fort Benning. He was attached to the Army General Staff when this country entered World War II. He became chief of staff of Army Ground Forces in May 1942, and in July of that year he became commander of all American Ground Forces in Europe.

Before the 1942 Anglo-American invasion of French North Africa, Gen. Clark made a daring secret trip to Algiers, where he attempted to persuade French Vichy Forces to welcome rather than fight American

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. VI Corps under Maj. Gen. John P. Lucas 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 landing. 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, Gen. Clark announced that he was landing to take command of the forces ashore. He personally led an infantry assault against a group of 18 tanks that almost had reached the shore. The Germans were turned back and six of their tanks were destroyed. The general called upon airborne troops to drop between the Allied front line and the sea to reinforce the beachhead.

For his actions 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 German Gustav 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 Gustav Line, while the VI Corps went ashore unopposed at Anzio. Instead of driving for Rome or moving to take the Gustav positions in the rear, Gen. Lucas, the corps commander, chose to advance less than 10 miles and await reinforcements and supplies. The Germans had time to gather enough forces to halt the Anzio 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 Anzio landing took place on Jan. 22, 1944. On Feb. 15, heavy artillery and air bombardment destroyed the historic Benedictine monastery on 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 Gustav Line and those at Anzio linked up.

Just prior to this, Gen. Clark made what was perhaps his biggest mistake of the war. He tried to seize Rome rather than encircle German forces on the Gustav Line. The result was that large numbers of 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 High Commissioner in Austria, where his flinty disposition was a fitting match for his Red Army counterparts.

From 1949 to May 1952, he was commander of Armed Ground Forces. He then succeeded Gen. Matthew B. Ridgway as U.S. commander and supreme commander of U.N. forces in Korea. It was a time of frustrating negotiation rather than fighting. On July 27, 1953, he signed the armistice that resulted in the end of the Korean conflict.

In the 1950s, Gen. Clark, who lived in Charleston, wrote two volumes of war memoirs, "Calculated Risk" and "From the Danube to Yalu."

In addition to the Distingushed Service Cross, his decorations included four Distinguished Service Medals, the Legion of Merit 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 Maurine Doran, died in 1966. Their daughter, Patricia Ann Oosting, died in 1962.

Survivors include his wife of 17 years, the former Mary Mildred Applegate, of Charleston; a son by his first 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 president 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 1,250 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/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," Graham wrote.

Graham met Clark in 1952 and was surprised by Clark's request that he preach to American troops in Korea at 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, Mark Clark was a man who was concerned with quality and not quantity. He believed that a well-trained, well-disciplined, courageous fighting unit could overcome an enemy that was numerically superior. And he proved it during the long and bitter Italian campaign of World War II."

A man who believed in commitment, not convenience, Clark often had long and painful separations from his family during his four decades of military service, Graham wrote. "But the people who have left their mark on history have been those who committed themselves to a task with no thought of quitting until it was finished. I believe we need to recapture that spirit in America today."

Graham drew on Clark's writings in the book "Calculated Risk" to show that the general was a lover of peace who "believed that there are certain things for which a man must be willing to lay down his life." Musing on the world picture at the end of the Korean War, Clark wrote:

"Perhaps, both sides, with the frightening instruments of total destruction in their hands, may decide that these terrible weapons must never be used. I pray fervently that this be true, not only because of the lives that would be saved, but also because I know America can reap a richer harvest from peace than can her enemies."

Clark also believed in character over compromise, Graham wrote.

"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.

The funeral also included readings of Psalm 121 and Psalm 23, as well as a reading from the Gospel of John. The Citadel Choir Chorale sang "The Lord's Prayer" by Malotte.

At the graveside, Crumpton read words of committal that were also written by Graham.

"Mark Clark was a man who believed in Christ. His belief was more than just an intellectual assent of lip service to Christian ideals, but 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.

Mark 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 I. He attained international fame as combat commander and military diplomat in World War II, in which he became liberator 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 cease-fire.

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 Senate confirmation.

Proof of his abiding concern for the nation came in the general's declining years when he chose to discuss controversial security 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 Pueblo de Cochita;

H.R. 3376. An act to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington; and

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 indicated:

EC-3065. 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-3066. 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 performance under contract; to the Committee on Armed Services.

EC-3067. A communication from the 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-3068. 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-3069. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to ensure continued financial integrity of Rural Electrification and Telephone Revolving Fund: to the Committee on Agriculture, Nutrition, and Forestry.

EC-3070. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to simplify administration, contain escalating costs, 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-3071. 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-3072. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on revised estimates of the President's budget for 1985 and projections for 1984-89; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3073. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on three new deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Commerce, Science, and Transportation, and the Judiciary.

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 Committee on Banking, Housing, and Urban Affairs.

EC-3077. A communication from the Secretary of Housing and Urban Development 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 Committee 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, Science, 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.

EC-3081. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the Automotive Fuel Economy program; to the Committee on Commerce, Science, and Transportation.

EC-3082. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the FAA's report on the effectiveness of the Civil Aviation Security program; to the Committee on Commerce, Science, and Transportation.

EC-3083. A communication from the Secretaries of Commerce, the Interior and the Executive Director of the Marine Mammal Commission transmitting a draft of proposed legislation to authorize appropriations through fiscal year 1987 for the Marine Mammal Protection Act; to the Committee on Commerce; Science, and Transportation.

EC-3084. A Communication from the Secretary of the Interior transmitting, pursuant to law, financial statements of the Colorado River Basin Project for 1983; to the Committee on Energy and Natural Resources.

EC-3085. A Communication from the Secretary of Energy transmitting, pursuant to law, a report on the delay of a decision relative to location of test and evaluation facilities at sites of nuclear waste repositories; to the Committee on Energy and Natural Resources.

EC-3086. A Communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants; to the Committee on Environment and Public Works.

EC-3087. A Communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to April 18, 1984; to the Committee on Foreign Relations.

EC-3088. A Communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on the international agreements, other than treaties, entered into by the United States in the 60-day period prior to April 10, 1984; to the Committee on Foreign Relations.

EC-3089. A Communication from the Secretary of State, transmitting, pursuant to law, the semiannual reports on voluntary contributions to international organizations for the period April 1983-September 1983; to the Committee on Foreign Relations.

EC-3090. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a copy of the Presidential determination and justification for the furnishing of defense articles and services to Grenada; to the Committee on Foreign Relations.

EC-3091. A communication from the Acting Director of the Agency for International Development, transmitting, pursuant to law, the annual report of the Agency on activities under title XII of the Foreign Assistance Act (Famine Prevention and Freedom from Hunger) for fiscal year 1983; to the Committee on Foreign Relations.

EC-3092. A communication from the Secretary of Commerce, transmitting a draft of

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, a list of the reports issued by the General Accounting Office during March 1984; to the Committee on Governmental Affairs.

EC-3095. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Reported Purchase of LaMancha, Inc."; to the Committee on Governmental Affairs.

EC-3096. 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-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, the annual report of the Commission on implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3099. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Report on the Boxing and Wrestling Commission; to the Committee on Governmental Affairs.

EC-3100. A communication from the chairman and members of the Personnel Appeals Board, General Accounting Office, 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, Executive Office of the President, transmitting, pursuant to law, a report on competition in the award of subcontracts by Federal prime contractors 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.

EC-3108. A communication from the Commissioner of the Rehabilitation Services Administration, Department of Education, transmitting, pursuant to law, notice that the annual report on activities under the Rehabilitation Act of 1973 will be submitted by August 3, 1984; to the Committee on Labor and Human Resources.

EC-3109. A communication from the Secretary of Education, transmitting, pursuant to law, a document on assistance for local education agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education—elective school board for section 6 schools; to the Committee on Labor and Human Resources.

EC-3110. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes; to the Committee on Labor and Human Resources.

EC-3111. A communication from the chairman of the National Arthritis Board, transmitting, pursuant to law, a supplement to the 1983 annual report of the Board; to the Committee on Labor and Human Resources.

EC-3112. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fifth annual report on implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance; to the Committee on Labor and Human Resources.

EC-3113. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Technical Institute for the Deaf for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3114. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to repeal section 201(b) of Public Law 96-22; to the Committee on Veterans' Affairs.

EC-3115. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a response to a subcommittee report on the "status of the staffing guidelines effort by March 1, 1984"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 2100. A bill to authorize the Secretary of the Army to sell ammunition for use for avalanche-control purposes (Rept. No. 98-411).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2597. 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.

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 five 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 date 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.

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,

Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Vincent and the Grenadines, Ambassador Extraordinary and Plenipotentiary of the United States of America 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.

Nominee: Anderson, Thomas H., Jr.

Post: Ambassador to Barbados.

Contributions, amount.

1. Self, none.

2. Spouse, Katherine Milner Anderson, none.

3. Children and spouses names, none.

4. Parents names, Mr. and Mrs. Thomas Hulsey 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. BENTSEN:

S. 2588. A bill to assist the United States and Mexican border economy, and for other purposes; to the Committee on Finance.

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.

By Mr. BAKER (for himself and Mr. SASSER):

S. 2590. A bill to designate certain lands in the Cherokee National Forest, Tenn., as wilderness areas and wilderness study areas, and to allow management of certain lands for uses other than wilderness; to the Committee on Agriculture, Nutrition, and Forestry.

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.

By Mr. BAKER (for himself and Mr. BYRD):

S. 2592. A bill to authorize the President to award a Medal of Honor to the unknown American of the Vietnam era; to the Committee on Armed Services.

By Mr. TRIBLE (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.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2594. A bill to name the U.S. Post Office Building in Moorestown, N.J., as the "Edwin B. Forsythe Post Office Building;" to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2595. 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. 2596. 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. 2597. 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. DURENBERGER, Mr. INOUYE, Mr. EAST, Mr. GORTON, Mr. PROXMIRE, Mr. MCCLURE, Mr. SYMMS, Mr. HUMPHREY, Mr. DANFORTH, Mr. THURMOND, Mr. MELCHER, Mr. LUGAR, Mr. STAFFORD, Mr. MURKOWSKI, Mr. DIXON, Mr. ZORINSKY, Mr. ANDREWS, Mr. HATCH, Mr. HUDDLESTON, Mr. STEVENS, Mr. COCHRAN, Mr. BRADLEY, Mr. HEFLIN, Mr. GRASSLEY, Mr. DOMENICI, and Mrs. HAWKINS):

S.J. Res. 279. 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 B. Forsythe Barnegat National Wildlife Refuge and the Edwin B. Forsythe Brigantine National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. GOLDWATER (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. GOLDWATER (for himself, Mr. GARN and Mr. SASSER):

S.J. Res. 282. Joint resolution to provide for the reappointment of Anne 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. BYRD):

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 unknown American of the Vietnam era to lie in state; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2588. 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. BENTSEN. Mr. President, I have long been profoundly 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 totaled, 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 work very hard 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 serious about this proposal, and I will be back in the next Congress with those portions not approved this year.

I believe the time has come 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 aggressively 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 demand and deserve.

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

FACTSHEET ON SENATOR LLOYD BENTSEN'S BORDER AID 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 jobs 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 954 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.

TITLE V: VETERANS' ADMINISTRATION

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.

TITLE VI: SMALL BUSINESS ADMINISTRATION

The Small Business Act will be amended to authorize loans to any small business concern located in an area suffering from economic dislocations resulting from extraordinary, severe and temporary natural conditions, and foreign currency devaluations. As under the expired foreign currency devaluation assistance program, loans would be limited to $100,000 and the interest rate could not exceed 8 percent.

TITLE VII: FARMERS HOME ADMINISTRATION

Title VII will reauthorize the Farmers Home 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 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 areas and wilderness study areas, and to allow management of certain lands for uses other than wilderness; to the Committee on Agriculture, Nutrition, and Foresty.

TENNESSEE WILDERNESS ACT OF 1984

Mr. BAKER. Mr. President, it is with great pride that I introduce the Tennessee Wilderness Act of 1984. This Nation has maintained the highest standard of excellence in its national wilderness legislation, and Tennessee's forests should be no exception. The timberlands of Tennessee are among the finest, and this act would be a most effective safeguard against any possible future exploitation.

Up to this time, no significant wilderness acreage has been recommended or designated in the Cherokee National Forest as part of the national wilderness preservation system. The Tennessee Wilderness Act would protect the four most outstanding areas in the southern part of the forest—Citico Creek, Bald River Gorge, Little Frog Mountain, and Big Frog Mountain. These areas are home to various numbers of rare or threatened animals which, along with a rich assortment of virgin timber, characterize the forests' unusual pristine quality.

These lands are virtually untouched, and designating them as wilderness areas would only insure that they remain in their present unspoiled condition. Because of the small amount of development that has taken place in these areas there are few, if any, adverse consequences in protecting them under the Wilderness Act of 1964.

Once again, I stress the importance of preserving our Nation's forests, and the Tennessee Wilderness Act of 1984 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. SASSER. 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 Cherokee National Forest 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—Citico Creek, Bald River Gorge, Little Frog Mountain, and Big Frog Mountain. The combined acreage that would be protected in the southern portion under S. 2590 constitutes only 12 percent of the 298,526 acres located in the southern portion of the Cherokee National Forest.

Mr. President, wilderness designation for this area has received broad-based 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 the Chattanooga Trout 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.

Mr. President, I am pleased to cosponsor this measure with Senator BAKER. I look forward to swift approval of S. 2590.●

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 out on light bails and soft sentences. Drug traffickers are nothing less than mass murderers who poison our children and communities.

In an effort to strike back, as chairman of the 48-member Senate Drug Enforcement Caucus, I am introducing the Drug and Violent Crime Sentencing Act of 1984. My legislation would provide for capital punishment for drug traffickers involved in murder and mandate life sentences, heavy fines, and forfeiture of drug profits for major traffickers.

Narcotics trafficking has become one of this Nation's largest business. Illegal drug sales have been estimated to exceed $100 billion. It has been responsible for an explosive growth in other illegal enterprises. A study by Dr. John Ball found that the criminal activity of most drug addicts is staggering in scope and scale. Dr. Ball studied 243 heroin addicts over an 11-year period.

Of the addicts in his study, he discovered that 237 were active criminals, the rest of them were thieves. He described 156 as career thieves: 57 engaged in at least one theft a month, 58 committed at least a theft a week, and 41 scored a theft every day. Besides theft, the addicts in the study also dabbled in the full range of street crime—armed robbery, assault, burglary, and of course drug trafficking. The findings of this study shocked even law enforcement officers. During the 11-year study, the 237 drug addicts chalked up more than 500,000 crimes. They were nothing more than violent crime machines. Today, we have nearly half a million heroin addicts.

A February 1984 Department of Justice report on Federal drug law violators revealed that major traffickers now receive soft sentences, light fines, and early parole. Narcotic violators are now sentenced to less than half the prison time of bank robbers. Drug traffickers get an average sentence of 54 months while bank robbers are sentenced to an average of 122 months. The average time actually served in prison was 41 months for drug trafficking and 67 months for bank robbers. The study found that 80 percent of the people convicted of drug trafficking did not use drugs themselves. In fact, more bank robbers, 35 percent, used narcotics than did traffickers. Only 36 percent of all investigations into drug violations presented to U.S. attorneys resulted in imprisonment. The imprisonment rate for bank robbers was 47 percent.

The Department of Justice study reviews eight major offenses: drugs, bank robberies, illegal weapons, embezzlement, fraud, forgery, immigration, and larceny. The conviction rate in drug cases was the lowest of all the crimes studied, at 76 percent.

Soft-hearted judges have allowed low bails to be a cost of doing business for drug kingpins, as only a few cases make clear.

A kingpin of a major underground organization was arrested for smuggling marihuana. The Government requested $1 million bail. The bail, however, was set at only $50,000. The suspect posted bail and fled.

A man who controlled several drug trafficking operations was delivering hundreds of pounds of marihuana from the Gulf of Mexico to the Southeastern United States. He was making $250,000 to $500,000 a month. He was arrested and bail was set at $21 million. Later, however, bail was reduced to $10 million, then to $500,000. The man posted bail, fled, and is still at large.

Two people were arrested in Miami for possession of 20 kilograms of cocaine. The Government recommended that each be held on $5 million bail. A bail of only $500,000 was set for one. The suspect posted bail, fled and is still at large. The original recommendation was followed for the other suspect, however. He remained in jail, was convicted, and is now serving a prison term.

In Virginia, five men were convicted of smuggling 25 tons of marihuana. At the time of their arrest, these men had $1.7 million in cash in their possession. The presiding judge sentenced the offenders to prison terms ranging from 10 to 20 years, but recently the judge ordered the early release of three of the men. Of the three men released, two had served less than a year in jail. The third had served only 13 months. In another case from 1981, several men were arrested and charged with conspiring to import 2,937,000 quaalude pills and 7,500 pounds of marihuana into Florida. One of the men pleaded guilty to the charge, and in February 1982, a U.S. district judge gave the man a sentence of 5 years probation. The felon did not serve a day in jail.

This problem is particularly disturbing and insidious disturbing because drug abuse and drug-related crimes are so often committed in the vicinity of our schools; insidious because the victims of drug abuse are so often vulnerable and deeply impressionable adolescents and even children.

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—at least 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.

For possession with intent to sell marihuana—10 kilograms or more—the individual shall be sentenced to a mandatory term of imprisonment of 20 years, and, in addition, may be fined 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 $15,000; second offense, 10 years and $30,000.

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; 1 ounce of impure cocaine retails at a higher cost than an ounce of pure gold. Thousands 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 bail reform and imprisonment, to disrupt or cripple the criminal enterprise, to impair 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 that. These criminals must be punished as the murderers and saboteurs they are, strangling our way of life, betraying our children, and sabotaging the future. The time has come to put crime-prone addicts and amoral drug traffickers on ice, and take the heat off crime-plagued American citizens.

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, if 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.

There being no 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. 2. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841 (b)) 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) (i) 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.

"(ii) 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 thereof; such person shall be sentenced to a mandatory term of life imprisonment, and in addition, a fine of not more than $500,000.".

SEC. 3. Paragraph (6) of subsection (b) of section 401 of such Act is further amended to read as follows:

"(6) In the case of a violation of subsection (a) of this section involving a quantity of marihuana of 10 kilograms or more, such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, may be fined not more than $250,000.".

SEC. 4. Section 401 of such Act is further amended by adding at the end thereof the following:

"(e) (1) Whoever, in committing, or attempting to commit, any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, shall be sentenced to a mandatory term of life imprisonment, or punished by death if the verdict of the jury shall so direct.

"(2) (A) A person shall be subjected to the penalty of death for the offense prohibited by this subsection only if a hearing is held in accordance with this paragraph.

"(B) When a defendant is found guilty of or pleads guilty to an offense under this subsection, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in subparagraphs (F) and (G), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in subparagraph (G) exists or that one or more of the mitigating factors set forth in subparagraph (F) exists. The hearings shall be conducted—

"(i) before the jury which determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury; or

"(III) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(C) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in subparagraph (F) or (G). Any information relevant to any of the mitigating factors set forth in subparagraph (F) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in subparagraph (F) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in subparagraph (F) or (G). The burden of establishing the existence of any of the factors set forth in subparagraph (G) is on the Government. The burden of establishing the existence of any of the factors set forth in subparagraph (F) is on the defendant.

"(D) The jury, or if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in subparagraph (F) and as to the existence or nonexistence of each of the factors set forth in subparagraph (G).

"(E) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in subparagraph (G) exists and that none of the factors set forth in subparagraph (F) 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 (G) exists, or finds that one or more of the mitigating factors set forth in subparagraph (F) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(F) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict is provided in subparagraph (D) that at the time of the offense—

"(i) he was under the age of eighteen;

"(ii) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(iii) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(iv) he was a principal (as defined in section 2(a) of title 18 of the United States Code (18 U.S.C. 2(a))) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(v) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(G) If no factor set forth in subparagraph (F), is present, the court shall impose the sentence of death on the defendant if the jury, or, if there is no jury, the court

finds by a special verdict as provided in subparagraph (D) that—

"(i) the death of another person resulted from the commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(ii) The death of another person resulted from the commission or attempted commission of the offense, and

"(I) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was imposable;

"(II) the defendant has previously been convicted of two or more State or Federal offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(III) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(IV) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.".

