# SENATE—*Monday, January 12, 1987*

The Senate met at 12 noon, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

Mr. FORD. The Chaplain will offer the prayer.

## PRAYER

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

Let us pray.

God of the nations, Lord of history, this is not just another Congress—this is the 100th Congress, a critical benchmark in the life of our Nation.

Grant, Gracious Father, that these next 2 years will be 2 of the most significant, productive years in our Nation's history. May the full potential for great statesmanship and wise national leadership be realized. May truth and justice be the hallmark of debate and decision. Grant to our leaders a special dispensation of wisdom, strength and courage and to all the Members the resolve and ability to fulfill their finest aspirations for themselves, the people's trust, the welfare of the Nation and the world. We pray this in the name of Him who is love, truth, justice, and righteousness incarnate. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore (Mr. STENNIS). The Chair recognizes the Senator from West Virginia.

## THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal be considered approved to date.

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

## SCHEDULE

Mr. BYRD. Mr. President, it had been my hope that the Senate could proceed today to the consideration of the bill to clean up the Nation's waters, which by general agreement has been placed on the Calendar of General Orders, and is shown on the calendar as S. 1.

Mr. DOLE, by request, has also put on the calendar S. 76, a bill to amend the Federal Water Pollution Control Act, to provide for the renewal of the quality of the Nation's waters, which he will, I presume, offer or want to offer as an amendment to the bill, S. 1, which I hope to have before the Senate on tomorrow.

I had intended to try to get to the Senate bill today but because the Governor of Mr. DOLE's State of Kansas is being inaugurated today—Mr. DOLE felt that he should be there, and I agree that he should—I will not make any effort to proceed to take up that bill this morning.

Mr. DOLE last week indicated to me that he would be back today by 5 p.m., and I will renew that discussion with him at that time. So it will not be my intention to make any motion during the time between now and 5 o'clock today in connection with the clean water bill.

Meanwhile, this morning I have been indirectly informed that Senator DOLE may not be coming back today at 5 p.m., but I have not heard from him directly on that. I hope that I will hear from the distinguished minority leader on that matter because it is my intent, as of now, to proceed to take up that bill on tomorrow. Rollcall votes may very well occur on tomorrow. There will not be rollcall votes today in view of the facts I have just outlined concerning the program.

Committees are meeting today. That is necessary if we are to progress with the work of the Senate, and get an early start on that work. The Foreign Relations Committee is meeting. The Armed Services Committee is meeting today. Other committees are meeting, and in order to carry out their oversight functions under the Constitution, committees need to meet.

Also in order to advance legislation to the calendar, committees need to meet early, conduct their hearings, and mark up early. So they are proceeding in that fashion. I want to accommodate committees as much as I can in the scheduling of the floor work, early on in the session, especially. So today there will not be any rollcall votes, and committees may meet without interruption.

Under the order, the Senate will go out no later than 2 o'clock today to reconvene at 5 p.m. this day.

## AGENDA

Mr. BYRD. Mr. President, the Senate of the United States has a very full agenda in the next 60 to 90 days. I want to take this opportunity to review what that agenda will be about.

I have already indicated that it is my intent for the Senate to begin debate on the Clean Water Act on tomorrow. Much has been made of this legislation as a test case of partisanship between the Congress and the President. But if one looks at the record, and it is a very clear record at that, it is clear that this legislation has strong, deep, and broad-based support that transcends party lines.

The bill to clean up the Nation's waters is legislation that is supported in both Houses unanimously. It transcends partisanship. The Senate will vote on that legislation in that spirit. And, I have every hope that the President will receive it in that spirit.

Creating an omnibus trade bill is high on the Senate's agenda. Each of the respective committees has begun its work to fashion this important piece of legislation. It will not be "protectionist" legislation so narrowly defined that it has all the attributes of a baseball bat. Such legislation would be counterproductive to world trade. It is my hope that this comprehensive legislation will be designed to treat the causes, not just the symptoms, of our disastrous trade deficit. This omnibus package should be assembled by May 1.

It is my expectation to bring up for a vote, as soon as the Foreign Relations Committee completes its work, two longstanding test ban treaties that have yet to be ratified: The 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. We must keep the arms control process moving forward. The Senate should be voting on these treaties in the last week of January or the first week of February with the cooperation of the administration.

I have every hope that in the first 60 to 90 days of this session, legislation on the very important topic of campaign finance reform will move forward.

The Senate Armed Services Committee, under the distinguished leadership of Senator NUNN, is holding important hearings on military strategy this week. And Senator PELL, chairman of the Foreign Relations Committee, is likewise beginning hearings this week on foreign policy.

I would urge my colleagues to be attentive to these important hearings. We cannot just build costly weapons systems that are not linked to a sound strategic purpose.

Mr. President, as we all are aware, much of the Nation would like to know the "how's," the "why's," and the "who" did it concerning the Iran-Contra misadventure. The issue continues to be very much in the press and each revelation seems to make it all the more complicated to understand.

It is important to know and to remember that this work must be done well if we are to rebuild the public

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

trust. Let us have patience that this process will work as it is intended.

The Senate Select Committee on Military Assistance to Iran, and the Nicaraguan Resistance is in the process of organization and will soon be ready to begin its work.

Mr. President, have my 10 minutes expired?

The PRESIDENT pro tempore. The Senator has 2 minutes 50 seconds remaining.

Mr. BYRD. I thank the Chair.