SEC. 5. Subsection (b) of section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by—

(A) redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting after "(b)" a new paragraph to read as follows;

"(1) (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—

"(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.

"(3) 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 life imprisonment, and in addition, a fine of not more than $500,000.".

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 more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly 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), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that 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 securities.

"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 act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) 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)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or ommission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"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 preponderance of the evidence that—

"(1) such 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)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) Upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appro-

priate restraining orders or injunctions, require the execution of staisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and;

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(a) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) 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 Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(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 may also, 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 or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged 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, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the 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 a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrent good title to any subsequent purchaser or transferee.".

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT 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 punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation 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 their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum 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.".

(b) Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

(c) Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(1) in subsection (a)—

(A) by striking out "(1)";

(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) by striking out subsection (d).

(d) Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(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 commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(2) in subsection (b)—

(A) by inserting "civil or criminal" after "Any property subject to"; and

(B) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(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 property 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 and 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 case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture 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 criminal prosecution 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 relating to 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 are trafficking with 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. TRIBLE (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 BROADCAST STATIONS

Mr. TRIBLE. Mr. President, Senator GORTON and I introduce today legislation to insure that our citizens who subscribe to cable television system will continue to receive quality local programing.

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 been under attack. The most recent example was a petition filed by the Turner Broadcasting System which was denied by the FCC earlier this month.

If the continued attacks on the "local carriage" provisions ever prove successful, the results would be deterimental 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 programing 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, and 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 intiative, 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 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 language: "to that end, the Commission shall maintain and enforce rules requiring cable television systems to carry the signals of local television broadcast stations as provided in 47 C.F.R. sections 76.51 through and including 76.61 as those provisions existed on October 1, 1983, except that the Commission shall retain authority to modify said rules from time to time for the purpose of ease of administration but not alteration of the substance of or principles embodied in those rules."

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 Governmental Affairs.

S.J. Res. 280. 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-

tional Wildlife Refuge; to the Committee on Energy and Natural Resources.

COMMENDING EDWIN B. FORSYTHE

● Mr. LAUTENBERG. Mr. President, last month, we marked the passing of a respected citizen of New Jersey and valued Member of the Congress, Ed Forsythe.

Today, I am introducing two measures, cosponsored by my colleague from New Jersey, Senator BRADLEY, to create fitting memorials to Ed Forsythe, and his contribution to his district, our State, and the public at large.

Ed Forsythe was in the midst of his seventh term as Representative for the 13th and old Sixth Districts, when he passed away. The people of Moorestown, in Burlington County, perhaps know him best of all. Born in Pennsylvania, Ed was reared in Burlington County and was a longtime resident of Moorestown. His family owned a dairy farm nearby. He began his political carreer in Moorestown in 1948 as a secretary to the board of adjustment. He rose to other local positions and was elected to the State senate in 1963, where he served in leadership positions until his election to the House of Representatives in 1970.

In recognition of his dedication to his hometown, we introduce a bill to name the U.S. Post Office Building there for Ed Forsythe. By taking this action, as the House of Representatives has already done, we will provide the people of Moorestown with a lasting tribute to Ed Forsythe as an exemplary public servant.

Our second measure acknowledges Ed Forsythe's contributions to preserving our precious wildlife and natural resources. He was a defender of our coast. He was a leader in the passage of the Endangered Species Act, the Marine Mammal Protection Act, the Fishery Conservation and Management Act, and the Nongame Wildlife Act. As ranking member of the Merchant Marine and Fisheries Committee, he occupied a valued role in the protection of the State's natural resources. In tribute to him, and his accomplishments, and his commitment, we are also introducing a point resolution to designate the Barnegat and Brigantine units of the national wildlife refuge system in his name. Congressman JOHN BREAUX, Ed's colleague in the House Merchant Marine and Fisheries Committee, has introduced similar legislation in the House of Representatives. That resolution is cosponsored by the entire New Jersey delegation in the House as well as many others.

I ask unanimous consent that the text of these two measures be printed in the RECORD.

There being no objection, the bill and joint resolution were ordered to be printed in the RECORD, as follows:

S. 2594

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 of 1973, and the Fishery 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 had a deep affection 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".●

● Mr. BRADLEY. Mr. President, on Thursday, March 29, 1984, Congressman Edwin B. Forsythe died of lung cancer at his home in Moorestown, NJ; 68 years old at the time of his death, Mr. Forsythe was New Jersey's senior Republican in the U.S. House of Representatives, having first been elected to the Congress in 1970. Mr. Forsythe had a long career in the public sector, first becoming active in municipal government in 1948 as secretary of the Moorestown Board of Adjustment. For the next 36 years, Ed served the public interest in a variety of positions including mayor of Moorestown, NJ, State senator—including president of the senate and acting Governor, delegate to the New Jersey Constitutional Convention in 1966, delegate to the Republican National Convention in 1968 and 1976, and, finally, as Congressman for the sprawling 13th district for 14 years.

In recognition of Ed Forsythe's dedication to his district, the Garden State, and this Nation, I am cosponsoring, along with my colleague Senator LAUTENBERG, two measures that will create permanent memorials.

First, we are introducing a bill to name the U.S. Post Office Building in Moorestown, NJ, Ed's hometown, for the late Congressman. It is only proper that the community that Ed enjoyed as a private citizen and served as a public official should have a permanent memorial.

The second measure, a joint resolution, will rename the Barnegat National Wildlife Refuge and the Brigantine National Wildlife Refuge as the Edwin B. Forsythe-Barnegat National Wildlife Refuge and the Edwin B. Forsythe-Brigantine National Wildlife Refuge. This change recognizes Ed's dedication and work as a member of the House Merchant Marine and Fisheries Committee. As the ranking member of this committee, Ed worked hard to preserve wildlife and our natural resources: in fact, for the last several years he sponsored legislation that would force communities in the New York metropolitan area to stop dumping their sewage 12 miles off the North Jersey coast.

I am honored to have been a member of the New Jersey delegation with Congressman Forsythe. New Jersey has lost a loyal advocate and dedicated public servant. Because I believe these memorials will remind the people of the Garden State of this special legislator for years to come, I ask that my colleagues join in support of this tribute.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2595. 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.

TRANSFER OF JURISDICTION OF CERTAIN LAND IN THE STATE OF NEW YORK

● 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 migratory 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 worth considerably more than that which it will give to the State. This is indeed a compromise. The Department of the Interior would acquire valuable lands 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 needs of both 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. 2595

Be it enacted by the House of Representatives of the United States of America in Congress assembled, The Administrator of General Services shall assign 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 Township, 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 State of New York for 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. 484(k)(2).●

● Mr. MOYNIHAN. Mr. President, I rise today and join my colleague from New York, Senator D'AMATO, in offering legislation compelling the Administrator of General Services 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 in December 1981. 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, I introduced 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 unanimity of opinion among elected officials and citizens of eastern Long Island. The Department of the Interior will be compensated by acquiring a 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 dissolution.●

By Mr. MATSUNAGA:

S. 2596. A bill to extend duty-free treatment to scrolls or tablets imported for use in religious observances; to the Committee on Finance.

DUTY-FREE TREATMENT OF RELIGIOUS SCROLLS OR TABLETS

Mr. MATSUNAGA. Mr. President, I am today introducing a bill designed to accord duty-free status to scrolls or tablets, commonly known as Gohonzon, imported for use in public or private religious observances. Gohonzon, literally defined as "most respected object of worship," embody the essential religious doctrines of certain Buddhist denominations and are enshrined by believers in home altars, much as Christians use the cross as a symbol of their faith.

Duty-free treatment is currently not accorded to Gohonzon distributed to believers due to an administrative interpretation limiting such treatment to such religious articles as are used solely by religious institutions. I believe that such a distinction between church and home use of religious articles is tenuous, particularly as to those articles which are integral to the practice of one's faith. Moreover, in regard to those religions which emphasize home as opposed to church worship, any such distinction must be regarded as fundamentally unfair and inappropriate.

The Gohonzon is an integral part of the practice of certain Buddhist denominations and home worship is the focal point of such faiths. The bill which I am introducing is consistent with the recent amendment to the tariff schedules according duty-free status to prayer shawls, whether or not imported for the use of religious institutions. This legislation will serve to insure equivalent tariff treatment to Gohonzon whether used in public or private religious observances. A companion measure has been introduced in the House by Congressman ROBERT MATSUI.

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 "and 854.30" in headnote 1 and inserting in lieu thereof "854.30, and 854.40"; and

(2) by inserting in numerical sequence the following:

" 854.40	Scrolls or tablets of wood or paper, commonly known as gohonzons, imported for use in public or private religious observances.	Free	Free ".

SEC. 2. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

By Mr. KASTEN, (for himself, Mr. JEPSEN, Mr. BOREN, Mr. PERCY, Mr. BOSCHWITZ, Mr. COHEN, Mr. DOLE, Mr. HOLLINGS, Mr. WILSON, Mr. DURENBERGER, Mr. INOUYE, Mr. EAST, Mr. GORTON, Mr. PROXMIRE, Mr. MCCLURE, Mr. SYMMS, Mr. HUMPHREY, Mr. DANFORTH, Mr. THURMOND, Mr. MELCHER, Mr. LUGAR, Mr. STAFFORD, Mr. MURKOWSKI, Mr. DIXON, Mr. ZORINSKY, Mr. ANDREWS, Mr. HATCH, Mr. HUDDLESTON, Mr. STEVENS, Mr. COCHRAN, Mr. BRADLEY, Mr. HEFLIN, Mr. GRASSLEY, Mr. DOMENICI, and Mrs. HAWKINS):

S.J. Res 279. 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.

WOMEN IN AGRICULTURE WEEK

Mr. KASTEN. Mr. President, I am proud and pleased to introduce a joint resolution 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 Agri-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. I ask that Dr. Drache's article, which appeared in the November 1982 issue of Farm Wife News, be made a part of the RECORD. Dr. Drache eloquently describes the importance of the woman's role in agriculture.

I invite my colleagues to join with me in honoring these outstanding women for their accomplishments and commitment to agriculture, their community, and country.

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.J. RES. 279

Whereas farm women contribute substantially to the stabilization of family farms in the United States;

Whereas more than one million women are engaged, either solely or jointly, in the operation of farms in the United States;

Whereas farm women are involved in all aspects of farming operations either as accountants, machine operators, veterinarians, crop specialists, businesswomen, mothers, or other occupations;

Whereas farm women also make significant contributions to agriculture, the leading employer in the United States, by virtue of their motivation and pride;

Whereas farm women are committed to the preservation of their families and farming operations and to the prosperity of our nation's agricultural economy; and

Whereas the appropriate recognition of the contributions made by our nation's farm women is long overdue: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 11, 1984, through November 17, 1984, is designated as "Women in Agriculture Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

FARM WOMEN ARE THE SECRET OF AGRICULTURE'S SUCCESS

(By Dr. Hiram Drache)

Just how much do farm women contribute to the short and longrun success of farming? And what qualities do these women bring to the farm business and home?

THE FARM WIFE?

After interviewing farm couples in several states. I've discovered that the more innovative the farm, the more sophisticated the involvement by the farm wife. Besides doing the marketing and running into town for parts, the farm wife also drives the truck or combine during harvest, feeds the livestock and keeps the books.

Many hours of research on this topic have established that the wife of a successful farmer posesses 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 heavy capital obligations, blight, 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 so great a single person cannot endure them. It is a historic fact that a large portion of early farm failures came when the wife could no longer mentally or physically withstand the burden.

The farm wife asks the key question. While the farmer asks the questions "how and can we?" the wife asks "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 100 years 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 abreast of all of these issues. She'll 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 remaineth, 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 futures market. They are not your average farmer. They are the women in agriculture today.

Today, more than 1 million women are solely 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, and brokers. 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 Novem-

ber 11, 1984, as "Women in Agriculture Week." I urge the President to acknowledge the contributions that women have made and continue to make to the most efficient food-producing machine in the world, American agriculture. It is time to recognize the valuable contributions that women have made to agriculture by setting aside a week in their honor.

Mr. WILSON. Mr. President, when Americans think of farmers, they too often picture "American Gothic" scenes of men in overalls wielding pitchforks and women in gingham dresses serving up hearty meals for the menfolk. Nothing could be further from the truth.

Today's men and women in agriculture are highly educated professionals who combine specialized knowledge of their own field with an understanding of business, marketing, and many other areas to compete in a very risky financial endeavor.

Women in agriculture, especially, are misunderstood. Many are "farm wives," but they have never been confined to the kitchen, at least in the way in which urban Americans often imagine. Most are as capable of driving a tractor or balancing the books as their husbands, fathers, brothers, and sons.

Over 1 million American women are solely or jointly responsible for farming and ranching operation. Many run the financial side of the business, but just as many are likely to be in the fields at planting or harvesting time. Many farm women supplement the family's income with a career off the farm.

But women in agriculture do not just live on farms. They are veterinarians, crop specialists, extension economists, marketing specialists, agribusiness representatives, and more.

What all these women in their diverse fields share is a commitment to furthering the well-being of the agriculture community. In honor of their dedication and their contributions to agriculture, and with the hope of perhaps helping to correct the mistaken impression many Americans hold about the role of women in agriculture, I am today joining my colleague from Wisconsin, Senator KASTEN, in introducing a joint resolution requesting the President to designate the week of November 11, 1984, as "Women in Agriculture Week."

ADDITIONAL COSPONSORS

S. 875

At the request of Mr. MATHIAS, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 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 semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1405

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 to develop, 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.

At the request of Mr. SPECTER, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1651, supra.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 1857

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1857, a bill to amend the International Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

S. 2014

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2116

At the request of Mr. MATSUNAGA, 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 Wartime Relocation and Internment of Civilians.

S. 2152

At the request of Mr. DENTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2152, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure adequate controls on social investing by pension plans.

S. 2256

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.

At the request of Mr. CRANSTON, the name of the Senator from Oklahoma (Mr. NICKLES) was withdrawn as a cosponsor 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 cosponsor of S. 2299, a bill entitled the "Antifraudulent 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 cosponsor 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. 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 loans 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 authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

S. 2515

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2515, a bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen.

SENATE JOINT RESOLUTION 165

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 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 227

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 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 230

At the request of Mr. SPECTER, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Florida (Mr. CHILES), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBURGER), 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 230, a joint resolution to designate the week of October 7 through October 13, 1984, as "National Bird of Prey Conservation Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Iowa (Mr. GRASSLEY), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 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.

SENATE 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."

SENATE 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."

SENATE 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."

SENATE JOINT RESOLUTION 265

At the request of Mrs. HAWKINS, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 265, a joint resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE CONCURRENT RESOLUTION 84

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 84, a concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues.

SENATE 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.

SENATE 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.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence-building measures between the United States and the U.S.S.R., including the establishment of nuclear-risk-reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 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 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. MATHIAS, 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 possible long-term health effects of exposure to ionizing radiation or to herbicides containing dioxins;

Whereas, there is scientific and medical uncertainty regarding the health effects occasioned by such exposures;

Whereas, the Congress has responded to such uncertainty by authorizing high priority medical care at all Veterans' Administration medical facilities (including approximately one million incidents of such care to date) for any veteran who may have been so exposed and is suffering from any disorder conceivably resulting from such exposure, even though there is insufficient medical evidence to associate such disability with such exposure;

Whereas, the Congress has further responded to such medical and scientific uncertainty by legislatively mandating the conduct of thorough epidemiological studies of the health effects experienced by veterans in connection with exposure to both radiation and herbicides containing dioxin, and by mandating the development of radioepidemiological tables, currently projected for completion in mid-1984, setting forth the probabilities of causation between various cancers and exposure to radiation;

Whereas, there are a total of sixty-six federally sponsored research projects currently being conducted relating to herbicides containing dioxin, at a cost to the Federal Government in excess of $130,000,000;

Whereas, the results of one such project—an epidemiological study, conducted by the United States Air Force School of Aerospace Medicine, of the health status of the "Ranch Hand" veterans who carried out the actual loading and aerial spraying of herbicides containing dioxin in Vietnam and in the process came into direct skin contact with such herbicides in their most concentrated liquid form—were recently released, on February 24, 1984, with the conclusion that there is insufficient evidence that this group of veterans is suffering adverse health effects related to their herbicide exposure;

Whereas, the medical and scientific communities have reached a consensus that—

(1) there is an increased risk of many types of leukemia associated with certain levels of radiation exposure; and

(2) there is a connection between 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 incomplete measure of radiation exposure, since such badges were not capable of recording inhaled, ingested, or neutron dose, were not issued to all participants, 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; and

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) arising subsequent to military service, and 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 promptly—

(A) establish guidelines for the approval of the findings of epidemiological and clinical studies relating to the possible relationship between the latent manifestation of adverse health effects and exposure to radiation or herbicides containing dioxin, when such studies contain findings that are statistically significant or otherwise valid, are capable of replication, and withstand peer review, as determined in consultation with an advisory committee, to be established by the Administrator, consisting of individuals who are recognized authorities in epidemiology and other pertinent scientific disciplines;

(B) prescribe regulations, through a public review and comment process in accordance with the provisions of section 553 of title 5, United States Code—

(i) establishing clear guidelines, and, where appropriate, standards and criteria (to include provisions for the use of study findings approved pursuant to the guidelines established under subparagraph (A)), for the resolution of each claim for Veterans' Administration disability compensation based on a veteran's exposure either (I) 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 (II) to a herbicide containing dioxin during service in the Republic of Vietnam during the Vietnam era; and

(ii) ensuring that if, after consideration of all the evidence of record with respect to such a claim, there is an approximate 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;

(C) add chloracne and, subject to the continued existence of medical consensus, porphyria cutanea tarda, pursuant 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 312(a)(1) of such title, 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 the radioepidemiological tables as issued by the Secretary of Health and Human Services;

(3) 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;

(4) The Director of the Defense Nuclear Agency should, as Department of Defense executive agent for the Nuclear Test Personnel Review Program, prescribe guidelines through a public review and comment process (to include publication in the Federal Register)—

(A) specifying the minimum standards governing the preparation of radiation dose estimates in connection with claims for Veterans' Administration disability compensation;

(B) 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 veteran include comprehensive information regarding all material aspects of the radiation environment to which the veteran was exposed and which form the basis of the veteran's claim, including inhaled, ingested, and neutron dose;

(5) in connection with the duties of the Director of the Defense Nuclear Agency relating to the preparation of radiation dose estimates with regard to claims for Veterans' Administration disability compensation, the Director should—

(A) conduct a review of the current state of the art with respect to scientific and technical devices and techniques such as "whole body counters" which may be useful in determining previous radiation exposure;

(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) assisting the Administrator in identifying agencies or other entities capable of furnishing services involving such devices and techniques, and (ii) facilitating arrangements for the use of such devices and techniques; and

(6) the Administrator of Veterans' Affairs, in resolving material defferences between a competent radiation dose estimate submitted by a veteran and a radiation dose estimate prepared and transmitted by the Director of the Defense Nuclear Agency, should furnish such competent estimate to the Director together with a request that the Director provide for the preparation of a radiation dose estimate by an independent expert not affiliated with the Defense Nuclear Agency and, further, should provide for the consideration of such independent estimate in connection with the adjudication of the veteran's claim for Veterans' Administration disability compensation.

SEC. 2. (a) This resolution may be cited as the "Veterans' Dioxin and Radiation Exposure Initiative of 1984".

(b) The Secretary of the Senate shall transmit a copy of this resolution to the President, the Administrator of Veterans' Affairs, and the Secretary of Defense.

Mr. SIMPSON. Mr. President, I am very pleased to submit today, for myself and Senators MATHIAS, THURMOND, BAKER, TOWER, and DOLE, the proposed Veterans' Dioxin and Radiation Exposure Initiative of 1984, relating to the exposure of veterans to herbicides such as agent orange and to radiation in connection with atmospheric nuclear tests or the occupation of Hiroshima or Nagasaki.

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. This level of cooperation, premised simply upon Senate passage, has rendered reliance on a bill format unnecessary, and has permitted use of a Senate resolution format which—by not being subject to House consideration or a lengthy conference process or formal Presidential approval—will guarantee significantly expedited, if not immediate, implementation. Thus, this is considerably more than the ordinary "sense of the Senate" resolution: It will have the effect of a legislative mandate.

The resolution would provide for a number of major substantive and procedural improvements in the handling of veterans' claims for disability compensation based upon exposure either to herbicides or to radiation from an atomic weapon. It would provide for the immediate establishment of a presumption of service connection for two diseases presently known to be related to agent orange—chloracne and a liver disease known as porphyria cutanea tarda—PCT. It would direct the VA to promptly develop and publish a plan for the adjudication of all radiation-related claims for leukemia and all other cancers in accordance with the radioepidemiological tables mandated by Congress in last year's Orphan Drug Act and due to be completed sometime this summer. It would direct the VA to 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 not been open to 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. 1651) proposed by my good 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 addition, the initiative would provide for a number of improvements affecting the accuracy of the radiation dose estimates which are prepared by the Defense Nuclear Agency and which the VA relies upon in adjudicating claims based upon radiation exposure. It would direct DNA to develop and implement for the first time clear minimum standards for the preparation of dose estimates, uniformly applicable to all branches of the Armed Forces. It would direct DNA to include in all 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 which can remain in certain parts 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.

Finally, 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 provision 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 reflect 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, consult 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 simply 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 a provision 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)(i) 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 polycythemia vera and hypothyroidism or a thyroid nodule in connecton 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—consistent with sound 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 it is not likely to be improved upon—through a quick fix and decidedly 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 requirements of the 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 quality 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 responsing 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:

VETERANS' ADMINISTRATION,
Washington, DC, April 12, 1984.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I support your proposed resolution addressing veterans' concerns about exposure 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 far preferable to S. 1651. You are to be commended for fashioning a well-reasoned alterantive, and, if passed by the Senate, 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.

Lt. Gen. RICHARD K. SAXER,
Director, Defense Nuclear Agency, Hybla Valley Federal Building, Alexandria, VA.

DEAR GENERAL SAXER: I am writing with regard to the radiation dose reports prepared by DNA and used by the VA in processing radiation-related claims for VA benefits (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. In this regard, I am aware of the limitations of the badge data gathered during the various tests, and of DNA's and VA's principal reliance on 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 the VA reflects the complete radiation environment to which a veteran may have been exposed in connection with that veteran's participation in the nuclear testing 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, spanning both initial and residual radiation, and external and internal dose.

In considering the various aspects of the complete radiological environment, and in incorporating them into the dose reconstruction process, there is one important constant which must be borne in mind: the central core of the necessary data—the size 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 related agencies to make the fullest possible use of those data, and to avoid any need for the claimant to produce through secondary sources information which is readily available or may feasibly be extrapolated from the Government data base.

All this leads to my central recommendation to DNA: that a dose estimate encompassing the complete radiological environment, and based on the most reliable and up-to-date methodology and assumptions, 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 initial and internal dose would be performed only where such dose is "identified as a meaningful contribution to the total dose" (32 C.F.R. § 218.2(l)). It is also my understanding that as a matter of practice, such calculations are performed quite infrequently. My recommendation would recognize that, in keeping with the long-standing adjudicatory policy of giving VA claimants the benefit of the doubt on factual issues, it would be appropriate to implement a presumption that initial dose, internal dose, and the various aspects of residual radiation dose have all made a "meaningful contribution to the total 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 nevertheless 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 variables such as location, protection, particpation 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 which would be established under the pending U.S.-Marshall Islands agreement) will be able to determine most individuals' approximate aggregate dose from all sources without the need for further scientific inquiry or processing of data. I recognize that this exposure information itself may not be applicable to American nuclear test personnel, inasmuch 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 this country's own veteran population. The first is the format of the Marshall Islands survey: it consists of a series of tables for residents of 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 that individual's own island, visited other islands, ate some imported food, or gathered coconuts on another island). And 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 implementation, 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 two-stage process should be utilized, first developing all the necessary computer models, and only later programming in individual variables on an ad hoc basis; 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 vital to the proper resolution of these claims.

As you are aware, the Defense Nuclear Agency (DNA) has conducted the Nuclear Test Personnel Review (NTPR) Program since 1978. During this time, we have performed scientific and historical research concerning the atmospheric nuclear testing program and developed analytical techniques to assess the potential radiation exposures of the participants. Each military service has its own NTPR team which researches and responds to VA and veterans' inquiries. DNA assists in this effort by pro-

viding radiation dose reconstructions when necessary.

As stated in our published dose reconstruction methodology, all potential exposure pathways should be considered in each case. If the available dosimetry does not include all of the time during which the veteran may have been exposed, or it there were any potential for neutron or meaningful internal exposure, an individual dose reconstruction should be performed. The determination is made by the service concerned with assistance provided by DNA.

Based upon the 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 Veterans Administration have addressed only external gamma exposures. Therefore, many veterans believe that the information provided to the VA is incomplete and that internal and neutron exposures are not adequately considered. Clearly, to maintain our credibility with the veterans, our procedures must be improved to assure that our responses reflect the fact that we do consider all potential exposure pathways.

We have developed guidelines requiring all Nuclear Test Personnel Review (NTPR) service teams to address these basic issues in responding to Veterans Administration (VA) claims. These guidelines, which will be published in the Federal Register for public information and comment prior to implementation, will require discussion of alternative exposure pathways. A synopsis of these guidelines is enclosed. I must emphasize that the guidelines will establish minimum essential requirements. Any additional information which may be available to the service will also be provided. Any information provided by the veteran will be considered in performing the dose reconstruction unless that information is demonstratively erroneous. A copy of all responses to the VA, along with the incoming VA requests, will be sent to the claimant so that the veteran is aware of what has been furnished and can challenge any portion which he or she believes to be in error.

Your letter suggests that the Defense Nuclear Agency (DNA) provide an internal dose reconstruction for all veterans who are seeking VA compensation on the theory that internal exposure may have made a "meaningful contribution" in those cases. As you may imagine, dose reconstructions are both time consuming and expensive. In the past, reconstructions have averaged $5,000 each. Moreover, internal doses do not "contribute meaningfully" to total dose in the vast majority of cases. Therefore, I propose reconstructing internal exposures for VA cases as follows:

First, DNA will perform individual reconstructions for any claimant whose internal exposure could have exceeded 0.15 rem to the bone in one year. This threshold was selected because it is one percent of the radiation protection guideline for internal doses. (National Council on Radiation Protection (NCRP) Publication 22 recommends a radiation protection guideline for occupational exposure of 15 rem internal dose per year to an individual organ.) While 0.15 rem to the bone is clearly not a meaningful internal dose, it does provide for individual reconstructions for any veteran whose dose could have exceeded one percent of the guideline. In any case in which there is a claim for disability based upon a thyroid problem or any potential exists for neutron exposure, an individual dose reconstruction will be performed.

Second to assist the services in determining whether an individual internal dose reconstruction is required, we plan to prepare a scientific report which specifically identifies those categories of cases in which there was no neutron exposure or internal dose exceeding 0.15 rem to the bone and provides a comprehensive explanation of why the 0.15 rem could not have been exceeded. The cost of this effort is approximately $150,000 and a draft of the report will be completed by the end of 1984. After appropriate scientific peer review, the report will be made available to the Veterans Administration (VA) and to the roughly 700 libraries which receive our historical documentation. Responses to inquiries form the VA and veterans concerning those cases which are identified in the report will include neutron and internal doses in accordance with the report in lieu of an individual internal dose reconstruction.

We have carefully considered your suggestion that the Defense Nuclear Agency (DNA) prepare scientific and lay reference volumes from which individuals and adjudicatory bodies could perform their own dose calculation with respect to each pathway. In a large number of the cases, there was no potential for exposure to neutron radiation or a meaningful internal dose. These cases will be thoroughly reviewed in the scientific study referred to above. In the limited number of cases in which there was increased potential for neutron or internal exposure, the dose is highly dependent upon individual activities. The veterans who participated in the atmospheric nuclear testing program performed a wide variety of duties in differing radiation environments. Some were present a few hours or days while others were present for an extended period of time and participated in many tests. This is in marked contrast to the situation regarding the people of the Marshall Islands alluded to in your letter, since those populations generally spend a lifetime on their residential atolls and their variations in lifestyles and diet have been well documented and readily described. We have, therefore, determined that the universe of veterans activities is too large to encompass within even the most comprehensive set of reference materials and that we can best serve the veteran by continuing to perform individual dose reconstructions in appropriate cases. We will, of course, continue to furnish the VA and the veteran with full explanations of the assumptions and methodologies employed.

The establishment of uniform guidelines, assignment of a quantified value to the term "meaningful internal dose," and preparation of a scientific study documenting the conclusion that the internal exposure commitment could not have exceeded 0.15 rem to the bone in various categories of cases are all substantial improvements to the program. Accordingly, we will review the 2,000 or so doses provided for Veterans Administration (VA) claims that have been processed to date. If this review discloses any cases in which an individual neutron or internal dose calculation should be performed, a reconstructed dose will be prepared and provided to the VA.

We have reviewed the proposed resolution your staff furnished on April 10, 1984 and believe its provisions are sound. Accordingly, if 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 your efforts on behalf of America's 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

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 test?

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 by the claimant 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 CHAIRMAN 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." Your resolution and the accompanying commitments by the Administrator of Veterans Affairs and the Director of the Defense Nuclear Agency to carry out its provisions offer a positive step in resolving the complexities inherent with "Agent Orange" and simultaneously addressing the need to care for the nation's veterans. While there have been several meaningful legislative proposals introduced during the 98th Congress reflecting the deep concern for veterans who have experienced exposure to herbicides and ionizing radiation, your resolution establishes the most practicable procedures to address 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 media attention, and for many Americans is synonymous with the entire war in Southeast Asia. PVA, in addressing this issue and viewing 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. We have, in as dispassionate a way as possible, attempted to examine each proposal and determine to what extent the needs of veterans who were exposed to

herbicides and ionizing radiation would be addressed.

The Senate Resolution being offered by you, Mr. Chairman, if passed by the Senate, would not have the force of law. However, the commitments to adhere to its provisions made by Mr. Harry Walters, VA Administrator, and Lieutenant General Richard K. Saxer, Director of the Defense Nuclear Agency, mitigate our concerns and lead us to support the Resolution. 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 that the provision of 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 the nation transcend monetary issues, and compensation is the nation's recognition of the losses and injuries sustained 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 initiative to scientifically define the epidemiological connection, if any, between exposure and various compensable conditions. To encourage the expeditious resolution of questions about this disturbing subject, we supported the essential intent of H.R. 1961, 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 administratively establishing additional presumptive conditions. We believe that it is the responsibility of Congress (as opposed to the Administration) to decide how the VA compensation system should be adjusted or expanded to reflect the health effects of Agent Orange. AMVETS is pleased to note the passage of H.R. 1961 by the House 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 VA adjudicative determinations.

Realizing that the effects of radiation exposure may take years to manifest themselves, AMVETS has advocated a 25-year period for presumed service connection for those conditions which, according to accepted epidemiological principles, may result from nuclear 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. 1961 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 government has been very slow in providing Vietnam veterans with the evidence to which they are entitled about possible long-term effects of their service. As a result it is right that the Veterans Administration—under congressional direction—has already taken the precaution of providing full health care for all veterans exposed to Agent Orange who suffer any disability not attributable to another cause. And, of course, the government should continue its extensive research program.

It is always possible that further study of the Air Force study participants, or the larger studies of the entire Vietnam veteran population being done by the Centers for Disease Control, will provide evidence of linkages between Agent Orange exposure and certain illnesses. But it is certainly encouraging that comparisons between the so-called Ranch Hands—the pilots and crews continuously involved in the spraying operations—and carefully chosen comparison groups found that, with a few possible exceptions, the Ranch Hands do not seem to have been affected by their exposure.

The Ranch Hands did experience higher rates of non-melanomic skin cancer—the commonest form of cancer among the white population—and certain liver and circulatory disorders. They also reported more minor birth defects, neonatal deaths and physical handicaps among their offspring, although these results have not yet been verified. The Air Force plans further study to determine whether these differences can be explained by exposure to sunlight, cigarette and alcohol consumption and other known causal factors.

Most striking is that the study did not find a single case of soft-tissue sarcoma (a form of cancer), chloracne (a severe skin disorder known to be caused by exposure to heavy doses of dioxin) or porphyria cutanea tarda (a rare liver disorder) among the Ranch Hands. A bill passed by the House last month would entitle Vietnam veterans who suffer from these illnesses to the same monetary compensation they would receive if they had suffered direct injury in battle.

Congress is understandably eager to compensate veterans for service-caused injuries. When slow-developing diseases can be reliably linked to service, compensation is certainly justified. But it would be a mistake to undermine the basis for compensation systems—or for warranted extensions of those systems—by indemnifying illness 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 true cause-and-effect connection 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.

At least nine 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 and reimburse 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 trial or what the legal arguments.

The danger is that because of political pressures and sympathy for the veterans, dioxin may be wrongly blamed and the real cause of some cancers, birth defects and other disorders may go undetected and unchecked.

Take, 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 Handers 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 dusted 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 Handers 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 chloracne, 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 Hander parents' reports of more minor birth marks and rashes) among their children. Ranch Hander 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 Hander families and those of the comparisons is smoking by the mother during pregnancy. Drinking 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.

But such information isn't always welcome. A new New York City health regulation now requires all bars, restaurants and liquor stores to post a notice reading, "Warning: Drinking Alcoholic Beverages During Pregnancy Can Cause Birth Defects." Objections have come from bars, the liquor industry, some physicians who aren't convinced total abstinence is necessary—and some women's groups who say the public notice is sex discrimination.

The cause of cancer, birth defects and neurological abnormalities are, of course, multiple and complex. It's tempting to blame them on Agent Orange or EDB, on 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 those studies of 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 they point the blame at corporate irresponsibility or our own personal pleasures.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

HELMS 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. . (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 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 the applicable fiscal year under section 1105(a) of title 31, United States Code; and

(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.

(c)(1) 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 Congressional Budget Act of 1974) provided by law which does not exceed an amount equal to the total amount of budget authority provided for such payments 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 provided by titles II and XVIII of the Social Security Act.

(d) To carry 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 (10) 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 $8,900,000,000, in fiscal year 1986; and to reduce budget authority by $10,800,000,000 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 $13,500,000,000 in fiscal year 1985; to reduce budget authority by $15,100,000,000 in fiscal year 1986; and to reduce budget authority by $18,700,000,000 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 $1,900,000,000 in fiscal year 1985; 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 $1,700,000,000 in fiscal year 1985; to reduce budget authority by $1,000,000,000 in fiscal year 1986; and to reduce budget authority by $300,000,000 in fiscal year 1987.

(6) The Senate Committee on the 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 $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.

(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 $1,300,000,000 in fiscal year 1985; to reduce budget authority by $1,300,000,000 in fiscal year 1986; and to reduce budget authority by $1,300,000,000 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 $400,000,000 in fiscal year 1985; to reduce budget authority by $400,000,000 in fiscal year 1986; and to reduce budget authority by $500,000,000 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 $2,100,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $2,600,000,000 in fiscal year 1987.

(10) The Senate Committee on Indian 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 $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

DOLE AMENDMENT NO. 3029

Mr. BAKER (for Mr. DOLE) proposed an amendment to the bill (S. 1870) to amend title 18 of the United States Code to provide penalities for credit and debit card counterfeiting and related fraud; as follows:

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 while minimizing intrusions on personal privacy.

THURMOND AMENDMENT NO. 3030

Mr. BAKER (for Mr. THURMOND) proposed an amendment to the bill S. 1870, supra; as follows:

On page 1, line 4, strike out "1983" and insert "1984".

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 26, 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 reauthorization 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 9:30 a.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 years 1985 through 1989; S. 2418, to authorize the construction of the Library of Congress Mass Book Deacidification 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. At this time, the subcommittee is soliciting requests to testify that address the following kinds of questions:

Does the structure of JTPA promote the ultimate goal of improving training opportunities for the disadvantaged and chronically unemployed that will lead to productive jobs in the private sector?

Do the administrative provisions of JTPA permit adequate flexibility and stability for program operation or are they burdensome?

Does JTPA provide adequate safeguards to insure a reasonable accountability of public funds and measurable returns on our training investment?

The transition from CETA to JTPA has been a national undertaking, occurring in every State and locality involving all levels of government and bringing in new participants from the private sector. Since the enactment of JTPA the focus has been on the details of meeting deadlines and sorting out questions regarding authority. Several studies documents the transition in great detail, enumerating the number and type of service delivery areas, private industry council members, and service deliveries.

Now that the job training plans for the 2-year program period have been developed, the subcommittee would like to shift the focus of attention. Rather than questioning how the transition occurred and decisions that were made, the subcommittee would like to look at the broader, long-term goals of the act and the Federal role in promoting successful program operations.

The subcommittee is soliciting testimony that analyzes the interrelationship of components of JTPA and whether the structure contributes to program success. For example, how will the relationship between the performance standards and the cost limitations affect program participants and administrative decisions? Hearings will focus on whether the requirements 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 hold a hearing 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 the nominations 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 at 2 p.m., 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 has bent to its purposes 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 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 1794 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 rebel forces 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 foreign-policy objectives abroad which are planned and executed so that the role of the U.S. government is not apparent or acknowledged publicly." But they should not be intended to "influence U.S. political processes, public opinion, policies or media."

In public references to the so-called contras' 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. Off the record, Administration officials confirm that the CIA is training and equipping the contras. Members of Congress routinely give reporters details about the size and type of the aid.

Is there any doubt that CIA support for the contras is both "apparent" and with any reasoned interpretation of Administration admissions, "acknowledged publicly"? Isn't it clear that the effect of the CIA operations is to influence not only Managua, Havana and Moscow but also U.S. public opinion, Congress and, perhaps, the 1984 elections?

The purpose of Executive Order No. 12333 has thus been abandoned.

Second, Congress has been clear in its intent that covert assistance should not be used to overthrow the Sandinista government. Until last December, the law explicitly prohibited use of funds by the CIA or the Department of Defense for that purpose, or for "provoking a military exchange between Nicaragua and Honduras."

Last year the Senate Select Committee on Intelligence labored for months to restrict the CIA operations to interdicting the flow of arms from Nicaragua to guerrillas in El Salvador. The Administration asserted that it would not try to overthrow the Sandinista government, with which it still maintains diplomatic relations. With that understanding, Congress scrapped the legal restrictions on the purposes for which the covert aid could be used. To meet its oversight role, Congress then imposed a limit—$24 million—on 1984 expenditures for "military or paramilitary operations in Nicaragua."

Congress was misled; at a minimum it should restore explicit prohibitions on use of aid to overthrow the Nicaraguan government.

The contras' recent attacks on major oil and industrial facilities and their mining of Nicaraguan ports arouses deep suspicions about the actual use of CIA assistance. On Monday an anonymous "well-placed U.S. official" was quoted in this newspaper as predicting that an entire Nicaraguan army unit—3,000 men—would soon join the contra forces. To employ a favorite Reagan buzzword, how does the United States "verify" what the contras are doing? Are they using CIA training and supplies—and risking their lives—exclusively to stop the arms flow to El Salvador, rather than to further their expressed objective of toppling the Sandinista government?

Perhaps it doesn't matter. Regardless of the contras' true intentions and performance, Washington can continue to insist that whatever they do they are thwarting Nicaragua's ability to aid the Salvadoran insurgents.

Even if that somehow could be proved, U.S. participation in Nicaragua's guerrilla war and the U.S.-Honduran army maneuvers have undoubtedly heightened the possibility of a military exchange between Nicaragua and Honduras, where the anti-Sandinista rebels find sanctuary (and, presumably, their CIA advisers).

Third, the 1794 Neutrality Act makes it a criminal offense to furnish money or prepare for a military enterprise against a country at peace with the United States. Last November a federal district judge in San Francisco found enough merit in a lawsuit alleging violation of the Neutrality Act to order the attorney general to conduct a preliminary investigation into U.S. support for the anti-Sandinista rebels. The Justice Department has not commenced that investigation because the judge's ruling is still on appeal.