Mr. President, I reserve the remainder of my time.

## RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Alaska [Mr. STEVENS], the acting minority leader, is recognized.

Mr. STEVENS. Mr. President, both the Republican leader and our assistant leader are not in Washington yet today. I am pleased to have the chance to stand in for our leader. As Senator BYRD has mentioned, he is attending to business in his State and we expect him to be here tomorrow.

I have but one comment to make, Mr. President. I ask unanimous consent that the Republican leader's time that I do not use be yielded to the Senator from Maine when he appears on the floor.

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

Mr. STEVENS. I thank the President pro tempore.

## SENATE ARMS CONTROL OBSERVER GROUP

Mr. STEVENS. Mr. President, in the last Congress, those of us who were involved in the arms control observer group for the Senate spent a great deal of time in Geneva. I think I was there at least eight times.

I want to report to the Senate that on every occasion the group traveled to Geneva, the ranking Soviet negotiator, Ambassador Viktor Karpov, was most gracious to all of us, and particularly to me. We spent a great deal of time with Ambassador Karpov trying to make sure that the Soviet negotiators understood the role of the Senate in the treatymaking power under our U.S. Constitution.

We were not negotiators, as the Senate realizes. In fact, since 1951, Senators have not been negotiators with foreign powers in the treatymaking process. As representatives of the Senate, however, we have spent a great deal of time with Ambassador Karpov. We noted last year that the Soviet Government had created a new department related to arms control and placed Ambassador Karpov in charge of it. That was the signal to us that in all probability there would be a change in the negotiators.

As has been announced, the First Deputy Foreign Minister, Yuli Vorontsov, has been named to replace Ambassador Karpov as the chief Russian negotiator in Geneva. That has been welcomed by all of us who have participated in observing this process.

It means that the negotiator for the Soviets will come from a different portion of the Soviet Government and will have, we hope, greater access to General Secretary Gorbachev.

As the change is made in Geneva, I would like to express my gratitude to Ambassador Karpov for the courtesy and generous allocation of time he extended in Geneva to representatives of the U.S. Senate. While we welcome the opportunity to become acquainted with Mr. Vorontsov, we will miss Ambassador Karpov. Mr. Karpov has spent time, as I have stated, with us at dinners and at receptions and has been willing to enter into a toe-to-toe dialog with Members of the Senate that we found very informative and helpful. We will miss him.

We hope that we will have a chance to have a similar relationship with his successor.

As I have indicated, I would like to yield the remainder of our leader's time to my good friend, Senator COHEN.

The PRESIDENT pro tempore. The Senator from Maine.

## PROPOSED STAFF REPORT OF SENATE INTELLIGENCE COMMITTEE

Mr. COHEN. Mr. President, last week, a vote concerning the proposed staff report from the Senate Intelligence Committee on the Iran affair sparked a partisan debate in this Chamber. In my judgment, that debate was unnecessary. I think it was avoidable and it was unbecoming to the Senate.

I did not object to the releasing of a staff report because I am part of any claque out to undo the President. I do not want to see the President politically paralyzed during his final 2 years of office because, if he is paralyzed, the country is similarly afflicted.

I think there is time enough for those who aspire to that high office to place themselves before the not so tender mercies of the American people and offer their own visions for the future.

The public will not tolerate a crass exploitation of the President's present difficulties for partisan political advantage.

I might add there has been no evidence of any partisan attempt to manipulate the Senate hearings in the Intelligence Committee. Frankly, based upon my experience and respect for Senator INOUYE, there will be none in the future. So I think we have little to fear in that regard.

Last week, a copy of one of the drafts prepared by the staff was leaked either by a Senator or a member of his staff to a certain television network. I would only say that a great disservice has been done to this institution by that act. Members of the press are now under tremendous pressure to acquire copies of the document as well.

Senator BOREN and I have been asked to release that report now that one network has a copy. We believe it would be a serious mistake to compound an error by repeating it in the name of journalistic equity. We would be setting a precedent that would place an even greater premium than currently exists for enterprising journalists to obtain copies of sensitive or classified documents. One leak and the walls protecting important information would have to come tumbling down.

Senator BOREN and I feel we simply cannot permit the Intelligence Committee to be placed in that position.

I favor releasing a report, one that is concise, one that is accurate, and one that fully and fairly reflects the evidence we have obtained in that committee. I would like to take just a few moments this afternoon to explain why I believe the release of that draft report was inappropriate and unwise.

First, I would point out that this entire matter seems worthy of a chapter by Lewis Carroll because I have the sensation that we have slipped through a rabbit hole into something of a fantasy land. Things are curiouser and curiouser. The President is demanding the Congress, the very institution that he avoided notifying and consulting with, must furnish him with a report describing in detail a plan that was formulated and perhaps executed either in or within a few feet of the Oval Office. This is a most curious state of affairs, in view of the fact that most of the information accumulated by the committee is readily available to the President through his Cabinet and members of his staff. Almost all of our witnesses have been from the White House or the Central Intelligence Agency.

It occurs to me that the White House has two objectives in mind. One is to shift the responsibility to Congress for disclosing the details of a major covert operation that either originated with the administration and its ally, Israel, or was initiated by Israel and subsequently approved by the President. The second objective is to insist that Congress validate the President's claim that he had no knowledge of the diversion of funds to the Contras.

I believe the Intelligence Committee can and should meet the objectives of

91-059 O-89-36 (Pt. 1)

the administration while not sacrificing its integrity or independence in the search for the truth on this entire matter.