Finally, CIA support for the contras challenges international law. The charters of the United Nations and the Organization of American States, the Rio Treaty and various U.N. resolutions and declarations make a strong case for prohibiting U.S. military support to guerrila groups seeking to overthrow the legitimate recognized government of a sovereign state.

Of course, Nicaragua also violates international law when it lends military assistance to guerrillas in El Salvador. But the CIA's "covert" operations are doubly unjustifiable, both in terms of international law and

in the spirit of executive and legislative oversight of covert activities.

On both sides of the debate over aid to the contras, senators and members of the House typically argue 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 this year enough members of our legislature will agree that it is in the highest national interest to observe the rule of law.●

VISIT OF ARGENTINE FOREIGN MINISTER DANTE CAPUTO

● 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 postwar United States-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 candid dialog. But he also offered the hope that once democracy earns the predominant position in Latin American politics, the United States concern for its security will no longer be seen as an "attempt to exercise hegemony" because democracy will be more than "empty rhetoric."

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 half a century of political frustration and tragedy which has had, and still has, serious economic and social consequences. In that election Raul Alfonsin obtained more than half the votes and received a clear mandate to rebuild the economy and to restore democracy, protect freedom, guarantee pluralism, human rights, and the due process of law.

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 Argentina had 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 it promised a future of peace, prosperity, 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 my 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 in values, there have been—and still are—problems between our two countries. I am speaking about the kind of difficulties that are systematically present in the relations 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 would be 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 three tightly linked issues that laid 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 interest of any 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 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 to have something to lose, and 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 have had something to protect: the small groups of people that sought to preserve their privileges.

But, by making this choice, the United States has, on several occasions, alienated 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 preserve its security interest by developing ties with the dominant minorities in Latin America, the result has been conflict and controversy. These ties to privileged minorities paradoxically risk the very security that is a goal of the United States policy, by linking American interests with internal situations of oppression and injustice which lead to turmoil and social unrest. Viewed in this way, security issues facilitate the introduction of the East-West conflict in many of our countries.

Today throughout Latin America, a vigorous desire to recover democracy has become a reality, and we, in Argentina, can testify to the truth of this statement. Authoritarian experiments are being rejected while revolutionary movements end in disappointment.

We are tired of the violence of terrorism and the violence of repression. We need to live together in peace and in democracy to solve our problems.

Latin American democracies are strengthened as they prove themselves capable of solving their problems. With the solution of these problems, the democratic system of government will earn a predominant position in Latin American politics, and the defense of democracy will be something more than empty rhetoric. When this comes about, the United States concern for its security in the continent will not seem—as it has frequently appeared to many Latin Americans—an attempt to exercise hegemony. Security will then have the same meaning for all of our peoples: the defense of tangible and concrete social, political, and economic interests.

Last week President Reagan said that "The American concept of peace is more than absence of war. We favor the flowering of economic growth and individual liberty in a world of peace."

This suggests that we can conceive the relations between security, democracy, and development in the same basic way, despite our different points of view.

As to these differences, there can be no doubt that the United States stresses security in its dealings with Latin America. It is also evident that Latin Americans stress economic development when dealing with the United States.

I believe, and this is one of my central points, that hemispheric relations face a far greater threat than the issues that are probably in the forefront of your minds, such as Central America or the international debt crisis. I am referring to the drifting apart of our two points of view, which could close off the possibility of a frank and essential dialogue between the United States and Latin America.

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 that will allow us to 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 analize 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 disapora, 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 emphathize 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 69th anniversary 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 of the Armenian genocide. Unfortunately, some would answer the denials with uncertainty. Maybe what happened did not. Fact becomes alleged fact. What the world may have learned is unlearned. Uncertainty leads to indifference. And indifference is the bane of moral nations. We are not willing to stand by unmoved when nations stoop to the depths. We are not willing to forget. For the sake of 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 which 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:

IN 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.

Mention the term "guerrilla fighters," and many people conjure up the image of Robin Hood. Those lads are out to topple the oligarchy and the bloodthirsty military. 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, recalcitrant people who stand in the way of progress. All death squads, for example, are right wing.

Moderates are the people in the center, away from extremes. They come in all colors.

"Reform" is a mantra: If it is said often enough, nirvana is achieved. 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 unrefined 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.

To begin with, the guerrilla organizations operating in El Salvador and Guatemala are decidedly more than left wing. They are

communist. They have said as much and demonstrated as much by their actions. They wage a war of attrition to destroy productive capital by blasting away millions of dollars in infrastructure. Bombing bridges and power supplies, they make their way into the news. Equally important, and just as illuminating about their nature, is the fact that much of their seed money, as well as most "internal sources of funds," is connected with kidnapping, murder and theft.

What is so incredible is that while waging a war of terror, they can organize campus anti-war activities from Paris to Seattle, Wash., to picket in support of their movement. When speaking through these groups, their mask is not even left wing; it is only liberal, thus eligible for support from politicians and church groups, from Strasbourg, France, to Mexico City (not to mention Washington). It isn't likely that a U.S. home-grown revolutionary group that kidnapped North American children and murdered businessmen (while blasting away the Golden Gate Bridge) would get much support on campuses and within U.S. political corridors. However, Central America is at a safe enough distance to indulge one's ideological fantasies.

It's terribly difficult to come up with a working definition of "right wing." Are these the people who live in the twilight of feudalism, or are they the people that believe in a free economy? This brings us to the thin thread that separates the terms "free economy" and "private enterprise." There is a difference, and it is rather basic. Unfortunately, the images seem to be tied together.

There are in Central America business leaders who support ideas concerning freedom in politics and the marketplace and who realize that these ideas do, in the long run, support a good business climate. There are political groups that believe that the government's power of intervention, regulation and monopoly should be curtailed if there is to be any development at all, and that rule by law—rather than rule by a few men—is fundamental. There are institutions and think tanks in Guatemala and El Salvador that conduct research and publish results to demonstrate the superiority of market solutions over government plans. At present there is no proper label for this line of thinking. Rather, it is huddled together into the right wing, where all sorts of images float (including, of course, those of the right-wing death squads).

Until the supporters of a free market can manage to form a consensus in Central America, reform remains a concept proffered only by those on the left. But leftist reform in Central America is more than a concept. We have been the guinea pigs for both revolutionary reform and so-called moderate reform. We can consider the effects of both types of reform based on recent history.

Every country and situation is unique, but the results of the guerrillas coming to power in El Salvador or Guatemala could easily be predicted. Nicaragua provides us with a case study of how revolutionary reform would develop in El Salvador or Guatemala.

The legitimacy of the ruling council in our new revolutionary junta would rest on the objective fact that it was put there by history and the armed will of the people. Thus there is no immediate need for elections, because the people have already voted with guns and there is too much work to do.

By the first anniversary of the revolution, the armed forces have been integrated into the party, followed by party police, party youth, party schools, party sunrise and party sunset. While 92% of those polled agree with everything, the literacy rate shoots up to 95%; now everybody can read the names of the commandants and the tales of their labors in comicbook format and murals. The shortage of goods and the sacrifices that have to be made are due to the fact that the worms (right-wingers) took everything with them to Miami. Any dissent is put out or put away. As the state gobbles up the economy, education and the press, the underlying business climate is governed by the idea that the revolution didn't come all this way so that people could do business and make a profit. Control over the movement of the population tightens, excused by the threat of enemies at the border.

As to moderate reform, we have the example of El Salvador, where change took hold by the graces of the armed forces and an American "proconsul." It meant instituting a "Made in U.S.A." academic exercise: paying with 20-year bonds and seizing by gunpoint decree some of the most efficiently managed farms in Central America. (Before "land reform" was introduced, the average yield per acre on Salvadoran coffee farms was almost twice that of neighboring Guatemala, Honduras or Nicaragua.) Banks and financial institutions were taken over by the government, with the same method and payment. What an intriguing idea. Support the cause of a free society by eliminating private capital markets.

There is a psychyological defeat entangled in misguided reforms. Apparent moderates and liberals have in reality pushed in quieter versions of basic policy elements of the communist political platform. In doing so, they are sending a subliminal message to the population. It would seem hard to win a war while thinking all the time that the enemy has reason on his side.●

SOLIDARITY SUNDAY FOR SOVIET JEWRY

● Mr. BURDICK. Mr. President, I am pleased to cosponsor Senate Resolution 367, legislation expressing the support of the Congress for "Solidarity Sunday for Soviet Jewry."

On May 6, in New York City, thousands of Americans will gather to demonstrate their solidarity with Jews in the Soviet Union. Americans of all faiths are committed to this human rights campaign. It is only fitting that Congress take this opportunity to express its concern about the plight of Soviet Jews, and its solidarity with those Americans who are working tirelessly to secure freedom for Soviet prisoners of conscience.

Now, more than ever, Soviet Jews are depending on their friends in the free world to speak out on their behalf. They depend on us to tell the world that the Soviets are callously ignoring their commitments under the Helsinki Final Act and the Universal Declaration of Human Rights. Only we can effectively speak out against the continued harrassment of the Jewish community, and the Soviets' insidious efforts to eliminate any vestiges of Jewish culture in the Soviet Union.

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 see. 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:

[From the Charleston (SC) News and Courier, Apr. 18, 1984]

GEN. MARK WAYNE CLARK

Sorrow is best tempered by fond memories. And so it is with our sorrow at the passing of Gen. Mark Wayne Clark, a great and good soldier, and a very old friend of Charleston.

Gen. Clark retired from the Army in 1953 when, the memory of their sacrifice and triumph in the Great War still fresh, military men were revered in this country. Considering the honors bestowed on him by his country, he could have entered civilian life as the president or chairman of a major corporation, a path followed by many great leaders from World War II. Instead of instant wealth, he chose the presidency of The Citadel.

It's doubtful that even Gen. Clark's greatest admirers of 30 years ago realized how lucky this city was in his decision. Why did the general choose Charleston as his home after leaving the Army?

Mark Clark was fond of saying that there is "more patriotism per square inch in Charleston" than any other place in the world. We happen to agree with him.

A modest and unassuming man, Gen. Clark preferred to show, rather than tell, his feelings. His tenure at The Citadel marked a period of great expansion for that institution, growth not measured in brick and mortar alone. He attracted the best faculty and student body in the country, professors and cadets who built on the great reputation The Citadel already enjoyed.

In 1981, Gen. Clark demonstrated his esteem for and commitment to the The Citadel by donating a large part of his personal fortune—$500,000—to the college's Development Foundation.

At his passing, Mark Clark was more than president-emeritus of The Citadel. He exemplified the very spirit of the college and the young men within its walls. He was more than a soldier's soldier. He was an officer that other officers were proud to follow, a great captain for his country in war.

He was an engrossing storyteller, who periodically contributed personal anecdotes which were published on this page under the heading, "An Old Soldier Remembers."

He was a man who held action above words, yet he showed great depths of humor and tenderness.

While the nation mourns a national hero, Charlestonians mourn a friend, a friend who left behind a treasure of memories to soften the grief we all feel at his passing.

[From the Columbia (SC) State, Apr. 20, 1984]

NATION HAS TO HAVE MEN LIKE MARK CLARK

After World War I—"the war to end all wars"—the U.S. military was allowed to go fallow. There were other concerns, chief among them the Great Depression.

But a dedicated group of World War I veterans remained in uniform, suffering low pay and the dislocations of frequent reassignments to train, to stay ready—just in case. Some of them were from military families and knew no other life.

When World War II broke out, the United States was fortunate to have an experienced cadre of officers in place to assume positions of leadership. Poised to take their place in military history, to cite only U.S. Army officers, were true leaders like George C. Marshall, who became the Army Chief of Staff, and such combat commanders as Douglas MacArthur, Dwight D. Eisenhower, Omar Bradley, George Patton—and Mark W. Clark.

General Clark, the last of the great field commanders of that war, died Tuesday in Charleston at 87. But what a life of service to his nation he lived.

He was a valued South Carolinian for the last 30 years. But for all the time before that, the only homes he knew were on Army posts around the country and around the world. The son of an infantry colonel, he 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 here on the offensive. They talk about 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 paved the way for it by slipping into Algeria by submarine and intriguing with French officers. 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 accepted the presidency 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, Apr. 17, 1984]

GEN. MARK W. CLARK

(By Thomas R. Waring)

A soldier in three wars, Gen. Mark Wayne Clark served 36 years in the U.S. Army and capped his military career with 11 years as president of the Military College of South Carolina, better known as The Citadel. In those 47 years of service in uniform, Gen. Clark built a formidable reputation as an American patriot and an international figure in a period of upheaval that reshaped the world.

South Carolina was honored when Gen. Clark in 1953 accepted the invitation of Gov. James F. Byrnes to become president of The Citadel on his retirement from the Army. He had been commander in chief of the Far East Command in the Korean War.

"I am determined to dedicate my remaining years of service," Gen. Clark said, "to training the cream of our young manhood to be the kind of leaders we need so desperately for the salvation of our way of life."

That terse statement summed up aims and ideals that guided Gen. Clark throughout his distinguished career. He was born May 1, 1896, to an army family stationed at Madison Barracks, N.Y., and grew up on military posts. Among his early heroes was Douglas MacArthur, whom he first met when Gen. MacArthur was calling on Gen. Clark's sister. Graduating from West Point in April of 1917, he was among those graduated early for duty in World War I. Commissioned a second lieutenant a few days before his 21st birthday, he moved up fast, to first lieutenant in May and captain in June. He went overseas immediately and was wounded in the Vosges mountains in France. Transferred to staff headquarters of the First Army, he took part in the St. Mihiel and Meuse-Argonne offensives, and later was with the Third Army in Belgium and Germany.

Back in the United States, he served in various assignments, including a year with the Civilian Conservation Corps. By May 1942 he had become chief of staff of the Army Ground Forces and two months later he was chosen to command Army Ground Forces in the European Theater of World War II. In October of 1942, he was appointed deputy commander in chief of allied forces in North Africa. Gen. Clark made the preparations for the landing in North Africa. His personal trip by plane and submarine for a secret rendezvous with leaders of the French Resistance was one of the most sensational stories of high-level daring in World War II.

After the landings, Gen. Clark took custody of Adm. Darlan, commander of French forces in North Africa, and induced him to repudiate the Vichy regime and cease resistance to British and American forces.

In January of 1943, Gen. Clark took command of the Fifth Army and prepared for invasion of Italy. The invasion began in September, and on Oct. 1 Gen. Clark captured Naples. The landings at Anzio and Nettuna followed in January of 1944. He captured Rome that June, the first liberation of an Axis capital. Gen. Clark received the surrender at the Brenner Pass of 230,000 German troops, the first large-scale surrender of a German field command.

In June of 1945 he was named commander of U.S. occupation forces in Austria. As high commissioner to Austria, he snatched that country from Soviet efforts to push it behind the Iron Curtain. Later he went to London and Moscow to negotiate a treaty for Austria.

During this period, Gen. Clark was associated with many world leaders. Tall and slender, with sharp features and military bearing, Gen. Clark was dubbed "the eagle" by Winston Churchill.

After the war, he commanded the Sixth Army at the Presidio in San Francisco, and later was chief of Army Field Forces at Fort Monroe. On April 30, 1952, he was appointed to the Far East Command at a time when

the Korean War was winding down. President Truman had removed Gen. MacArthur and replaced him with Gen. Matthew Ridgeway. Gen. Clark succeeded Gen. Ridgeway, and on July 27, 1953, signed an armistice agreement with North Korea. He requested retirement Oct. 31, 1953, at age 57, and took office March 1, 1954, as president of The Citadel.

Gen. Clark acquired a string of decorations, honorary degrees 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 Charleston, Gen. Clark gave 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 respect. His name is among the best known 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 Wenzell)

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 Gens. Dwight Eisenhower, Douglas MacArthur, George Patton and Omar Bradley, had been in critical condition since Thursday.

He entered Medical University of South Carolina Hospital on March 20 for observation of what hospital authorities said was a variety of conditions associated primarily with his heart.

Funeral services will be Thursday at noon in Summerall Chapel on The Citadel campus. In accordance with his wishes, the general will be buried with full military honors in a plot between Summerall Chapel and Mark Clark Hall, the cadet activities building that was dedicated in 1957.

The epitaph, which he wrote, on his tombstone will read: "Mark Wayne Clark, General, U.S. Army, President of the Citadel, 1954-1965, Born May 1, 1896, Died April 17, 1984."

The funeral cortege will consist of the college's corps of cadets and units of the 82nd Airborne Division. There will be a 17-gun salute.

Clark assumed the presidency of the Citadel in 1954 and held the post for 11 years. He was regarded as a demanding administrator but generally is credited with breathing new life into the Charleston military college.

He was tireless in recruiting top-notch faculty and staff, constructing new campus buildings, instituting an honor code similar to West Point's and beefing up the athletic program.

David E. McCuen of Geenville, who was chairman of the board of visitors during Clark's tenure, called him "a very remarkable man whose service to The Citadel was invaluable."

After his retirement in 1965, Clark founded and headed an advisory committee to the board of visitors, was active in The Citadel Development Foundation and was custodian of the college's fiscal affairs.

He was urged to seek political office after 1965 but declined, saying: "My mission is accomplished."

In 1981, he donated $500,000 to the college. The money was placed in trust until his death. Upon presenting the gift the general said, "I had the money sitting there and thought I might as well donate it now while I can make suggestions on how it should be used."

As a military leader, Clark probably will be remembered longest as the liberator of Rome in World War II and as signer of the Korean armistice.

He has been quoted as calling the liberation of Rome by his Fifth Army the proudest accomplishment of his life.

A photograph of Clark entering the Italian capital in his Army jeep, the gleaming dome of St. Peter's Basilica in the background, hangs in a place of honor in his comfortable home on James Island.

"We had terrible fighting there, terrible," Clark told one historian writing of the Italian campaign.

Recalling the battle for Salerno, he said, "The brillance of the citizen soldier never shone brighter. The great ability of the American officer leadership from the Reserve Training Corps, who had trained many years, often without proper equipment or schooling was truly an amazing feat."

After the conquest of Rome in June 1944, he was elevated to command the 15th Army Group in the Mediterranean. During the last months of the war he achieved a decisive victory and in April 1945 received the surrender of 230,000 German troops in Italy, the Tyrol and Salzburg.

Following the war he became commander of the U.S. occupation force in Austria.

Until his last illnesses, he regularly attended reunions with old comrades in arms from North Africa, Italy and Korea, while maintaining a heavy correspondence with many of the men who served under him.

In an interview with The State three years ago, he expressed surprise that "I still get a letter once a week from one of my men who was in the Italian campaign."

Historians writing about him have portrayed Clark as a tenacious leader with a quick, thorough mind and the ability to rally his troops in the most difficult of circumstances.

The story is told how he once ordered an entire encampment searched for a pair of hard-to-find, small-sized shoes he had promised to a soldier who had lost his shoes fighting. The soldier got the shoes.

Born at a military post in New York state, he graduated from West Point in 1917, following in his father's footsteps. "The only thing I ever wanted to be was a soldier," he told an interviewer in 1978.

Clark served overseas in World War I and was promoted to first lieutenant and captain in the same year. He was wounded by shrapnel while fighting in France and was in Coblenz, Germany, when the war ended. He was promoted to major in 1933, to lieutenant colonel in 1940, to brigadier general in 1942, and to general in 1945.

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 he first met Winston Churchill, whom he called "the greatest man I have ever known."

For several months Clark had dinner with the British prime minister and Eisenhower almost every Wednesday as the three planned the invasion of North Africa.

Clark was Eisenhower's deputy during "Operation Torch" and was involved in secret negotiations with French leaders, trying to persuade them to join the allies.

He and a small staff of officers traveled by submarine to the coast of Algiers where they took off silently in rubber boats to keep a rendezvous with French officers. When the police, tipped by Arabs, entered the house where they were meeting, Clark and his party were forced to hide in the basement.

On the return trip to the submarine, the boats capsized in rough seas. Clark managed to save himself but lost his pants and 750,000 francs in gold, the equivalent of about $93,000 in American currency.

His daring mission earned him a promotion to three-star general at age 46, the youngest to hold the rank until that time.