While there are many intriguing characters who played a role in this operation, there are essentially two major issues involved:

First. Did President Reagan authorize the sale of weapons to certain groups in Iran in order to start a so-called strategic dialog and to obtain the release of our hostages being held in Lebanon?

Second. Did he know about the alleged diversion of funds to the Contras?

I should say, by way of preliminary comment, a few words about the motivation of the President and his men. There was absolutely no evidence of malice or malevolence on the part of any the individuals involved in the matter under investigation. There were dedicated public servants who sought no gain other than the welfare of our country and its citizens. I do not believe that anyone can fairly criticize President Reagan or any of the members of his administration for seeking to open a dialog with whatever factions may exist in Iran.

I have serious doubts that so-called moderates exist, but I point out that if the Ayatollah Khomeini were to depart this life today or tomorrow and a power struggle were then to begin and chaos perhaps prevail, the President and his administration would be under very severe criticism not only from the Congress but the country and the press for not having undertaken some effort to determine whether we could modify or alter our relationship with the successors to the Khomeini regime. So the President deserves to be commended for at least seeking out whatever options might be available to us in the future.

Second, no one can criticize the President for seeking the return of hostages. That is a matter that was foremost on his mind and foremost on the minds not only of the families of the hostages but members of the public and the Congress.

Everyone wanted the hostages to be returned home. So he was highly motivated in seeking the return of the hostages.

The mistake that was made is that what started out as a conceptual need to open lines of communication with so-called Iranian moderates evolved rather quickly into a predominant concern of securing the release of hostages at least at the operational level.

Again, while I would not question the President's motivation, he nevertheless undertook to privatize a foreign and covert policy: He in essence took foreign policy underground by cutting out the State Department, for all practical purposes the Defense Department, and the CIA and most specifically, Congress, and he placed the responsibility for this covert policy and its execution in the hands of a few individuals in a small office located in the White House or across the street in the Old Executive Office Building.

Unfortunately, heroes on the battlefield can become hand grenades in the field of foreign policy and international diplomacy. The President turned to amateurs instead of listening to professionals and, in my judgment, he must accept the consequences for the actions of those selected to carry out the twin goals of the administration of first sending arms to Iran and second, raising private or third party funds for the Contras in Nicaragua.

A dispute exists whether the President ever authorized the Israelis to transfer TOW missiles to Iran with the understanding that the Israelis could replace them with future purchases from the United States. There is conflicting evidence on this point, but it is my personal judgment that authority was given, since Israel would not want to incur the ill will of the United States nor risk drawing down its own weapons stocks. The issue is not a small one but it is also not a dispositive one, either, because, whether the authority was granted in advance or approved retroactively, the fact remains that the President did approve of the transfer and sale of arms to the Iranians certainly no later than by January of 1986.

I am also prepared to say without hesitation that the committee received no evidence that the President had any knowledge that the funds were diverted to the Contras. Our evidence, however, is incomplete because several key witnesses have pleaded the fifth amendment against self incrimination.

Again, in my judgment, this is an important point but not in itself a vindicating one. Because even if the President did not know, I believe he should have known. He was responsible for circumventing the institution mechanisms for the development and execution of foreign policy.

The White House is not the political equivalent of the First National Bank of Boston, and the National Security Council employees are not bank tellers. They are trustees.

The President cannot be held accountable for those acts of agents and employees who act well beyond the scope of their authority. But he surely is responsible when he sets up a mechanism that is specifically designed to eliminate the institutional checks and balances against rash or impetuous conduct in the affairs of the executive branch of Government.

Consider for a moment Lt. Col. Oliver North. Colonel North was given two essential tasks: First, to help transfer arms to Iran; and second, to raise funds for the Contras. He carried out the express wishes of the President in executing his first task. He was also responsible for raising private and third-party funds, perhaps even third-country funds, for the Contras. At some point, the twin tracks merged. Whether the idea was suggested by the Israelis or Mr. Ghorbanifar or Mr. Khashoggi or whether it originated with Colonel North, it nonetheless was foreseeable that North might seize upon the opportunity to carry out his assignments by wearing one white hat instead of two.

The PRESIDENT pro tempore. According to the agreement, the Senator's time has expired.

Mr. COHEN. Mr. President, I thank the Chair. I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

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

Mr. COHEN. It is my opinion that the President must assume responsibility for those actions or excesses even though he was unaware of them.

For example, there are press reports that administration officials were asked to solicit contributions from third countries and private individuals. If so, it may be asked, how far from the scope of his assumed authority did Colonel North stray in arranging for a portion of the windfall profits from the sale of arms to the Iranians to go to the Contras?

It is possible to argue, depending upon the evidence as to who controlled the Swiss accounts, that the profits may be construed as an Israeli contribution or a Saudi contribution or an Iranian contribution or even a second contribution to the Contras. And if so, again, I suggest, the President would be hard pressed to say that he bears no responsibility for the diversion of funds if in fact funds or military equipment arrived in the hands of the Contras.

My objection to making a formal and public filing of the staff report was not that the report is in some respects inaccurate or incomplete, although it is clear to me that it is. Not one member of the committee has had an opportunity to even read it. Transcripts were not even available for 12 of the 37 witnesses. There was no index of extensive documents received by the committee.

I might point out that since the report was debated and a copy of it leaked to the press, we have discovered at least one document that evidently was not considered in the draft report.

Aside from those objections, which in my judgment are very important, my objection is that the publication of the documents contained in that report would be a fire-sale invitation for those witnesses who have yet to testify to tailor their testimony either to conform to or to contradict the pre-

liminary evidence as it serves their interest to do so.

The care that the Intelligence Committee took to sequester witnesses, to limit their ability to discuss their testimony with others, or to review the transcripts of their testimony would be completely negated by releasing in detail what the committee was able to obtain.

It would also, in my opinion, serve as a tacit revocation of the mission of the new investigating committees in Congress to complete the search for the facts and for the truth.

That may serve the interests of the President and the Presidency. But it would not serve the interests of this institution or this country.

There is a responsible middle course to pursue—one that will advise the President and the public of an agreed-upon set of facts and some tentative conclusions.

It is my hope, and I know that Senator BOREN shares this hope, that we can publish a report within the next 2 weeks that will contain the essence of our very brief and incomplete inquiry.

One more word: There was a report today in the Washington Post that suggested that, somehow, Senator DURENBERGER was responsible for deleting certain portions from the report. That clearly was not the case. Senator DURENBERGER was only responding to objections of committee members, including myself, against releasing specific conclusions upon which there was not agreement.

For all of these reasons, I opposed a premature disclosure of a report that was unneeded and unauthorized by committee members.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. The Senator from Oklahoma wishes to speak on the same subject the Senator from Maine did and I shall be happy to yield to him.

Mr. BYRD. Mr. President, I have 2 minutes remaining, do I not?

The PRESIDENT pro tempore. The majority leader is correct.

Mr. BYRD. Mr. President, I yield that 2 minutes to Mr. BOREN to conform to the suggestion by Mr. PROXMIRE.

Would Mr. BOREN yield to me for a unanimous-consent request?

Mr. BOREN. I am happy to yield.

## MEASURE PLACED ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the House message on cleaning up the Nation's waters be placed on the calendar. That measure is the same language as S. 1, which is already on the calendar.

Mr. STEVENS. Mr. President, this matter has been cleared.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection.

Mr. STEVENS. Mr. President, reserving the right to object, this matter has been cleared with the ranking member on the appropriate committee. There is no objection to placing the House bill—it is my understanding that is what it is—on the calendar.

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

Mr. BYRD. Mr. President, I thank the distinguished acting leader. I ask unanimous consent that this time not be taken out of the 2 minutes.

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

## PROPOSED STAFF REPORT OF SENATE INTELLIGENCE COMMITTEE

Mr. BOREN. Mr. President, I thank the distinguished majority leader for yielding to me, and I thank the Senator from Wisconsin and others for indulging tc me the opportunity to follow on the remarks just made by the distinguished vice chairman of the Intelligence Committee, the Senator from Maine.

First of all, Mr. President, I wish to associate myself with the remarks which have just been made. I think they are an indication of the determination of both the vice chairman and myself that Senate Intelligence Committee conducts itself in a completely bipartisan fashion, in a responsible fashion, to assure that the report which we make to the new special investigating committee will be as thorough, as fair, and as accurate as possible and will be one that will reflect the testimony given to our committee thus far and will be one that will be able to obtain a broad consensus from the entire membership of the Intelligence Committee as we present a report from our committee to the successor special investigating committee.

I wish to associate myself with his remarks about reports in the media today indicating that responsibility for the deleting of some information from earlier drafts of the report rest with the earlier chairman of the committee, Senator DURENBERGER from Minnesota. I also believe that those reports are not fair to the Senator from Minnesota. I do not believe that he bears individual responsibility for those deletions. I think, again, it is an example of the way in which things occur when there is an opportunity to rush through a report before it is time to finally present it and to consider all the evidence in presenting it. I think there was simply a desire to be cautious, as those from the executive branch were suggesting deletions of certain materials, that they not be included in a report that might be released to the public. I do not think it represents an attempt on the part of the Senator from Minnesota to try to keep any information from coming to the attention of those who will have responsibility for continuing the investigation.

Let me say again, Mr. President—this has been said by the vice chairman of the committee—those reports, which are draft reports which have been inappropriately apparently leaked to certain people in the media, do not represent any official report of the Senate Intelligence Committee. It appears that an earlier draft, perhaps a second draft, has been leaked to members of the press. It is very dangerous to draw any conclusions from the draft report which is apparently now under consideration in certain parts of the media. It is not complete. It is not fully accurate as to fact. It was not even the final staff draft presented to the committee last Monday, and I point out that that final staff draft was not adopted by the committee. The committee did not vote to adopt it. In fact, at the time of the meeting it had been prepared only so recently that not a single member of the committee had even had a chance to read it:

I can cite many examples as to why it is dangerous to try to draw conclusions from the fragments, bits, and pieces of information which apparently are now out in the media.

One example of an error in fact is that the draft document which is apparently out in the media has July 7, 1986, as the date of a briefing of the Vice President on the Iran program by an Israeli official in Jerusalem. In fact, the correct date of that briefing was July 29, 1986. The briefing occurred 3 days after the release of the American hostage, Father Lawrence Jenco, and the position of the two events in relation to each other had an effect upon the contents of the briefing given by that official to the Vice President.