When the landings by American forces took place he became deputy commander of the allied forces in the North African Theater.

From bases established in Africa, Clark's Fifth Army captured Naples and then landed at Anzio and Nettono, beginning the campaign up the boot of Italy.

Clark and his family were guests of Churchill at Chequers after the war, and one of his prize possessions was a wartime letter from the prime minister marked "personal and confidential."

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 hostilities.

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.

He was criticized by British Field Marshal Earl Alexander, allied commander in chief in the Mediterranean, for his decision to go straight for Rome—a move that gave the Germans a chance to escape to the north and regroup.

His outspoken patriotism in the 1960s and 1970s was considered unfashionable by some, as was his tough stance against the Soviet Union. He once referred to the communist leaders as "liars, murderers and cheaters who will stoop to anything to gain world domination."

He was outspoken against drug and alcohol problems in today's military, opposed a

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.

"I believe the word 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. Maurine Doran Clark, his first wife, died in 1966, and their daughter, Patricia Ann, died in 1962.

HIGHLIGHTS IN LIFE OF MILITARY MAN

1896: Born at Madison Barracks, New York, May 1.

1917: Graduated from the U.S. Military Academy at West Point and commissioned a second lieutenant in the infantry.

1936: Served as deputy 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 activities of ground, sea and air forces in planning the surprise landing on the Italian west coast; given command of the 15th Army group.

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 that his name be withdrawn after controversy over the move surfaced.

1952: Appointed commander in chief, Far East Command; served simultaneously as commander in chief, United Nations Command, commanding general, U.S. Army Forces, Far East.

1953: 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 chairman 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]

DETAILS OF FINAL RITES FOR GENERAL CLARK OUTLINED

(By Edward D. Murphy)

A eulogy penned by the Rev. Billy Graham will be read before hundreds expected to gather near the tree-lined gravesite 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.

The public may pay respects to Clark tonight from 6 p.m. to 9 p.m. at Stuhr's downtown chapel on Calhoun Street. A private memorial service will be held for Citadel cadets on the campus tonight.

Praise for the liberator of Rome poured in from national leaders Tuesday, including Reagan, who said, "Gen. Clark proudly wore the uniform of an American soldier—with courage, dignity, integrity and, above all, honor.

"Gen. Clark's memory will live forever in the hearts of his countrymen," Reagan said "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. Nancy and I extend to Gen. Clark's 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 deeply saddened by his passing. However, his accomplishments—both in the Army and at The Citadel, where he served with distinction as its president—will certainly live on."

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, he said.

"The nation suffered a great loss," Derrick said. Clark "will go down in history as one of the great warriors of our time, together with Gens. (Dwight D.) Eisenhower, (Omar N.) Bradley, (George S.) Patton and others, as World War II heroes."

"General Clark will long be remembered as a great patriot and a great leader both on the battlefield and as president of The Citadel," Gov. Richard W. Riley added. "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 general and 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, contacted in Sumter, said Clark "was the kind of fellow who really wouldn't have wanted too many flowery things said about his passing." But, he said, "It's a sad occasion for the country and the world to lose a man like that."

Retired Gen. William C. Westmoreland, who had served under Clark in the Korean War, remembered Clark as a man who treated him as a son.

Clark did a magnificient 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.

Clark chose four classmates from his days at West Point—Gen. J. Walton Collins, Maj. Gen. Charles H. Gerhardt, Maj. Gen. William C. McMahon and Gen Matthew B. Ridgeway—to act as honorary pallbearers, along with current Citadel President Maj. Gen. James A. Grimsley Jr. and Maj. Gen. Charles E. Saltzman, a friend and member of The Citadel"s Board of Visitors Advisory Committee, spokesmen said.

Four units of 66 cadets will be assembled on the school's parade ground, and the funeral cortege, headed by the honorary pallbearers, will move down the Avenue of Rememberance to Summerall Chapel, where a brief funeral service is scheduled to begin at noon.

The funeral service will be conducted by Col. Sidney R. Crumpton, who was chaplain of The Citadel from 1962 to 1974 and 1976 to 1977. He will be assisted by Chaplain Gordon E. Garthe, chaplain to the Corps of Cadets.

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

casket is moved, and "Ruffles and Flourishes" will be played by The Citadel Band.

The eulogy written by Graham will be read by Crumpton at the gravesite. Graham is in Europe on an evangelical crusade.

During the burial, three volleys will be fired and a cadet bugler will play "Taps." After the casket is lowered into the grave, a flag draping the coffin will be folded and presented to a member of the family.

Pentagon officials said Tuesday the official delegation to the funeral is expected to include Army Vice Chief of Staff Gen. Maxwell R. Thurman and several World War II dignitaries.

Citadel spokesmen said they expected to know today which other dignitaries would be attending the funeral.

[From the (Charleston, SC) Evening Post, Apr. 19, 1984]

GEN. MARK CLARK LAID TO REST ON CAMPUS OF SCHOOL HE LOVED

(By Edward D. Murphy)

Retired Army Gen. Mark Wayne Clark was buried today beside the building that bears his name on the campus of The Citadel, where he served as president for more than 11 years.

Clark, who died early Tuesday at the age of 87, selected the tree-lined gravesite between Summerall Chapel and Mark Clark Hall. Present-day cadets, past graduates, military leaders, politicians and foreign representatives were on hand to see his casket lowered into the grave.

The funeral procession came through Lesesne 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 not as a war hero, but as a soldier and the president of the college he loved. So the headstone 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 in that post until his retirement in 1965, and was then named the school's only president emeritus.

Honorary pallbearers included one of Clark's classmates from his days at West Point—Gen. William C. McMahon.

Other honorary pallbearers were Citadel President Maj. Gen. James A. Grimsley Jr.; Maj. Gen. Charles E. Saltzman; Gen. Bernard Rogers, the supreme allied commander in Europe; Gen. Calvin G. Ryan; Gen. Lyman Lemni zer; Gen. William C. Westmoreland; Army Vice Chief of Staff Gen. Max Thurman; Adm. Jerauld Wright and Gen. C.V.R. Schuyler.

Leading the official delegation to the funeral was Secretary of the Army John Marsh, representing President Reagan.

Others expected to attend the funeral were retired Army Gen. Maxwell Taylor.

Both of South Carolina's U.S. Senators—Republican Strom Thurmond and Democrat Ernest F. Hollings—were there, along with Gov. Richard W. Riley, U.S. Rep. Thomas F. Harttnett, R-S.C., and Mayors Joseph P. Riley Jr. of Charleston and John E. Bourne, Jr., of North Charleston.

The funeral began 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 evangelist 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 and the burial.

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 titles, and one man noted that he was in Florence, Italy, when the Clark's forces liberated the city during World War II.

There were wreaths from the Citadel, the Association of Citadel Men and The Citadel Class of 1958, which was the first class to spend a complete four years under Clark's presidency at the institution.

Other wreaths came from various military units and organizations, and one from the Indiana National Guard, where Clark was an instructor from 1929 to 1933.

Wreaths were also sent from Austria, where Clark commanded postwar occupation forces. One wreath was from the city of Linz and had a banner attached that read, "We Didn't Forget."

[From the (Charleston, SC) Evening Post, Apr. 19, 1984]

THE HOMILY

The following is the homily written by the Rev. Billy Graham for use at Gen. Mark W. Clark's funeral today:

We are gathered here today to pay our respects to Gen. Mark Wayne Clark.

Gen. Clark was much more than 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 was overwhelmed, and 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 giving me an honorary degree at The Citadel, and he invited me to speak here on a number of occasions. I had talks with him a number of times and from his lips I heard some of the most thrilling stories about World War II, the Korean War, politics and religion as we sat for hours at a time either alone, or with friends.

There are many lessons we can learn from his life. But today I would like to briefly mention four.

First, Mark Clark was a man who was concerned with quality not quantity. He believed that a well-trained, well-disciplined, courageous fighting unit could overcome an enemy that was numerically superior. And he proved it during the long and bitter Italian campaign of World War II.

His writings and speeches show that he returned from Europe convinced that every man in the Army should be trained first as an infantryman before going on to other specialized training. When the situation demanded it, he wanted every man in the Army—cook, driver, typist, mechanic, everyone—to be trained and able to pick up a rifle and take his place on the fighting line.

As Chief of Army Field Forces from 1949-52, he put his ideas into practice and today's training still reflects his influence.

In his emphasis on quality rather than quantity, he mirrors the experience of one of the great military commanders in the Bible—a man named Gideon.

Second, Mark Clark demonstrated his belief in commitment, not convenience. His four decades of military service were punctuated by long and painful separations from his family. He was unable to attend his daughter's wedding and almost missed his son's because of his commitment to this country and to duty.

Service of any kind—military, political, or spiritual—has never been a matter of convenience and it never will. Somehow, in our modern age, we have allowed ourselves to become captives to set periods of time. We want to know just exactly how long everything is going to last, and when the time is up, we're ready to pack up and go home.

But the people who have left their mark on history have been those who committed themselves to a task with no thought of quitting until it was finished. I believe we need to recapture that spirit in America today.

Gen. Clark once closed a speech commemorating the anniversary of the Chaplains Corps by quoting these lines:

There are people who carry life's burdens,
Their own and others beside:
There are people who stand in their places,
And who stand there whatever betide.
There are two kinds of people—you know
them.
As you journey along life's track,
The people who take your strength from
you,
And the others who put it all back.

As he observed the world picture at the end of the Korean War, Mark Clark considered the global struggle and wrote something we should recall today:

"Perhaps, both sides, with the frightening instruments of total destruction in their hands, may decide that these terrible weapons must never be used. I pray fervently that this be true, not only because of the lives that would be saved, but also because I know America can reap a richer harvest from peace than can her enemies." ("Calculated Risk," p. 330)

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 are certain things 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 as many of the trainees' hardships and dangers 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.

And finally, Mark Clark was a man who believed in Christ. His belief was more than just an intellectual assent or lip service to Christian ideals, but a personal faith in Christ as his own Lord and Savior.

In 1953, he concluded an Easter message to all those serving in Korea by saying:

"Easter, commemorating the resurrection of Jesus Christ, is a time of renewed conviction in the triumph of life over death, of good over evil, of the spiritual over the material. That conviction will carry us through whatever lies ahead."

As we honor Gen. Mark Clark today, his life and his memory challenge us to live lives of quality, of commitment, and of character.

Today we do not say goodbye to Mark Clark. We say, as the French would say, "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 peace a bad name.

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 great struggle over values, resembled 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. If the professional diplomats 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 withdraw from Afghanistan or cause them to alter their stated course of world domination. I do not believe that a dictatorship capable of scattering boobytrapped toys around Afghan villages is likely to quake at the prospect of a pedantic scolding from the Peace Academy. You would do better to hit them with pillows.

The superpower that has built up imperial garrisons in Cuba and Nicaragua, subsidized and fostered international terrorism and murdered innocent airline passengers, is hardly going to recognize the efficacy of constructive dialog and "workshops" on hostility. It would be an obscenity to equate the genocide of the Cambodian people with a breakdown in communications.

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 "misunderstandings." Another premise is that peace can be taught as a discrete subject, like dentistry.

Mr. President, a Peace Academy would be as effective and as relevant to preventing war 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 Contemporary Studies be printed in the 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."

As 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 not even work. Specifically, its 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 clearinghouse 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 disposed to do what they can to advance the cause of peace, and in any case, peace makes good politics. Why not go ahead with the experiment? Who indeed 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 morally disgraceful, in this view, that there has never been any concomitant national effort to foster peace. We need, then, "an official arm of our U.S. Government committed first of all to peace."

While this symbolic importance is stressed, it is also, and more fundamentally, argued that a U.S. Academy for Peace (USAP) would greatly enhance the development of a new discipline of potentially critical human importance, "peace learning." As Senator Jennings Randolph (D-W.Va.) explained: Conflict resolution, or management skills, is an emerging social science. It has so much to gain from so many fields, and there is a desperate need to pull together, collect

and correlate the work already being done in those fields. Somehow we must work to find ways to incorporate all this immense, diverse growing fund of human knowledge into a workable new science of peace learning and then we must transmit it to others.

Legislation for the academy resulted directly from recommendations of a blue-ribbon governmental study commission, the "U.S. Commission on Proposals for the National Academy of Peace and Conflict Resolution." The commission report stressed that the USAP would have great practical utility for the U.S. government because it would "amplify the field of peace learning and extend peacemaking expertise. . . ." The report cites approvingly the testimony of one witness that "peace studies and conflict research are pointless . . . if they are without practical application in the real world."

Exactly how, then, is the Peace Academy going to further peace? Here one might justly become a little vague—after all, the academy is presumably set up partly to answer this very question. However, many proponents have been quite clear about their vision of the general outline, if not all the details, and at this point it is worthwhile to delve into some of their deeper analyses. One authoritative source is a statement of support by a prestigious organization called the Center for Information in America, whose editorial advisory board comprises, among others, such notable public figures as Professor Henry S. Commager; Richard Cortright of the National Education Association; Sister Sarah Fasenmyer, 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, society sometimes must be shown (usually by a few courageous visionaries) what it ultimately wants but is unable or unwilling to achieve.

It is clear enough that in this view our current leadership, and indeed the American "establishment" generally, fails to articulate society's true inner desires. It is only upon being taken over by these nonestablishment 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 ethnocentric and inculcated with a zero-sum mentality in which "every situation must produce a winner and a loser; the idea that situations can be manipulated so 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 institutions of our national Government: Government of, by, and for the people has become government from, without, and against the people. Disinterest has bred abuse; trust, cynicism; and ignorance, manipulation. Where once there was (or so we like to think) confidence, pride, and allegiance, now there is timidity, selfloathing, and egoism.

These are serious charges—so serious, indeed, as to cast into doubt the apparent moderation of the proposed remedy. We are told that as U.S. citizens we must counterbalance our government's "negative approach to peace" by taking "positive measures . . . we must look to the creation of new institutions that hold that attainment of peace to be their raison d'être." The solution is before us. "Unknown to most Americans, 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 American life 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."

PEACE STUDIES

Thus whether or not the idea for a national peace academy is benign turns to a large extent on the nature, goals, and methods of "peace studies" learning and political action. Indeed, it is fair to view the proposed academy as only the most recent and conspicuous manifestation of what is unquestionably a burgeoning national movement for peace studies.

Peace studies programs, which are also taught under the rubric of world order studies, are proliferating at both the undergraduate and graduate levels all over the country. Prior to 1967, Vermont's Manchester College had the nation's only peace studies program. Then campus turmoil over the American involvement in Vietnam gave the world order approach its first substantial inroads into academia, and by 1971 some fifty colleges and universities maintained such programs. After this brief period of great popularity, interest in peace studies declined as memories of the war faded during the decade of the 1970s—although almost all the courses and programs, which by then had been institutionalized, survived intact. This apathy toward the field lingered into the early 1980s, when enthusiasm and programs picked up as the nuclear freeze movement gained popularity. The Spring 1983 edition of "World Policy Forum" published by the World Policy Institute (formerly the Institute for World Order) reported "a tremendous growth in the development of peace and social justice courses and, more narrowly defined, nuclear war education." The Forum added that it simply could not count the number of new courses and programs that were springing up.

Thus we are in the midst of what has been called a "virtual explosion" of interest in the field: according to even the most conservative estimates, full peace studies programs are now in place in at least eighty-nine colleges and universities. The movement seems at this point quite likely to become a powerful force in American education. Especially if it succeeds in gaining the federal government's seal of approval in the form of the national Peace Academy, the peace studies approach may well dominate our nation's political education in the 1980s.

IDEOLOGICAL UNDERPINNINGS

In order to judge the import of this success, it is necessary to understand that peace, or, as they are sometimes known, "world order" studies represent a radical break with the traditional or classic "power politics" approach to the study of international relations. According to the world order school, the concept of balance of power, with its nearly exclusive focus on the activities of nation-states, is incapable of explaining the myriad changes and new actors that have emerged in world politics since the end of World War II. As one recent publication on peace and world order puts it, "the balance of power framework that has guided U.S. foreign policy for more than three decades no longer provides a reliable map for thought and action in an increasingly interdependent world." Due to the advent of nuclear weapons, the growing economic interdependence of states, and threats to the planet's ecosystem resulting from overpopulation, pollution, and resource depletion, the traditional "self-help" or state-of-nature system that once drove world politics must, world order advocates say, give way to common efforts for global preservation and peace. Safety can no longer be the handmaiden of brute force because the narrow self-interested pursuit of power can only lead, in this world of megatonnage overkill, to global destruction. Consequently, a new school of international politics that takes a global perspective—that rises above mere national interest—must replace the anachronistic and indeed humanity-threatening approach that regards state interests as prior to planetary concerns. Since it espouses the view that unless revolutionary new ways are found to cope with our planetary woes, the earth faces nearly inevitable destruction, the global perspective asserts not only an analytical superiority to balance-of-power approaches but an ethical superiority as well.

Organized around the potent central themes of the failure of power politics to bring about world peace and the danger of nuclear armageddon, peace studies programs have thus expanded in scope to include the entire "new agenda" of international politics. Among the key assumptions common to much of the literature on peace learning and to many of the programs are that the "Soviet threat" is vastly overrated; that the United States is somehow the principal threat to world peace; that "power politics" is evil and dangerous, the product of an increasingly obsolete nation-state system; that no legitimate purpose could ever be furthered by using even one nuclear weapon; and that even the mere possession of nuclear weapons poses unacceptable risks.

The ultimate purposes of the world order agenda are clearly articulated in one of the seminal works of the peace studies literature, Peace and World Order Systems: Teaching and Research, by Paul Wehr and Michael Washburn. The authors argue that while the war in Vietnam failed to have any lasting beneficial influence on elite attitudes towards world politics, the vast expansion of the study of peace and future world orders in academia since that war is very encouraging because "peace researchers and teachers are increasingly determined to play a more active role in public education and policy formation." Wehr and Washburn's claims for the potential influence of these academic activists are, from this point of view, optimistic indeed. They consider the university the critical focus for effective world order thinking and eventual global transformation. In an effort to give peace studies what they term "its own theoretical rationale," Wehr and Washburn argue that

"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.

Table 1 delineates 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.

TABLE 1.—SCOPE OF WORLD ORDER INQUIRY

Level and perspective	Unit of analysis	Explanatory focus
I—Religion	Civilization	Beliefs, symbols.
Culture		Myths, values.
		Consciousness.
II—History	Nation-State	Events.
	Region	Patterns, "laws".
	World	Narrative line.
III—Politics	Polity-State	Power, authority.
	State system	Influence.
		Leadership.
IV—Economics	Society	Wealth, trade.
	Market	Ownership.
	Class	Productive process.
		Capital.
		Accumulation.
		Process.
V—Psychology	Person	"Inner man".
	Group	Motivation.
	Species	Behavioral patterns.
VI—Biology	Species	Evolutionary patterns.
VII—Anthropology	Tribe	Alternative societal forms.
	Species	
VIII—Ecology	Ecosystem	Nature.
	Biosphere	Ecological principles.
IX—Astrophysics	Stars, planets	Physical laws and relations.
	Solar systems	
	Galaxies	
	Universe	

Source: Richard A. Falk, "Contending Approaches to World Order," in Peace and World Order Studies: A Curriculum Guide (New York: Institute for World Order, 1981), 3rd ed., p. 49.

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 133 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," "Intellectual History of Nonviolence," "Women's Liberation and Ethics," "The Anti-War Novel," "Self, Society and Conflict," "Biology of Human Behavior," and "Game Theory, Stimulation and Conflict Analysis." Yet among these 133 actual courses, and indeed among the fifty or so syllabi examined in the course of research for this article, there was not one course even remotely related to Soviet politics, culture, or foreign policy—an astounding omission. While such topics no doubt are being treated in some peace studies programs, it is nonetheless significant that none of them merits reference in the major literature on curriculum development.

Peace studies has always expressly been a multidisciplinary or transdisciplinary field of research and teaching, and very few, if any, current programs are isolated within a single department; rather, they may span the disciplines from political science to history, from sociology to astrophysics. This multidisciplinary focus is considered important because it breaks out of the intellectually crippling confines of the traditional separation of learning into arbitrary fields, enabling the student to see problems as an interrelated whole and, consequently, to figure our how to solve them. The intention of such an approach, as one world order advocate puts it, is that "rather than function as the central intelligence agencies for the status quo, our educational systems must become servants of genuinely progressive social change."