Now, I just cite that as one example. I am not going to get into the practice of coming to this floor and correcting everything that appears in the media. I cite it as an example merely to point out again there has been no official report of the Intelligence Committee. As the vice chairman has just said, at the time of the preparation of early staff recommendations there had not been a full and complete index of all of the documents in the custody of the committee. That index is now being prepared so we can assure that all documents have been read and considered before a staff report is finally prepared.

The PRESIDENT pro tempore. I am sorry, the Senator's time has expired.

Mr. BOREN. I ask if I might be allowed 2 additional minutes to complete my remarks on this subject.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

Mr. BOREN. Second, as has been pointed out by my colleague from Maine, the testimony of at least a dozen witnesses had not even been transcribed by the staff reporter at the time these draft documents were prepared. And so, of course, it is dangerous to draw any conclusions. No final report can be prepared by our committee for submission to the new special committee until all of this information is drawn together. We are now attempting to do so.

In addition to the example of a factual error which I just cited, there are other examples that could be cited. In many cases we had testimony of only one witness as to a certain course of events, and draft staff reports stated the testimony of one witness in many cases as if that was a fact, where in fact there was no corroborating evidence, no corroborating testimony sought by the committee to make sure that the testimony of an individual was fully accurate. So there are many things that we must consider before a final report is presented, and we are doing that. We are attempting to do it in an expeditious fashion. But in trying to do that we must dust off some old-fashioned terms that deserve their place, a term like "bipartisan," so that we can make sure the report is an accurate reflection of what the committee heard, a term like "statesmanship," so that we do not rush to any kind of political judgments on this matter, terms like "thorough" and "accurate."

We have a heavy responsibility, Mr. President; the reputations of individuals in this Government are at stake. The reputation of the United States and its foreign policy is at stake around the world as others are watching us. We are determined to do a thorough, professional, and fair job of summarizing the evidence that has been presented to our committee so that it can be passed on to the new special committee. We are also, Mr. President, determined that that new committee, as the Senate directed, shall then make the decision about what shall be released to the public, because premature release of information can allow witnesses, who might be called, an opportunity to change their stories, to come up with explanations or perhaps to even destroy evidence that might be valuable to the committee if they are tipped off by the premature release of too much information too soon.

Mr. President, we are determined to do the right kind of job for the American people. I thank the Chair for its indulgence.

Mr. President, I ask unanimous consent that an article which I wrote on this subject which appeared in USA Today on January 12, this morning, appear in the RECORD.

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

[From the USA Today, Jan. 12, 1987]

RELEASING REPORT NOW WOULD MISLEAD PUBLIC

(By David L. Boren)

WASHINGTON.—The American people have a right to know the whole truth about the Iranian arms controversy. Congress has a duty to do its best to learn all of the facts and, once it has them, to fully and accurately share them with the public.

We must never forget that the effort to get all of the facts can be undermined by premature release of partial and fragmentary information. Such information can tip off potential witnesses about embarrassing questions that may be directed to them. It gives parties who may be involved the chance to invent explanations or to destroy potentially valuable evidence. That is why the Senate directed the new investigating committee to decide about releasing any report from the Intelligence Committee.

In addition to the threat posed to the ongoing investigation, partial and premature release of information may also mislead the public because other documents and testimony not released or not yet heard may give a very different picture of events.

The Intelligence Committee has the responsibility of providing the new special investigating committee with a summary of the evidence which it has heard. The committee must do everything possible to ensure that the summary is complete, accurate, and fair. At best, the report will be a very preliminary one, because the committee was not able to obtain testimony from key witnesses like Oliver North, John Poindexter, and Richard Secord. It is impossible to answer questions about whether the law was violated, and, if so, by whom, until the new special committee obtains additional evidence.

The Intelligence Committee has not yet completed or adopted a report. Apparently, a staff draft of suggestions for a report has been inappropriately given to the news media. Drawing any conclusions from parts of the draft is dangerous.

The draft was written before the committee made a complete index of all documents in its possession and before adequate assurance could be given that material in all documents had been considered. The testimony of at least a dozen witnesses had not even been transcribed by the committee reporter when the staff report was prepared, and representatives of the White House and other agencies were given a chance to read the staff draft, possibly suggesting changes in it before the senators on the committee received it.

The Intelligence Committee can best help in the effort to get the whole truth to the public by being careful, thorough, and bipartisan in preparing the report for the new investigating committee.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING pro tempore. Under the previous order, the Senator from Wisconsin is recognized now for 5 minutes.

## CONGRESS IS PUSHING THE COUNTRY DOWN A TRAGIC ECONOMIC ROAD

Mr. PROXMIRE. Mr. President, is this country driving hellbent for a super inflation? This Senator believes that is exactly where our present policies are taking us. The inflation just over the horizon will strike precisely because the Congress, whipped on by the administration, is piling one colossal deficit on top of another. It's worse. The Federal Reserve Board is accommodating the Congress by printing the money to pay for the deficit. This is a super short-term policy. And why not? Isn't politics a super short-term business? In the short run excessive spending and the series of huge deficits expand jobs. They stretch out one of the longest uninterrupted economic recovery periods in American history. The Federal Government does all this with tax cuts. Even better it does this with no interest rate increase. In fact, interest rates fall. How come? With all that borrowing by the Federal Government, with all that explosion in the demand for credit from the American consumers whose debt in relation to income is bigger than ever before, with all the increased borrowing by American corporations, why are interest rates so much lower than they were a few years ago? Aren't interest rates simply the price of credits? Isn't demand for credit soaring? So why aren't interest rates going through the roof? Answer. The Federal Reserve Board has flooded the country in a sea of money. Every bartender and plumber knows the Congress has gone wild with our monster-size, year-after-year deficit. But almost no one—not even leading candidates for President—understands that the Federal Reserve Board has printed all the money needed to fund that deficit and then some. I challenge any Senator to find a time in American history when the Federal Reserve Board has more sharply increased the money supply in relation to the nominal gross national product than it has in the past 2 years. The guidelines announced by the Fed for each of the measures of money M1, M2, M3 are multiples of two or three times the need for money to finance transactions in the economy. The nominal GNP provides a precise measure of that transaction need.