This perspective accurately characterizes proponents' overall approach to the study of politics: the purpose is not so much to learn about the world as to change it. The program is, it is eminently fair to say, ideological—and most peace studies advocates openly avow their intent. One prominent spokesman, Roy Preiswerk, goes so far as to argue that the solution to the problem of today's dehumanized, irrelevant, and dangerous educational system is a new social science with an explicitly egalitarian ideological grounding. "There is no science without ideology," Preiswerk contends, and this new social science "must be committed to the reduction of social inequality." Scholarship, in short, is to be in the service of politics, or more exactly, in the service of a particular political purpose and program.

Such overt calls for an ideological discipline within the university are to be found throughout the peace studies literature. Education is considered simply as a tool to be used to enhance the possibility of political and social transformations. It is typical of such an approach to politics that the ends to be sought through political activism are generally agreed upon; it is only the means that demand study and debate. Thus Wehr and Washburn note that one major peace studies effort, the World Order Models Project, "has projected alternative global normative systems, an essential step in identifying a set of survival values that the global community can embrace." For these experts the difficulty lies "not so much, perhaps, in identifying the ends the world's populations should be striving for as in defining the means by which we can realize them." In peace studies, the "ought" is given.

The problematic aspects of proposing to transform American education to the ideology of peace studies and to institutionalize this ideology in a national university are perhaps most evident when we examine the values students are to inherit with their B.A.'s in peace. As we have seen, the adoption of a "planetary" or global perspective is intended to create a body of student and eventually professional activists bent on radical transformations of domestic and international "governance" structures; and their activities are to be encouraged by institutional means such as, most notably, formal "internship" programs. Wehr and Washburn insist that providing internship programs for active engagement in the peace and conflict process is "in many ways the most essential ingredient of peace and world order studies." Jerry Folk, writing in the journal Peace and Change, contends that a peace studies program is clearly "incomplete" without a "peace action" component. "Moreover, this component must be seen not as a mere formal requirement, or a tail on the donkey, but as an important, even indispensable part of a well-balanced peace studies program.

These internships are designed to take place in urban environments, though some will occur in an international setting. Curiously, however, it is not the international possibilities for "experiential learning" that attract Wehr and Washburn; there is no detailed account, for instance, of how one hires on for a semester or two with UNESCO or the like. What proponents of world order studies discuss and promote is active intervention in the struggles for equality occurring in America's cities. This field work must not only provide a ground for testing the theories of conflict resolution learned in the classroom against the actual practice of community service, but also must be designed to exert a genuine influence on some current urban crisis.

Some problems, however, are not amenable to solution through negotiation or conflict resolution techniques; one must turn in these cases to the "peace-building skill" known as "creative conflict." As defined by Wehr and Washburn, creative conflict is a catalytic process by which latent conflict symptomatic of unjust relationships is transformed into overt conflict. Once out in the open, it can then be regulated to create more just and harmonious relationships between antagonists. Such conflicts are sometimes called empowerment struggles.

One wants to avoid unfair exaggeration. Not all peace studies programs are set up to train and graduate a core of activists ready to invade our cities and smash the system. The various programs are diverse in their requirements, and there is good reason to believe that only a minority offer anything modeled on these creative conflict internships. However, the peace studies literature makes clear that this lack is to be considered a great defect, for without proper "hands-on" experience in creative conflict and peace action, students will be ill-equipped for real-world application of their knowledge.

Returning to the authoritative views of Wehr and Washburn, it becomes evident that central to this peace studies ideology is the conviction that the great powers are equally degenerate: "The political and moral bankruptcy of the two superpowers' policies produced Vietnam, Czechosolvakia and Watergate." And again, "In the USSR, the Military Industrial Commission is the counterpart of the state managerial administration in the United States." Or, as Preiswerk puts it more generally, the United States and the Soviet Union are equally "supermonsters." Such moral myopia naturally seeps into the way in which books are read and interpreted, and can extend to quite absurd lengths. In discussing U.S. institutional failures and corruption during Vietnam, Wehr and Washburn offers the following analogy: "Solzhenitzyn chronicles *the same institutional concentration of power* in the Soviet governmental institutions [as in the United States] in his *Gulag Archipelago.*" Thus the discipline that seeks to replace ethically neutral social science with a value-oriented approach cannot distinguish between the ethics of Communism and the ethics of liberalism. This is not surprising, given that the peace studies advocates' elevation of "peace" above all other goals necessarily blurs the distinction between the different political, moral, and ethical phi-

losophies of the United States and Soviet Union.

We have seen, moreover, that peace itself rests on the creation of universal justice defined in terms of equality. So long as individuals are denied access to power sufficient to satisfy their various needs and desires, "Empowerment struggles" will be justified, with conflict the natural and indeed proper result. Paradoxically, the quest for a lasting peace may well require the advocacy of war, or "creative conflict" in the softer words of the champions of peace studies.

Now what this would mean for a U.S. Peace Academy remains obscure, though we are given sobering hints by its proponents. With a mandate to further peace, the academy could not be arbitrarily limited in scope. For example, one of the members of the commission on proposals for the academy, William Lincoln, has testified during Senate hearings that it would be impossible to limit the activities of a Peace Academy to the realm of foreign affairs or international conflict: "In the interests of intra- and international security, justice is the goal, justice is the mission." The argument is that since much of the world's conflict—domestic as well as international—results from the unequal distribution of wealth, the denial of basic human rights, and a wretched standard of living, a Peace Academy must reflect this reality and include domestic as well as international conflict within the scope of its research and teaching. In fact, during one Senate hearing it was especially noted that even though there is no explicit reference to a domestic focus for the academy, nothing in the legislation as currently drafted would preclude such activity.

Thus the current legislation is certain to be interpreted by some to expand vastly the scope and mandate of the Peace Academy's activities—far beyond the bounds anticipated by many of its cosponsors. Given the activist nature of the peace studies movement, the likelihood that a USAP would eventually take an interest in domestic politics is far from remote. Indeed, such political activism would appear to be a natural outcome of any successful peace academy.

A PERNICIOUS IDEA

It is true that at first blush, the growth of peace studies and the creation of a U.S. Academy for Peace appear unobjectionable. Much of modern education lacks a concern with ethics and so seems impotent and irrelevant to young minds aching for a better world. Moreover, who can question the need for greater study of conflict resolution in a geopolitical situation ripe for conflagration? Finally, why take issue with such a relatively inexpensive national commitment to peace and conflict resolution as the USAP?

Yet despite this allure, peace studies and the federally funded academy reveal themselves as, in essence, an ideological assault on traditional education. Rather than expand our ability to understand the world around us, peace studies, with its fearful unwillingness to distinguish between totalitarianism and liberty, distorts reality by making all differences of principle seem unimportant and hence subject to easy compromise. This perception so warps the simple truths of politics (e.g., that there is a considerable difference between the Gulag and American involvement in Vietnam) that peace studies graduates will end up utterly incapable of comprehending world politics, let alone bringing about peace.

In setting forth the intellectual roots of the USAP we have tried to deepen the debate over this institution. Quite clearly the Peace Academy represents an "easy vote," for in the politically charged atmosphere created by the nuclear freeze movement no congressman wishes to have to explain a vote against "peace." But in resisting a political stampede for a national peace university, Congress would save the public more than money. We would all be spared the institutionalization of an ideology that threatens our ability to educate the young and distorts sober reflection on American foreign policy.●

SUPER COP—WILLIAM H. WEBSTER

● Mr. HOLLINGS. Mr. President, the April 1984 issue of the Washingtonian includes an excellent article entitled "Super Cop" by Blaine Harden. The "Super Cop" is 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 us that day that he did not want the FBI Building then under construction named after him. Shortly after his death, Congress did approve naming the building the J. Edgar Hoover Building. Unfortunately, it was impossible to document that it was against Mr. Hoover's wishes as that remark was apparently made off the record.

Over the succeeding years I have known Mr. Hoover's successors, the short-termed L. Patrick Gray III, and the even shorter termed William D. Ruckelshaus, Clarence M. Kelly, and, since 1978, Judge Webster.

Over the intervening years we have opened up our hearings and have markups in the sunshine. At the same time, Judge Webster has restored the FBI. Together we have worked to expand the Bureau into its new activities in drug law enforcement. Each day seemingly brings new results of that effort that has successfully linked the Bureau and the Drug Enforcement Administration. At the same time, we have maintained the priority for foreign counterintelligence, terrorism, white collar crime, and the other vital crime-fighting activities of the FBI.

Mr. President, I commend this article to my colleagues and ask that it be printed in the RECORD at the conclusion of my remarks. It is no secret that I am a great admirer of Judge Webster. He has restored the great respect that the Bureau has always enjoyed with the American people. The article describes several instances where the Director has withstood political pressures in maintaining the FBI integrity as the Nation's preeminent law enforcement agency.

In my opinion, if President Reagan had nominated Judge Webster to be Attorney General, he would have avoided the current difficulties. I daresay that he would have been confirmed unanimously.

The article follows:

SUPER COP

(By Blaine Harden)

For J. Edgar Hoover, the moment would have been delicious. The forum was a hearing before a friendly, almost fawning Senate subcommittee. The star witness was the director of the Federal Bureau of Investigation. The senators were asking hanging-curve-ball questions—the kind any self-respecting small-town police chief, let along America's top cop, could hit out of the ballpark.

Senator John P. East, the conservative Republican from North Carolina, threw the fastest pitch of all. He asked if the balance in law enforcement in the United States had tipped "against society and in favor of the criminal element."

Had Hoover been asked such a question, the Director would have rounded up his usual suspects for the decline of Western Civilization. They included, in Hoover's words, "theorists, pseudocriminologists, hypersentimentalists, criminal coddlers, convict lovers, and fiddle-faced reformers." Crooks were "rats," those who kept them out of jail were "yammerheads," and that, in Hoover's cosmology of criminal jurisprudence, was that.

The FBI director, however, who had to answer Senator East's question was William H. Webster. And Webster, ignoring the senator's invitation to law-and-order demagoguery, responded with a 700-word lecture on justice in America. First, he stroked East's ego by assuring the senator that this question was intelligent. Then the director (only Hoover, dead twelve years, is the Director) acknowledged "serious problems" in the criminal-justice system. He said legal technicalities should not protect those who are clearly guilty of crime. But he added that police must always understand and honor those technicalities, no matter how complicated. Webster closed by saying that he felt the rights of society and of accused lawbreakers were in a near "state of balance."

It was all so smooth, so measured, so unquotable, so utterly unlike anything J. Edgar Hoover said in his 48-year reign over the FBI. Indeed, a couple of Webster's remarks made him sound suspiciously like a "theorist" or even a "yammerhead." Webster had refused to play ball with East's lock-up-the-vermin biases. He had gently chastised the senator for paying more attention to appearance than to fact. But he was so blandly polite about it that the senator did not seem to notice.

That answer stands as a near-perfect example of what William Hedgcock Webster has done at the FBI. The former federal judge from St. Louis—who has run the FBI

for more than six years, longer than anyone except Hoover—has radically changed the mission, image, and techniques of America's only national police force. Yet "the judge," as he like to be called, has been so polite, so studiedly colorless that few Americans seem to have noticed either the magnitude of the changes or the man who effected them. The judge has presided over an anomalous era at the FBI, an era in which the Bureau has become both bigger and less publicized, more powerful and less feared, more capable of violating the civil liberties of Americans and less disposed to do so.

The FBI's Webster era, however, may soon end. The judge does not plan to complete his ten-year term as director, a non-renewable term that expires in 1988. He has told friends that he has accomplished what he set out to do when he moved to Washington in 1978 and that he will probably leave the FBI in August when he becomes eligible for a government pension.

William Webster's departure raises the possibility that the FBI again could become what it was for much of the 1960s and '70s—a highly politicized, often out-of-control secret police. In 1973, William Ruckleshaus, during his tumultous 70-day tenure as acting FBI director, warned that the Bureau has "enormous power and thus can be a force for evil as well as good. . . . The FBI does not exist aside from the people in it. More particularly, it owes much of its force, effectiveness, and tone to its director."

Civil libertarians, fearful of the past repeating itself and already exorcised by Ronald Reagan's nomination of Edwin Meese III as attorney general, are afraid that Webster's successor will be neither as non-ideological nor as independent as the judge. They fear that, unlike Webster, a new FBI director will be unwilling to stand up to his boss in the Justice Department. Meese, a law-and-order activist who is known in the White House as "Officer Ed," made no secret of his distaste for legal technicalities that interfere with criminal prosecutions or for judges who meddle in social issues.

"If and when Webster leaves and we get somebody Reagan selects, we can only expect real problems," worries Representative Don Edwards, once an FBI agent and now a liberal California Democrat who chairs the House Judiciary Subcommittee on Civil and Constitutional Rights.

The FBI director who succeeds Webster will take control of a 20,000-member police force that, said Webster in an interview, "is not like any traditional bureaucratic organization. . . . It wants to respond to leadership." Those who worry about a replay of the bad old days at the FBI would do well to understand what sort of man Webster is and how he has so quietly expanded the power of a paramilitary bureaucracy where the three most powerful words in the English language continue to be "The director wants. . . ."

As an appointee of Jimmy Carter's, Webster came to Washington to salvage an agency whose reputation had taken a precipitous fall. Under Hoover, the Bureau had insinuated itself into American mythology as the epitome of right-thinking, clean-shaven, crook-catching professionalism. That myth was soiled in the 1970s by Senate investigations and news reports exposing the FBI's seamy side. Between 1965 and 1975, according to Gallup pollsters, the percentage of Americans who gave the FBI a "highly favorable" rating fell from 84 to 37 percent.

FBI agents, in the public mind, were no longer fearless, upstanding G-men. Some appeared as black-bag thugs for whom illegal break-ins, blackmail, and bedroom buggings were all part of a crusade called COINTELPRO. That counter-intelligence crusade was supposed to protect "right-thinking" Americans from those who, in Hoover's words, were "subversive force[s] dedicated to the complete destruction of our traditional democratic values."

Webster, according to civil libertarians who had been most critical of the Bureau, quickly convinced his agents that no one would get ahead in his FBI by tromping on the civil rights of any American. In a characteristically quiet, evenhanded decision, he fired or disciplined FBI supervisors who had ordered illegal surveillance of relatives and friends of the Weather Underground fugitives. He refused to punish, and won the allegiance of, agents who had simply followed orders. Webster demanded more legal training for FBI agents and made sure they were apprised within 48 hours of changes in federal law related to their investigative authority.

"Whatever maverick FBI agents there are out there around the country, if they stray away from the legal path, they know they will not get support in Washington," says Frank J. Donner, a civil-liberties lawyer and author of The Age of Surveillance. "The perception of risk [for renegade agents] is greater under Webster than it has ever been before."

Webster also has given the FBI the independence to dare disagree with public statements by the President—something that Hoover, for all his vaunted power, almost never did. Webster's independence survived Carter's defeat and has been asserted repeatedly, if diplomatically, under Ronald Reagan. In the fall of 1982, Reagan said there was "plenty of evidence" that the Soviet Union had "inspired" and was "manipulating" the US nuclear-freeze movement. Last August, Webster flatly, but quietly, said Reagan was wrong. In a written reply to a question from Senator Orrin G. Hatch of Utah. Webster stated, "There is no evidence . . . that the Soviets or the organizations they control have a dominant role in the US peace movement."

While tidying up the FBI's image, Webster has—again, quietly—expanded his power. His FBI has won sharp increases in spending on law-enforcement hardware and personnel, as well as far-reaching increases in investigative authority.

Since Webster took over in 1978, the FBI's budget has more than doubled to just over $1 billion a year. With an 8.8 percent increase in the 1985 budget request, a request that is usually sacrosanct in Congress, the Bureau is one of the fastest-growing parts of the federal government.

The number of FBI agents is at an all-time high of 8,488 (with a record 11,580 clerical and technical employees). By the end of next year, the Bureau will have spent more than $430 million for a computer-network and communications system that will permit almost instantaneous access in 59 field offices to the FBI's huge criminal and investigative data bank.

In the wake of Abscam—Webster's most publicized and, for the most part, applauded investigation—the FBI has made an unprecedented plunge into undercover operations that rely on bribe money, underworld informants, electronic bugs, and concealed cameras. These undercover operations target individuals who, in Webster's words, "smell" suspicious. In the past six years, the annual number of these investigations has increased sixfold, from 56 to more than 315. Undercover spending on bribe money and equipment, not counting salaries, has increased ninefold.

Building on changes initiated by his predecessor, Clarence M. Kelley, Webster has backed the FBI away from its obsession with bank robbery and car theft and aimed it at investigations of white-collar and organized crime, espionage, and terrorism. When the Reagan administration pressured Webster to do more about violent crime, he moved the Bureau into drug enforcement, a move that Hoover had long resisted for fear his agents would be corrupted. In one of the smoothest bureaucratic takeovers ever seen in Washington, Webster two years ago gained control of the Drug Enforcement Administration (DEA), with its 2,200 agents and $290 million budget. He appointed his loyal friend and former FBI executive Francis M. (Bud) Mullen to run the agency. On a hot-line telephone, Webster calls Mullen's office nearly every day.

The cap on Webster's empire-building is a new set of guidelines expanding the FBI's authority to investigate and infiltrate domestic political groups. The guidelines replace more restrictive rules handed down in 1976 by former attorney general Edward H. Levi, rules that were intended to prevent a recurrence of past FBI abuses. The new guidelines, issued last year by Attorney General William French Smith, allow the FBI to launch a full-scale investigation based entirely on "advocacy" of crime, particularly violent crime. They also allow the FBI to amass dossiers, using public information, on any domestic group. Finally, the new guidelines allow preliminary investigations—using informers and undercover agents—to begin solely on the basis of an "allegation or information indicating the possibility of criminal activity."

Webster has built 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.

"On civil liberties, it is the difference between night and day in Hoover's era and Webster's FBI," says Jerry J. Berman, legislative council for the American Civil Liberties Union.

"Webster is not ideological. Without question he has changed the style of the FBI. He is not deceptive," says Victor Navasky, editor of *The Nation*, a liberal journal that for decades was shelved in the FBI's New York field office alongside Communist-produced publications.

Judge Webster, quite simply, is an easy man to trust. It begins with his looks. Good looks, often underestimated as a part of leadership, are especially important in the FBI. Back in the early 1960s, when 40 million Americans tuned in to The FBI television show every week, Efrem Zimbalist Jr. epitomized the perfect G-man. He was handsome, polite, smart, patriotic and neatly attired. Hoover admired Zimbalist so much that, according to one of his publicists, the Director demanded that FBI recruiters look for new agents who conformed to the "Zimmy image." Webster does. If anything, the judge is better looking and better dressed than Zimmy.

Webster's eyes are blue, his jaw is square, and his waist is trim. He has what one friend calls a "pixie" smile. When he gets

angry, associates say, his blue eyes turn cold, his soft voice grows even softer. Webster's dark-brown hair is always crisply parted, and his hairline is as resolutely nonreceding as Reagan's (Webster's hair is trimmed regularly at FBI headquarters by Ray Cabacar, a former Navy steward who is also the chief cook in the FBI executive dining room.)

A Christian Scientist, Webster rarely drinks and never smokes. The drink in his hand at official Washington gatherings is usually 7-Up.

Griffin B. Bell, the former attorney general who has said Webster's selection to run the FBI was Carter's best appointment, says the judge was chosen because "he was intelligent, had unusual balance, was a straight-arrow type, and had a patrician approach. He is quiet and he moves in quiet ways."

Webster invariably dresses in dark suits, usually pin-striped, with cuffed pants, button-down shirts, and prep ties. At the age of 60 with gray beginning to frost his temples, he has the look of a well-born, well-compensated executive who keeps in shape at the country club.