What does all this mean? It means that this country has gone beyond unleashing the old credit card so it can live far beyond its means year after year. Congress is not just engulfing America in debt. It is worse. It is running off all the dollars it needs to pay off the credit card like an old counter-

feiter. Of course when the Federal Reserve Bank prints the money, there's nothing counterfeit about it. It's strictly legal tender. And it works like magic.

Some of our leading congressional lights ask so what? What is wrong with this? They say just look at the results: Are prices up? No, indeed. Inflation is behaving like a pussy cat. How about interest rates? Interest rates are lower than they have been for 10 years. Ninety day Treasury bills have fallen from 14 percent in 1981, and 10.7 percent in 1982 to 5.65 percent today. Is that bad? Why, no, it's economic heaven. So if we get these results, why aren't these exactly the right policies? Well, in the short run they are right. They work. They are great. The country has an explosion in Federal Government spending programs. That makes millions of the beneficiaries of these programs happy. It gets better. There is no increase in taxes to pay for these explosive spending programs. That makes 100 million plus taxpayers happy and grateful. Meanwhile, the recovery continues. Inflation falls. Interest rates stay down.

All that is the short run. How about the long run? Of course, there is always the possibility that the country is writing a new chapter in economic history. Maybe this nirvana, this heaven on Earth can go on indefinitely. Will the debt burden not haunt us? Will the interest on that debt not consume an increasing share of our national income? No. That will not happen if the Federal Reserve Board continues to crank out the money. They can just print it—millions, billions, trillions of dollars. So what is wrong? What's wrong is that the time comes when time catches up with us. The time comes when there is just too much money chasing too few goods. Countries have pursued the old print-the-money policy for centuries. They always end up with inflation, super inflation. This Congress is pursuing a shameful, selfish, strictly short-term economic policy that might help incumbents win the next election. It spells long term disaster for our country.

## THE SUPER-POWER MARCH TO DEATH

Mr. PROXMIRE. Mr. President, what are the most likely scenarios for nuclear war? The most obvious and undisputed fear is the specter of a sudden bolt from the blue. Today, tomorrow, or 10 years from now on a beautiful, bright, clear Washington day thousands of Soviet hydrogen bombs rain down on American cities. Within minutes the United States retaliates. Within hours both countries lie desolate, dead. This beautiful planet becomes a steaming, radioactive wasteland. Is this possible? Of course. Is it likely anytime in the next few years? No. Is this a long shot, outside possibility? It is a very long shot.

It could come through accident. Consider: Scenario I: With thousands of human and fallible Russians and thousands of human and fallible Americans manning 10,000 strategic warheads on each side, somehow, somewhere, some time through a series of misjudgments by someone—the fail-safe mechanism could trigger off.

Scenario II: A Soviet dictator without the limitations imposed on an American President by an independent Congress or a rigorous American peace movement, and with total control of the Soviet economic institutions and the Soviet press, in a fit of fury decides to institute a strike. He assumes that the United States would decide not to incinerate the world and would not strike back.

There are many other possible scenarios for a nuclear bolt from the Soviet blue but the mutual assurance of sure and swift mutual destruction makes any of them a very, very long shot.

Again what is a more likely path to a full-fledged nuclear war? How about the consequences of a conventional war in Europe? Consider: The Soviets respond to an uprising in East German with tanks and planes. They pursue rebel troops into West Germany. NATO forces respond with a prompt counterattack to repel this invasion of their own territory. The Soviets step up their offensive and bring their massive advantages in tanks and planes and personnel to bear. They sweep through Germany toward France. Now keep in mind the NATO powers have specifically refused to renounce first use of nuclear weapons. NATO has thousands of tactical nuclear weapons in place in Western Europe poised and ready to move into action. Would tactical nukes stop the Soviet offensive? Yes. Would they provoke a Soviet nuclear retaliation—low level, at first? Very possible. How would NATO respond to the Soviet nuclear counterattack? Further nuclear escalation? Just enough to stop the U.S.S.R. offensive? Very possible. The confrontation might end there. It might not. The temptation for both sides to call the other's bluff—right up to the brink—would be enormous. But over the brink? To total, full-fledged nuclear war? Maybe, maybe not.

Is the terrible momentum of conventional superpower war the likeliest path to nuclear war? No. Then what is? Answer: The development of smaller, much cheaper nuclear weapons. If the superpowers continue nuclear weapons research, if they continue the testing of new nuclear weapons that validate and assure the steady march to even more devastating and cheaper nuclear weapons, those new improved nukes will in a few years find their way into the arsenals of 10 or 15 countries that now have no nuclear arsenals. Why would the so frequently predicted and never realized proliferation of nuclear weapons suddenly come to reality? Because as the nuclear technology race moves on, the new, devastating and especially cheap nukes will be a practical, easy but for many countries that cannot now afford them. In a few more years scores of nations and even terrorist groups will secure these weapons. Why not? These weapons will offer an easy, tempting bargain—a ticket to power. For the smaller countries, the cheap, new devastating nukes will provide the equalizers. What would Qadhafi in Libya give for an antimatter bomb—that provided—pound for pound—several hundred times the destructive power of the hydrogen bomb? Think what a man like Iran's Khomeini could do with it. A few terrorists traveling in the United States could quickly and easily decapitate the U.S. Government. It could obliterate the White House, the Capitol—all of Washington and everyone in it. Terrorists could utterly destroy our major cities.

Can it happen? Mr. President, if we continue this mindless technological march into ever more destructive nuclear weapons, we will build the very force that will destroy us—all of us. This Senator is not talking about odds. I'm talking about an absolute certainty. I am saying if we don't stop, somewhere, sometime, someone will utterly destroy this proud and beautiful land of ours. And who will be responsible? We will.

I thank the Chair and yield the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, how much time will I have—5 minutes?

The PRESIDENT pro tempore. The Senator has 5 minutes. The statement is limited to 5 minutes.

Mr. FORD. I thank the Chair.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

## S. 286—BUDGET PROCEDURES IMPROVEMENT ACT OF 1987

Mr. FORD. Mr. President, on October 16 of last year, near the end of the session of the 99th Congress, I spoke on the floor to the unhappy fact that we were once again entering a new fiscal year without enactment of the regular appropriation bills. I said then that at the beginning of this new Congress I would again introduce the 2-year budget bill that I first introduced in September 1981.

As promised, I am here today introducing such a bill, updated to accommodate the changes made by the en-

actment of the Gramm-Rudman-Hollings Act. Only where that latter act is in conflict with the scheduling provisions of the 2-year budget bill are changes in Gramm-Rudman proposed.

All of the substantive provisions of Gramm-Rudman-Hollings, including the enforcement methods, remain intact and unchanged.

Because of the difficulties we have had in past years in enacting necessary and timely continuing appropriation resolutions, the bill I am introducing today in this Congress contains one new important provision. Section 9 would establish permanent authority for continuing appropriations whenever any regular appropriation measure was not enacted prior to the beginning of a new fiscal year at the commencement of a new 2-year period. Spending for all projects and activities would remain at the levels approved for the prior fiscal year until such time as all regular appropriation measures are enacted for that 2-year cycle.

I am proposing this major statutory change in our appropriation process because I believe only permanent provision for continuing appropriations when regular authority expires can accomplish some important improvements in the process and can prevent some serious problems which arise when trying to legislate continuing appropriations ad hoc and under extreme time pressure.

We have all watched our Government close down for lack of appropriations. We have seen the efforts to add controversial nongermane provisions to continuing resolutions.

With a permanent continuing appropriation in place and ready to engage automatically when Congress fails to enact all of its appropriation bills on time, we cannot only avoid those problems but we can create a major incentive for the President and Congress to cooperate in taking timely action to enact all of the regular appropriation measures.

Even though I believe and sincerely hope that going to a 2-year budget and appropriation cycle will in itself greatly reduce the likelihood of failure of timely enactment of regular appropriation bills, there is no certainty we will not need continuing resolutions in the future. Accordingly, it is my judgment that a 2-year budget statute should contain provision for permanent continuing appropriations.

I have spoken so many times during the past 6 years about the strengths and limitations of a 2-year budget and appropriation process that I hesitate now to impose on the time of the Senate to go into further detail about this bill. I am confident that most of my colleagues are by now familiar with it. I hope our new Members will quickly undertake to become familiar with it. To facilitate this, I ask unanimous consent that the bill and a brief summary analysis of the bill's provisions be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. FORD. I thank the Chair.

Not since 1976 has Congress actually enacted all of its regular annual appropriation bills by the beginning of the new fiscal year. Even that achievement for fiscal 1977 was the only year in which all regular appropriation bills have been timely enacted since passage of the Congressional Budget Act of 1974. In each year we have struggled through the dangerous task of passing continuing resolutions, with the attendant risk of exposure to nongermane and nonrelevant amendment proposals, not to mention the risk of shutting the Federal Government down entirely.

It is clear that we cannot operate on an annual budget and appropriation cycle. With a 2-year cycle, we can do a far better job of planning, reviewing, budgeting, and appropriating for both fiscal years in the 2-year period.

We will gain time in both the executive and legislative branches for other pressing tasks. I was pleased to read in the November 14, 1986, New York Times that President Reagan was contemplating proposing a 2-year budget cycle to Congress. I hope he does indeed submit such a recommendation.

With the elimination of needless duplication and repetition, considerable more legislative oversight can be undertaken by Congress. Moreover, a 2-year appropriation period will allow our States to better plan for their own programs and budgets.

Many proponents of 2-year budgeting believe that in addition to the time saved, such a process will involve some stabilizing discipline on spending and encourage greater effort toward balancing the Federal budget. At the same time, as we have said repeatedly, we know that the 2-year budget is no panacea. It will not address many of the most severe budget, revenue, fiscal, and deficit problems which face us. But it will give us more time to deal with those problems and, I believe, increase our chances of finding solutions.

Mr. President, I now send my bill to the desk and ask unanimous consent that it remain there until January 16, so that those of my colleagues who wish may join me in cosponsoring the bill may do so.

The PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object.