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. Albans Tennis Club against members of the Washington establishment, including members of Congress and prominent journalists such as synidicated columnist Carl 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 you wouldn't think he could." Graham says there is "some truth" to the notion that Webster's friendship with selected Washington 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 laywer. 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 stick-in-the-mud." 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 the Navy 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 $880,296.) He and his wife, Drusilla, belonged to several exclusive clubs in St. Louis, and one of their daughters was a debutante at the Veiled Prophet Ball, an event sponsored by that city's oldest, most powerful families.

Since coming to Washington, Webster and his wife have become regulars at black-tie social events and diplomatic parties. Friends say the judge enjoys and is good at social hobnobbing. He is past president of the Alfalfa Club, an exclusive organization of powerful Washington men. But unlike many of his high-powered peers. Webster does little official entertaining at home. He usually invites only close friends, many of them from St. Louis, to his $358,000 house in Bethesda. (The house, on a wooded lot with a swimming pool, is not guarded by the FBI. A driver takes the director to and from work in a government sedan. A close friend says Webster insists on sitting beside the driver in the front seat.)

In St. Louis, Webster was active in Republican politics and served two years as a US attorney. President Nixon chose Webster in 1971 to be a US district court judge, and he accepted the $40,000-a-year job, although it meant a big cut in pay. He took the job, he says, when the country "was going through the riots, the burning of ROTC buildings and so forth. I was convinced that the next generation would question whether the system works. Some of us could prove maybe 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 1975. For much of his life, friends say, Webster has coveted a seat on the high court. He lunches several times a year with his friends Chief Justice Warren Burger and Associate Justice Harry Blackmun, usually in the Supreme Court dining room.

When Webster learned he was being considered for the FBI job, he went to a St. Louis public library and took out several books on the Bureau. He had never wanted to be an FBI agent, had never considered running the national police force. He decided to take the job, he says, for the same reason that he became a judge: He is a patriot, and his country needed him. Weeks before he moved to Washington, the St. Louis Post-Dispatch carried a profile of the local-boy-turned-number-one-G-man. The story, quoting an unnamed long-time friend of 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 quickly proved he was capable of getting his share of the pie here. He rebuilt the FBI far more successfully than had his predecessors in the 1970s—Clarence Kelley, William Ruckelshaus, and L. Partick 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.)

Unlike Hoover, Webster did not rebuild the FBI by playing to a national audience. The judge avoided the theatrics that had prompted former senator George Norris of Nebraska to brand Hoover "the greatest publicity hound on the American continent."

Beginning in the late 1930s, Hoover put together a public-relations machine that made certain that all of the FBI's successes were attributed to the Director's personal vigilance. Hoover led carefully staged raids on the hideouts of gangsters and racketeers. He developed a friendly stable of writers who fed FBI-approved stories to magazines, movies, radio shows, even comic books. An official FBI photograph of Hoover in 1944 carried this caption: "Tough and looks it, is Mr. J. Edgar Hoover. . . . This stockily built chief has a sensational record for bringing public enemies 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 publicity mechanism from deifying him," recalls Russell J. Bruemmer, a law clerk to Webster in St. Louis who came to the FBI as a special assistant to the director. Webster warned the FBI press office not to tell reporters that his favorite dessert was apple pie. (Hoover had publicized his taste for Key-lime pie.)

Webster changed the time-honored FBI practice of using an Autopen to sign the director's signature to thousands of routine documents. He delegated authority like a corporate chief executive officer, giving power to three executive assistant directors who operate as group vice presidents for administration, law enforcement, and investigation. Although he is far more accessible to Congress and the press than Hoover ever was, Webster never speaks out of school. He talks slowly seeming to examine the implications of each word. His public statements are invariably balanced, often boring.

Webster's only venture into big-time image-making, the FBI-sanctioned ABC television show Today's FBI, 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 agents of Today's FBI were "careful to explain, justify, and apologize for every move they made, as though there were a posse of ACLU lawyers, PTA fuss-budgets, and the editorial board of The Nation lurking just out of camera range, ready to push the 'abort' button the first time an agent bumped into the Bill of Rights." The show was canceled after one season because of low ratings.

Webster has attained his goal of not becoming a national celebrity. His FBI, according to Powers, has an image in the popular culture that has evolved beyond Hoover's G-men and the black-bag thugs of the '70s. That new image, says Powers, "is a washed-out nothing."

Webster told me that a lower profile for the FBI "is consistent with a long-term approach to doing our best work. A pattern had developed over 48 years of focusing on the director. . . . I think there is more potential for the director to damage the FBI by his own public actions than there is for him to enhance it.

"When I sit down with you, I'd like to think I've earned the right to be believed. You are not sitting there saying, 'Is he lying to me?' I don't think hero-making, in the long run, will serve that purpose."

The director's emergence as a non-hero may have 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 and author of a study of the administrative behavior of federal bureau chiefs, says strong connections in Washington are far more important in running a bureaucracy than is a national constituency. "The visibility thing," says Kaufman, "is somewhat overdone."

On a level that is usually invisible, Webster has proved himself a master at the bureaucratic game. Taking advantage of a mandatory 55-and-out retirement rule that forced 800 agents to leave the FBI the

month he arrived. Webster began installing younger agents in high-level positions. Within a few years, nearly every senior official in Bureau headquarters and in the 59 field offices was a Webster appointee whose loyalty was to the current director, not to the past.

Unlike his friend Stansfield Turner, who bloodily cut 154 senior employees out of the CIA and precipitated a much-publicized collapse in spy morale, Webster was careful not to arouse the ire of the career agents who make the FBI one of the federal government's most insular bureaucracies. Webster did not demote older agents, and, according to his former special assistant Bruemmer, he never denigrated them, even among intimates. The judge simply waited 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 misses 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, a glowing report on what he called "our FBI family." Like Hoover, Webster attends quarterly graduation ceremonies at the FBI National Academy at Quantico, Virginia, where each year 1,000 police officers from around the country are taught how to fight crime the FBI way. Webster often tours FBI field offices; 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. Navasky, 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 briefing sessions with FBI executives.

Most important, Webster has developed 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 testifies before Congress at least eight times a year, and the questions are often critical.

"When Hoover was alive, you got nothing. There were no hearings, and everybody [in Congress] was afraid of him," says Representative Edwards. "Webster has been forthright, an honest administrator . . . a cool head."

The judge came to Washington determined to be believable. "What I brought with me, I think, was the benefit of the doubt," says Webster. "From then on, it was up to me to never do anything to cause people to wonder." According to Russell Bruemmer, the director's former aide and close friend, "Webster sensed that his credibility and integrity before Congress were the two things that could buy him time to prove he could run the Bureau."

Five months after Webster came to Washington, his signature was affixed, with an Autopen, to a letter that was glaringly false. That letter was sent to then-representative Paul McCloskey, a liberal Republican from California. McCloskey had asked Webster if a former Black Panther leader named Elmer "Geronimo" Pratt had been the target of the FBI's Counterintelligence Program (COINTELPRO) at the time of a 1968 murder in Santa Monica, a killing for which Pratt had been convicted and was serving life in prison. Webster's letter said flatly, "You may be assured that Pratt was never a target of the FBI's COINTELPRO."

FBI documents proved otherwise. The documents, obtained by Pratt's lawyers under the Freedom of Information Act, said the Bureau had a plan to publicize Pratt's "illicit sexual activities" and to "attack, expose, and ridicule the image of [Pratt] amongst current and past membership" of the Black Panthers.

McCloskey, having seen these documents, wrote back to the director, cited evidence that the earlier Webster letter had ignored, and accused the FBI of "acting defensively." McCloskey, who now practices law in Palo Alto, recalls he was astonished at Webster's reaction.

"By God, he called me back in 24 hours. He ordered an immediate investigation. Within a week, I was invited to a meeting with Webster and his staff," says McCloskey. "Any leader is not going to say, 'My staff has lied to me'. But it was quite clear from the way he gave instructions in the meeting that he knew they had not told him the truth. They came back with a much more detailed report, conceding they had targeted Pratt."

Recalling the incident, Webster says he was angry at his subordinates for not doing their "homework." He feared the error would damage the credibility on which he hoped to rebuild the FBI. Webster often invokes the Pratt affair, aides say, to demand that documents prepared for his signature be checked for accuracy. "Being a straight arrow," says former FBI special assistant Steve Andrews, "is very important to the judge."

To remain a straight arrow at an agency that has sullied the reputation of previous directors, Webster has relied on his experience as a judge. For more than six years, he has hired temporary "special assistants"—young lawyers, most of them former clerks to federal judges—to sniff around the Bureau. Reporting only to him, they annotate sources for speeches, review applications for wiretaps, and assess progress of undercover investigations. While they are resented by FBI career bureaucrats, they have been useful. It was a special assistant, for example, who handled the Pratt foul-up.

Even his critics say Webster thinks like a judge. He monitors federal court rulings around the country and orders FBI agents to modify their behavior according to the most recent decisions. "He is a judge in a bureaucrat's role, a balancer who tries to weigh conflicting interests," says Jerry Berman of the ACLU. "He is politically tuned to both the right and left, and he manages to walk a very bright white line down the middle of the road."

For all his judicial finickiness. Webster's tenure at the FBI has been marked by several errors of judgment and major investigative failures. These failings, according to congressional staffers who keep tabs on the FBI, have occurred, in part, because Webster is too much the judge and not enough of an expert on how to control undercover operations.

In Abscam, in which undercover agents offered bribes to lawmakers in exchange for favors, a Senate select committee found that the FBI kept sloppy records of tapes and phone conversations, had poor reporting from the field to headquarters on what was going on, and gave convicted con man and middleman Mel Weinberg too much latitude in directing the operation. While appeals courts have upheld all seven convictions of congressmen who accepted Abscam bribes, Webster has admitted that the FBI could have done a better job. "I wish now we had more documentation," he said in 1982. "But [we] always improve on the next operation."

Not always. Two years after Abscam, the collapse of an undercover operation in Cleveland showed that the FBI under Webster can be farcically incompetent. In "Operation Corkscrew," the idea was to uncover corrupt judges in Cleveland's municipal court. The investigation was built around a middleman named Marvin Bray, a court bailiff who was supposed to be offering FBI bribe money to judges but was instead pocketing the money and taking the Bureau for a ride.

The FBI made it easy for Bray. Cleveland agents working with the bailiff failed to make a routine computer check to see if he had a criminal record. He did, for burglary. An FBI undercover agent, who met with two "judges" whom Bray claimed to have bribed, did not check to see if they were, in fact, judges. They were not. One was a bailiff, the other a housewife. To spot the ringers, the agent would only have to walk into the courtrooms of the real judges and look at them.

Throughout Corkscrew, the FBI demonstrated a stubborn refusal to believe that Bray was a liar. Even after the FBI figured out that Bray had forged signatures and staged a taped conversation—with Bray playing the roles of both briber and judge—he was sent out to bribe another judge. The only indictments to come out of Corkscrew were against Bray and his make-believe judges.

Webster says that the problem with the operation "was simply this: A young agent failed to do what he was instructed to do. . . . Corkscrew is unfortunate, but it doesn't represent something wrong with undercover work.

Operation Corkscrew does represent something wrong with the way the Bureau supervises undercover operations, according to Representative Edwards, whose Judiciary subcommittee reviewed the entire 28,000-page FBI file. "The Bureau didn't have the proper safeguards in place. They thought they were supervising, but they weren't," says Edwards. The subcommittee found that the FBI's undercover review committee (which Webster points to as a centerpiece of the Bureau's ability to control undercover operations) had almost no role in controlling Corkscrew. The review committee gave six-month approval for the operation in late 1979 but did not meet to discuss the operation again for a year. The subcommittee found no documents suggesting that the FBI supervisor in Washington, who was responsible for Corkscrew, had criticized the operation.

"It was a case of Abscamitis. There never was any solid evidence indicating the judges were corrupt," says one senior congressional staffer who is familiar with Corkscrew. "Webster believes that the undercover review committee has an important role. He thinks that because he has guidelines and procedures, everything will be all right. But in Corkscrew, it didn't filter down."

Webster himself is partially to blame for the Cleveland fiasco, Edwards asserts, because the director "did not go beneath the surface on what the facts were."

Inside the FBI, those who have worked closely with Webster say he is quick to spot fuzzy thinking in subordinates, but he is limited by his lack of law-enforcement experience and his corporate management style.

These aides say it was incompetence, not bad faith, that caused the FBI to withhold information from a Senate committee in its review of the nomination of Raymond J. Donovan as Secretary of Labor. The Donovan affair provoked the bluntest criticism of the FBI since Webster became director. A report of the Senate Committee on Labor and Human Resources said, "The FBI's inaccuracies, lack of clarity, and untimely production [of information on alleged ties between Donovan and organized crime] compromised the Senate's ability to inform itself."

A former FBI official says foul-ups like Corkscrew and the Donovan case are inevitable in the Bureau under Webster: "The risk is, every once in a while one of these things is going to get a little out of hand before the operational guys tell the director what is going on."

It would be shortsighted to make too much of Webster's blind spots. They are the inevitable result of placing a judge and an outsider in charge of an inbred police force. No one suggests that Webster covers up these foul-ups once he finds out about them.

Far more significant than his mistakes is the revolution Webster has wrought in how the Bureau goes about defending the nation from crimes and criminals that have aroused widespread public anxiety. The dimensions of this little-noticed revolution can only be understood by looking back at how deftly the Bureau—before Webster—exploited nationwide paranoia.

From its creation in 1908 through the early 1970s, the Bureau expanded its power and widened its domain by plugging into a series of national menaces. In 1910, the menace was "white slavery. "There was widespread, and mostly unfounded, hysteria that white women were being spirited off to houses of prostitution. Stanley W. Finch, head of the Bureau of Investigation (as the FBI was then called), told Congress that "unless a girl was actually confined in a room and guarded . . . there was no girl, regardless of her station in life, who was altogether safe." The upshot of Finch's testimony was passage of the Mann Act, which resulted in significant expansion of the Bureau's authority.

Similarly, the Bureau shrewdly plugged into the menaces of "the radical element" during World War I, kidnapping and gangsters in the '30s, Communists in the '40s and '50s, black activists and assorted "radicals" in the '60s. In G-Men, Richard Powers writes, "Each time, the Bureau was the effective means whereby the law could be mobilized in a pageant of popular politics: Through highly publicized dragnets, the Bureau sought to demonstrate the government's opposition to unpopular behavior or opinions."

In the 1980s the great new menace is terrorism. There is widespread public fear of terrorist attacks in the United States. The White House, Capitol, and State Department are now fortified to ward off suicide bombers of the kind that last year killed 241 American servicemen in Beirut. Reagan-administration officials, especially former Secretary of State Alexander Haig, have claimed Soviet influence over 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 exploit public anxiety over terrorism in a way that might endear him to the President or enhance the power of the FBI. Dissatisfied with the FBI's ability to gather and analyze information on terrorism, Webster ordered new personnel to look at the issue. "He felt his own people were giving him rhetoric, not enough substance," says Bud Mullen, formerly one of the FBI's top three executives. "He wanted to be sure the FBI was not hyping the numbers."

The director shot down Soviet-conspiracy theories in 1981, saying in a television interview, "Within the US, we seem at this point to be free of any type of direct deliberate Soviet domination or control or instigation of terrorist activity." He told a House subcommittee in February that while terrorism was a major concern of the FBI, there had been a decrease in the number of terrorist incidents in the US. He said there were 31 such incidents in 1983, down by 40 percent from the previous year. In that hearing, Webster volunteered that he had "never felt that the US was very fertile ground for development of virulent terrorist groups."

While refusing to exaggerate this new menace, Webster has taken the FBI into law-enforcement areas that are less likely than terrorism to capture the public imagination. The average man, George Orwell wrote, "wants the current struggles of the world to be transformed into a simple story about individuals." Hoover instinctively understood this. The Director found individual enemies for the average man: John Dellinger, Baby Face Nelson, and the Ten Most Wanted. Webster does not seem to worry about the average man's hunger for a simple story. His FBI investigates commodity-option swindles, suspected fraud in the failure of the Penn Square Bank in Oklahoma, and organized crime control of trash collection in the Bronx.

"The greatest damage is done not by individuals, but by groups," Webster says. "We still respond to every bank robbery, but we don't ring the firebell and empty the office."

Webster has led the FBI into areas where it is unlikely to get the quick, clean results Hoover insisted upon. In the last two years, the FBI has devoted about one-eighth of its manpower to organized-crime involvement in drug trafficking. Despite the investment, there has been little change in the availability of illicit drugs in the U.S. The purity and supply of cocaine have increased sharply in the past two years, as prices have gone down. According to Russell Bruemmer, Webster's former special assistant, "It doesn't bother the judge to take the FBI into areas where you are not going to get impressive crime-solving statistics and where public understanding is not well defined."

Webster has been able to force these far-reaching changes in the 76-year-old habits of the FBI because of the changes he has chosen not to make. The judge has carefully preserved the paramilitary structure of the Bureau. As it was under Hoover, the FBI is rigidly hierarchical, highly disciplined. Its employees are exempt from civil-service protections. "Which means I can fire people," says Webster. "I can transfer as appropriate. We do have discipline, and we accept it."

"Webster's FBI has hired many female and minority agents. Most are hired in their early twenties and plan to remain in the Bureau their entire career. Management positions are nearly always filled from within. "Sure, they are hiring women and blacks, but they still take these young people when they are not fully formed," says one Hill staffer who has watched the FBI for a decade. "They turn them all into G-men—make that G-persons."

The FBI also remains obsessed with secrecy. FBI "raw files" are still all but unavailable to outside review. Bureaucrats outside the FBI "family" are still regarded with suspicion. Webster has pushed Congress to exempt the FBI from certain disclosure requirements of the Freedom of Information Act. Since the FBI took over the Drug Enforcement Administration, the General Accounting Office—the investigative arm of Congress—reports it access to DEA investigative files has dried up. "It is far easier to get secret information from the Pentagon about weapons than it is to get anything from the FBI," says Representative Edwards.

As William Webster says, the FBI "wants to respond to leadership." The nationwide resources of the Bureau—its growing computerized information network, its broad authority to initiate undercover operations and domestic surveillance, its highly disciplined agents—are all at the disposal of the director. This was 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—sensing the need for an FBI director of unimpeachable integrity—picked a Republican, a patrician, a judge clearly more conservative than he. In selecting 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 abiding 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 Bruemmer warns, "The FBI still attracts people who respond to the director's determination of what the law should be."●

INTERNATIONAL MONETARY FUND

● Mr. GARN. Mr. President, last year I supported Senate action approving the United States' portion of an in-

crease 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.

An "Outlook" column in the April 23, 1984, edition of the Wall Street Journal discusses recent events in Mexico. The tremendous strides that country has made toward solving its debt problems are 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 follows:

[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 arguing at a hearing 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 anything he has proved to be too conservative. It took only eight or nine months—not 18—for Mexico to begin showing improvement. After an initial slash in imports, Mexico's trade balance is in surplus, and its exports have begun growing again. The country is meeting its borrowing needs without serious difficulty. There is even speculation now that in a year or two Mexico may be able to resume borrowing at market rates. Its belt-tightening efforts have become the envy of other Third World governments.

The vignette may not exonerate bankers for their past overoptimism, but it does illustrate a point: In the past 18 months, both creditors and debtors have done a lot to adjust to the debt problem. Like any long-overdue adjustment, this process has had it uncertainties and confrontations. But there has been gradual improvement. So far, the world has been able to muddle through.

There's a parallel, up to a point, with the oil crisis of the 1970s: When oil prices quadrupled in 1974, global hand-wringing quickly reached a frenzy. The financial system would be strained to the point of rupture. The Arabs would use their new-found billions for political blackmail. The oil cartel would be unbreakable. Developing countries would be unable to withstand the pain. Most ominous, there was the dreaded "recycling" problem: The oil price jump would give the Persian Gulf states billions of dollars in new revenues; if the world economy were to keep functioning, the money would have to be channeled back to the oil-consuming countries. Would commercial banks be able to handle the flow?

In reality, however, the world struggled through, with a few fits and starts: Floating exchange rates helped ease the financial strains. The Arabs kept their investments free of politics. The oil cartel began to weaken as soon as the U.S. decontrolled its petroleum prices. The West proved able to cut its oil consumption far more than had seemed imaginable. Developing countries survived. And the banks accomplished the "recycling" *too* well: Excessive lending to developing countries helped bring on the current debt crisis.

There were similarly dire predictions at the start of the current debt crisis: Borrowing countries would be unable to squeeze their economies enough to stay float. The financial system would be strained to the point of rupture. Borrowers would unite to form a "debtors' cartel" that would hold the banks hostage and repudiate outstanding debt. Austerity programs imposed from outside would rend the social fabric of the borrowing countries. Political instability and even revolution would result.

But these forecasts, too, have proved excessively pessimistic—so far. Industrial nations moved in with financial-rescue packages more efficiently than anyone expected. Borrowing countries have proved far more resilient than had been supposed. The austerity programs have pushed debtor countries to make long-overdue changes designed to streamline their economies. And debtor countries haven't formed a cartel.

The analogy to the oil crisis has its limits, of course. Most analysts agree the debt problem will be far more protracted than the oil crisis was, lingering on through the end of the present decade. And its resolution hinges on a broader and more complex set of developments—continuation of the recovery in the industrial world, a pickup in trade, an easing in the value of the dollar, a rise in commodity prices and moderation in interest rates—over which the lenders and borrowers have little control.

By common agreement, the biggest threat at the moment is the specter of rising interest rates. A sharp increase in debt-service costs quickly could undo any progress that's been achieved—a prospect "far more worrying than the doomsday predictions of 1982," an international official concedes.

Mounting protectionism also poses a danger: Trade restrictions by the industrial countries already are impeding the borrowing countries' efforts to sell their exports. Debt burdens still are growing. And there's increasing uncertainty about how long the debtor countries will be able to continue their austerity programs. Ironically, one problem is that the belt-tightening comes at a time when the Latin American debtor countries, at least, are moving toward a resumption of democracy; the more responsive a government must be, the more difficult it is to keep an austerity program in force.

Karl Otto Poehl, president of West Germany's Bundesbank, suggests the next steps in the "adjustment process" should be up to the banks-to offer debtors many concessions permitting easier repayment terms.

But there has been scant movement on this front. So the turmoil now seems likely 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.●

BILL GIANELLI 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 and imagination to a very difficult 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 taking 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.

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.

It 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 starts.

He instituted a process for two-step feasibility studies as a way to eliminate corps studies that were unlikely to produce practical project.

He developed major 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. (Lonnie) Heiner, president of NERCO Minerals Co., for being chosen as the Business Leader of the Year by the Associated Students of Business at the University of Alaska in Fairbanks. This award is just one of many recently bestowed upon Lonnie. 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." Lonnie'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. "Lonnie" 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; its investments 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 contributions to our 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, NM, perhaps 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 of California's Kings Canyon, which he carried to Washington in the 1930'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 own 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 ERA is amended to make it neutral with regard to abortion and abortion 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. This past 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 (ORRIN 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 enlightening 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 floor 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 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

article from the Baltimore Catholic Review be printed in the RECORD.

The material follows:

BISHOPS SAY THEY WILL OPPOSE ERA WITHOUT ANTIABORTION AMENDMENT (570)

WASHINGTON.—The National Conference of Catholic Bishops announced April 19 it will "have no alternative but to oppose" the Equal Rights Amendment if a clause is not added excluding abortion and abortion funding from its scope.

In a news release the NCCB said its Administrative Committee in March approved a resolution stating the new position on ERA "because of the serious moral problems" that would be presented by an ERA without the inclusion of an anti-abortion clause.

The NCCB also announced establishment of an ad hoc interdisciplinary committee to study implications of the ERA. The committee is chaired by Archbishop John L. May of St. Louis, NCCB vice president.

Msgr. Daniel F. Hoye, NCCB general secretary, said the Administrative Committee at its March meeting had noted recent developments in Congress and the courts which he said raise questions about ERA's implications not only for abortion but for private educational institutions, the tax-exempt status of charitable organizations, religious exemptions in federal grant statutes and government aid programs.

"In general, it seems fair to say that the potential gravity of the amendment's implications is the product not so much of its own terms as originally understood by sponsors and supporters, as it is of an ambiguous congressional record and the interaction among ERA, legislative enactments and other legal principles," Msgr. Hoye said in a statement.

The ad hoc committee studying the implications of the ERA will present its findings and recommendations to the Administrative Committee in September, the NCCB said.

Previously the bishops have taken no position on the ERA itself. Last fall, without changing its basic neutrality, the bishops' conference announced support for a proposed amendment to the ERA sponsored by Rep. F. James Sensenbrenner, R-Wis., which supporters say would make ERA "abortion neutral."

Major supporters of the ERA, such as the National Organization for Women, want Congress to resubmit the proposal to the states for ratification without amendment.

The NCCB statement said that at the March Administrative Committee meeting a joint report on the issue was presented by the NCCB Committee on Pro-Life Activities, chaired by Cardinal Joseph Bernardin of Chicago, and by Wilfred Caron, NCCB general counsel.

The statement said the Administrative Committee also discussed a March 9 ruling in which the Commonwealth Court of Pennsylvania used that state's ERA to strike down Pennsylvania's prohibitions on public funding of abortions. Pro-life groups have argued that a federal ERA similarly could affect federal abortion restrictions.

Msgr. Hoye said the Administrative Committee in its discussion reaffirmed the bishops' commitment to women's rights.

"The discussion made clear the committee's concern that there be no doubt about the conference's fundamental commitment to civil rights and the dignity of the person, and its support of governmental and private efforts to promote fair treatment of all people and prevent all forms of wrongful discrimination between the sexes," he said.

The Administrative Committee is a panel of some 40 bishops which conducts the business of the NCCB between annual general meetings.

The proposed federal ERA states, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

In a column in the National Catholic Register March 11, Russell Shaw, U.S. bishops' secretary for public affairs, said that Catholics could not support the ERA without an anti-abortion clause because courts would interpret the amendment as guaranteeing a "right" to abortion.

[From the (Baltimore) Catholic Review, Mar. 16, 1984]

SAYS ERA NEEDS ANTIABORTION PROVISO

LOS ANGELES.—Russell Shaw, the U.S. bishops' secretary for public affairs, said in a newspaper column published here that Catholics could not support the Equal Rights Amendment today without an anti-abortion clause attached.

"A Catholic cannot support a law which would mandate or encourage what is immoral," Shaw wrote in a new weekly question-and-answer column in the National Catholic Register, a Los Angeles-based Catholic weekly.

He wrote that "evidence is persuasive" that the ERA today, without such an anti-abortion clause, "would be interpreted by the courts as guaranteeing a 'right' to abortion and public funding" of abortion.

Shaw is public affairs secretary for the National Conference of Catholic Bishops and U.S. Catholic Conference. He writes his column in a personal capacity, however, and not as an official reflection of NCCB-USCC policy.

Almost two dozen bishops individually endorsed the ERA before it failed in 1982 to gain ratification by the necessary 38 states. The U.S. bishops as a body have taken no position on the proposal.

But in 1983, as Congress considered sending the ERA back to the states for another attempt at ratification, the USCC, public policy arm of the bishops, endorsed a proposed "abortion neutralizing" addition to the ERA sponsored by Rep. F. James Sensenbrenner Jr., R-Wis.

Shaw's column focused on the new legislative history of the ERA developing because of Sensenbrenner's proposed amendment, which says that "nothing in (the ERA) shall be construed to grant or secure any right relating to abortion or the funding thereof."

Sensenbrenner's amendment has been rejected by a House Judiciary subcommittee and by the full House Committee, but has not come to a vote on either the House or Senate floor.

"Legislative history," wrote Shaw, "is important to courts in interpreting the meaning of a law or a constitutional amendment. As congressional consideration of ERA proceeds, however, a substantial legislative history is building in support of the proposition that it would lock abortion and abortion funding into the Constitution."

He added, "If the Sensenbrenner amendment fails to pass, it's hard to see how a Catholic who opposed abortion and public funding of abortion could support the unamended ERA."

Asked by NC News if his column reflected a judgment against the 23 bishops who had endorsed the ERA, Shaw said that the position adopted by bishops or others "several months or even several years ago would not necessarily be 'as rem' (to the point) now."

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.

The approval or rejection of such anti-abortion language by Congress would place the legislative intent of the ERA directly on one side or the other of the abortion question, he said, while this was not true of the legislative history of 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—Bishops Maurice Dingman of Des Moines, Iowa, and Raymond Lucker of New Ulm, Minn.—said they favored the Sensenbrenner amendment.

"I came to the conclusion a couple of years ago that it (ERA) would not include abortion," said Bishop Lucker.

"It's a risk, but it was a good risk" at that time, Bishop Dingman said.

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 not been following recent developments closely enough to judge the situation yet.

"I'm concerned that in all of this the equal rights of women are going to fall" victim to the abortion question, Bishop Lucker said. "The Equal Rights Amendment as worded is just too 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 feminist groups have taken the position that the ERA and abortion are 'separate and distinct issues.'"

He said that pro-abortion groups take a different position, however. He cited "the National Organization for Women, which says it will oppose ERA if it is amended to exclude abortion and abortion funding."

The question which prompted Shaw's column noted that Catholics have both supported and opposed the ERA, "and both sides cite Catholic principles in favor of their positions.

"Can a Catholic support the ERA?" the question concluded.

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 278-147 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 desertion 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 once the victim of owner whim. The Seattle Pilots came to Seattle in 1969, stayed just long enough to generate a significant commitment by the com-

munity to invest in a new stadium, now known as the Kingdome, and left town in 1970. I do not want Seattle to be abandoned like that again.

In 1982, Mr. President, Pete Rozelle while testifying before the Senate Judiciary Committee noted that there were seven teams in the NFL whose stadium leases would expire by 1988. It is not in the best interests of our cities to permit these other franchises to follow the sad example of Mr. Irsay. This bill is an attempt to bring the substantial interests of our cities into the determination of when franchise relocation is appropriate.

Since the introduction of S. 2505, I have received valuable feedback from many interested parties. As a result, I am placing in the RECORD today a new draft of the bill which I intend to be the vehicle for discussion in the Commerce Committee. I ask that a copy of that draft be printed in the RECORD.

The draft follows:

S. 2505

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 "Professional Sports Team Community Protection Act".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) professional sports teams achieve a strong local identity with the people of the territory and metropolitan location where they play, and provide a source of pride and entertainment to their supporters;

(2) professional sports teams are invested with a strong public interest;

(3) the public, through a municipal stadium authority (which is typically a city or county agency or a municipal corporation), generally authorizes capital construction bonds to finance the construction of the stadium in which a professional sports team plays;

(4) normally, the lease or use agreement between the municipal stadium authority and the professional sports team sets rent to defray only the operating costs of the stadium, and does not reimburse the public for the costs of constructing the stadium; and

(5) despite the close association with and support from the people in the territory and metropolitan location where it plays, a professional sports team may be enticed from time to time to relocate to a new geographical location without regard to important interests and considerations which may be thought to be inconsistent with immediate financial gain for the owner of such a team.

(b) It is the policy of the Congress in this Act to discourage relocation of any professional sports team which is receiving adequate support from people in the territory and metropolitan location where such team plays, unless such relocation is necessary to prevent severe financial hardship.

PURPOSE

SEC. 3. It is the purpose of this Act to provide people in the territory and metropolitan location where a professional sports team plays the right of first refusal when, with the approval of the relevant league, the owner of such a team intends to relocate the team, or when a bona fide offer to purchase and relocate such a team or the acceptance of an offer to sell such a team has been received.

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 of retention" 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, or any unincorporated association, or any combination or association thereof, or any political subdivision;

(7) "professional sports team" or "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 proceeding involving any such petition shall perform the functions of the Board specified in section 7 of this Act, except that the judge may, by order, shorten the time periods specified in such section 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 shall—

(A) be in writing;

(B) be delivered through certified mail or be personally delivered;

(C) contain a statement of intention to relocate, the new 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 could result in the relocation of such team, the owner shall, either before accepting such offer or as a condition of accepting such offer, furnish notice of offer 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 shall—

(A) be in writing;

(B) be delivered through certified mail or be personally delivered;

(C) contain a statement that, but for the terms of this Act, the owner would execute a contract of sale;

(D) 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);

(E) contain all terms and conditions of such offer, including a written copy of such offer, signed by the maker of such offer; and

(F) 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) One member shall be appointed by the relevant league.

(2) One member shall be appointed by the governmental authority of the metropolitan location in which is located the stadium in which the involved professional sports team regularly plays.

(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 traveltime) 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 or relocation or sale of such 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 on the record to—

(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) take evidence 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 danger 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) The Board shall, during the period between the sixth and seventh months after the establishment of the Board, determine whether any offer of retention is equal to or greater in value than the proposed relocation. The Board shall, to the extent provided in advance by appropriation Acts, contract with an independent actuary for all such valuations. In making any such valuation, projected revenues arising out of broadcasting in either the current or future location of the team shall not be considered, unless the Board has made a finding of financial hardship, in accordance with subsection (d) of this section. In addition, in any case where the team has been playing in a stadium which is owned by the owner of such team, neither the value to the owner of the stadium (and improvements to the stadium) nor the value to the owner of any stadium in which the team would play in any other territory shall be considered in making such valuation.

(f) If 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 value of any proposed relocation, the owner of the team may, if the owner chooses, accept 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 sale of a team which is accepted by an owner must contain a commitment, enforceable through specific performance, that such team will continue to 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 such team in the metropolitan area in which it then plays. Upon such approval, the Board shall dismiss any other 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 relocates 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 purposes of section 7 of this Act, such sums as may be necessary for fiscal year 1985. Such sums shall remain available until expended.

APPLICABILITY

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.

SEVERABILITY

SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those with respect to which it is held invalid, shall not be affected by such invalidation.●

A TRIBUTE TO DR. BENJAMIN MAYS, 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 Epworth, 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.

Benjamin Elijah Mays throughout his distinguished career of more than half a century as an educator, theologian, author, and civil rights leader has inspired people of all races throughout the world by his persistent commitment to excellence. 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

great man improved the lives of those around him.

I first met Dr. Mays when I was 15 and a student at Booker T. Washington High School in Atlanta. What I remembered the most during that first meeting was not so much what Dr. Mays said, but how intently he listened. He respected my views and my right to express them despite my youth. I learned early from Dr. Mays that everyone has some insight and wisdom because each of us has a unique pool of experiences from which to synthesize ideas.

By listening to others and keeping an open mind, it is possible to snatch creative thoughts from the unlikeliest of sources.

When it was time for me to go to college, it was Dr. Mays who perhaps best understood my desire to go to Dartmouth. He encouraged me, and stated that I would have to compete academically, and otherwise, at the top. He insisted that I finish with honors.

He came to the Dartmouth campus for the first time, at the age of 77, during my freshman year. He spoke briefly of an earlier yearning to attend what he called "Daniel Webster's college." He began his remarks by saying, "If it takes me as long to make it back, then I shan't return." I was moved, and determined that he would come back one day.

While a sophomore at Dartmouth, Dr. Mays encouraged me to seek the coveted position of student assistant to John G. Kemeny, the president of Dartmough, a position to which I was appointed. I remember Dr. Mays telling me that I had a rare opportunity to be close to and "pick the brain" of Dr. Kemeny, who had been a protege of Albert Einstein. To Dr. Mays, this one-on-one interaction between elder and youth was education in its purest form.

In his book, Born to Rebel, Dr. Mays tells how as a high-school senior he had wanted to go to Dartmouth College but was unable to do so. Hearing his earlier comments during my freshman year, reading his autobiography, having grown up in Atlanta and seeing the results of his years of great work, I took it upon myself to make certain that Dr. Mays would become a member of the Dartmouth family.

Nothing has given me greater honor and sense of pride than to have nominated Dr. Mays for an honorary doctorate degree from Dartmouth, and to witness his degree being conferred at the same commencement where I received my own degree—with honors.

I shall never forget the two days that Dr. Mays and I spent at Daniel Webster's college. In his own way, then and later, he bragged about us being "classmates," and took great pride in being a member of the Class of 1975. It was a great day for both of us, a rare and precious moment.

Dr. Mays set intellectual patterns for his many students, including me. When it was time for me to apply to law school, I did not even have to consult my mentor. I knew his advice would be "don't take the easy way out"—so I applied, was accepted and was graduated from the University of Virginia School of Law.

When I had an idea in 1979 of starting a regional jet airline in Atlanta, I shared my thoughts with Dr. Mays. Just as he had listened to me as a young man years earlier, he listened again. I set out my grand design for him. He smiled and said, "Well, I've always said to reach for the moon, and beyond. I have no doubt your plans will succeed if you persevere, despite the opposition 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 years, have I come 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 submit herewith 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 in which you allege that personal gain is my motivation for pushing legislation for the marketing of Alaska natural gas and the export of Alaska crude oil.

Although your allegations may make interesting newspaper copy, they are simply not correct.

First, there is no legislation pending in Congress regarding the marketing of Alaska natural gas in the Pacific Rim; nor have I proposed any. Therefore, it is impossible for me to push any bill on this issue.

Second, you say that the major oil companies stand to gain millions of dollars if a pipeline were built to make North Slope gas available to Pacific Rim nations. If these companies stand to make so much money on the export of Alaska natural gas, then why aren't they supporting the project? At an oversight hearing on the marketing of Alaska natural gas which I held last November at the request of my constituents, Exxon and Sohio representatives failed to voice their support for a project to transport the gas from the North Slope, liquefy and export it.

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. One resolution expressing the State's support for any effort to get the gas to market was passed by the Legislature and was signed by the Governor in March, 1983. As one of the State's representatives in the U.S. Congress, it is my duty to follow the policy dictates of the State of Alaska.

This also applies to my support for the export of Alaska crude oil. Several weeks ago, Alaska Governor Bill Sheffield introduced a resolution passed by the Natural Governors' Association which puts the organization on record against the Alaska oil export ban in its current form. In addition, a resolution which calls for the removal of the ban on the export of Alaska oil has been introduced in the Alaska Legislature.

Outside of Alaska, newspapers including the New York Times, the Los Angeles Times, the Boston Globe and others have published editorials saying that the export of Alaska oil is in the nation's best interest.

Finally, I would like to point out that my personal investment interests in related energy production or exploration concerns were acquired prior to my election to the Senate. They have been fully disclosed each year since that time.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

SENATORS GET SOME PRAISE AND CRITICISM

(By Jack Anderson)

Today I'd like to present awards to two members of the Senate: kudos for one, a kick for the other.

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 has haunted him ever since. He visited 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 to Melcher for help in getting 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 prelate 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.

On Jan. 17, the senator pleaded his case 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.

So far, he 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 cardinal's letter. 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 Helm's clout, 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-

thusiastic lately in his support of a new trans-Alaska pipeline that would make North Slope natural gas available for sale to Japan, Taiwan and South Korea. He also proposed an amendment to the Export Administration Act that would legalize sale of Alaskan crude to foreign countries.

The new pipeline, which needs congressional approval before it can be used to ship gas, could make millions for Exxon, ARCO, Sohio and other big oil companies that own most of the gas leases in the region.

It could also be a bonanza for a cooperative venture of which Murkowski owns about 2 percent; its leases are in the Prudhoe Bay area that would be served by the proposed pipeline.●

GEN. MARK W. CLARK

● Mr. TOWER. Mr. President, through a half-century of war and peace, Gen. Mark W. Clark served our Nation with distinction and dedication. We mourn his passing.

General Clark began his military career as a cadet at the U.S. Military Academy at West Point. He served, and was wounded, during World War I. During World War II, he was the youngest Allied army group commander, charged with the important but difficult Italian campaign. During the Korean conflict, General Clark again was called upon to lead American troops into battle.

Even after his retirement from the armed services in 1953, he continued his life of service as president of the Citadel in South Carolina from 1954 to 1965.

During his distinguished career, his courage, intelligence, and charm won him much-deserved acclaim here and abroad. General of the Army Dwight D. Eisenhower called him the best organizer, planner, and trainer of troops that I have met. Winston Churchill called him an American eagle. He received the Army's Distinguished Service Cross for his utter disregard for personal safety as he led an infantry assault against German tanks during the Italian campaign.

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, 1984, at 10 a.m.