Mr. FORD. Mr. President, all I am doing is laying this on the desk for cosponsoring. I am not asking for anything further than that.

Mr. STEVENS. I thank my good friend. I was conferring here.

Mr. FORD. I made my speech before I introduced the bill. I have been taught that by some of the leadership here.

The PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDENT pro tempore. The Chair hears none. It will be so ordered.

The Senator's time has expired.

Mr. FORD. Mr. President, may I ask unanimous consent for 2 additional minutes?

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. FORD. Mr. President, the distinguished ranking member of the Budget Committee, in the budget hearing last week, said that he had been skeptical of the 2-year budget, but, in talking with Director Miller at that hearing, he said he had come to the point where he thought the 2-year budget was a good idea. Then, I was very pleased to read in this morning's Washington Post the article by my good friend and colleague, the ranking member of the Senate Budget Committee, Mr. DOMENICI. In his article proposing certain reforms in the budget process, Senator DOMENICI lists as his first recommendation a 2-year budget and appropriation cycle.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the end of my presentation this morning.

(See Exhibit 2.)

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

Mr. FORD. Mr. President, I further ask unanimous consent that, on January 16, the bill be jointly referred to the Committees on Budget, Governmental Affairs, and Rules and Administration and that this action be deemed special for this bill only and not be deemed a precedent in any way modifying or affecting the unanimous-consent agreement of August 4, 1977, which relates to referral of proposed amendments to the Congressional Budget Act.

Mr. STEVENS. Mr. President, reserving the right to object, I want to state that because I am the ranking member of the Rules Committee now with my good friend from Kentucky as chairman, I am reluctant to do what I must do. But, on behalf of the leadership, I must object to his unanimous-consent request.

The PRESIDENT pro tempore. Objection is heard.

Mr. FORD. Mr. President, I regret my good friend must do this. It is not of his choosing. It is because he is in the leadership position this morning and he is doing so on behalf of his side of the aisle.

But I must remind the Senate that in the 97th Congress and in the 98th

Congress that was allowed. I will only say that apparently the idea's time has arrived and others now are grasping for this so they might have control of it.

The PRESIDENT pro tempore. All time has expired.

Mr. FORD. Mr. President, if I may, then, since this is not possible, let me say that I wish to announce that it is my intention, after the bill is referred, to request early hearings, consideration and reporting by the other two committees. Also, I wish to point out now that when the bill is reported to the Senate, I will then be compelled to move its referral to the Rules Committee because the bill contains so many substantial changes in the rules of procedure of the Senate.

I thank the Chair for his indulgence.

EXHIBIT 1

S. 286

*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 "Budget Procedures Improvement Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that the present annual Federal budgeting process—

(1) allows insufficient time for the fulfillment by the Congress of its legislative and oversight responsibilities;

(2) allows insufficient time for the review and consideration by the Congress of authorizing legislation, budget resolutions, and appropriation bills and resolutions and other spending measures;

(3) allows insufficient time for the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and

(4) allows insufficient time for agencies and State and local governments to plan for the implementation of programs.

(b) It is the purpose of this Act to establish a more thorough and timely process for the adoption of the Federal budget by—

(1) establishing a two-year cycle for the adoption of the budget;

(2) requiring the separate and distinct consideration of authorizing legislation, the budget, and appropriation bills and resolutions and other spending measures and thereby allowing full evaluation of the need for and the merits and costs of the various programs and agencies of the Federal Government;

(3) strengthening congressional procedures for the consideration of budget resolutions, reconciliation bills and resolutions, appropriation bills and resolutions, and other measures providing spending authority; and

(4) strengthening the requirement for congressional oversight of Federal programs by authorizing committees.

REVISION OF TIMETABLE

SEC. 3. Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One-hundred-and-first Congress) is as follows:

"First Session

| "On or before: | Action to be completed: |
|---|---|
| November 10 (of the preceding year. | President submits current services budget for the 2-fiscal-year budget period beginning in the succeeding even-numbered year. |
| January 15..... | President submits his budget for the 2-fiscal-year budget period beginning in the succeeding calendar year. |
| April 15 ..... | Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period. |
| May 15..... | Committees and joint committees submit reports to Budget Committees with respect to the 2-fiscal-year budget period. |
| June 15..... | Budget Committees report first concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses. |
| July 1..... | Committees report bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period. |
| July 31..... | Congress completes action on the first concurrent resolution on the budget for the 2-fiscal-year budget period. |
| September 15... | Committees report allocations of the first concurrent resolution on the budget among programs within their jurisdiction. |
| December 1 ..... | Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period. |

"Second Session

| "On or before: | Action to be completed: |
|---|---|
| January 15..... | President submits revised budget for the 2-fiscal-year budget period. |
| March 31..... | House committees report bills providing new budget authority and new spending authority for the 2-fiscal-year budget period. |
| March 31..... | Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period. |
| April 15 ..... | Senate committees report bills providing new budget authority and new spending authority for the 2-fiscal-year budget period. |
| June 15..... | Budget Committees report second required concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses. |

"Second Session—Continued

| "On or before: | Action to be completed: |
|---|---|
| July 15..... | Congress completes action on bills and resolutions providing new budget authority and new spending authority for the 2-fiscal-year budget period. |
| August 1..... | Congress completes action on second concurrent resolution on the budget for the 2-fiscal-year budget period. |
| September 25... | Congress completes action on the reconciliation bill or resolution, or both, implementing the second concurrent resolution on the budget for the 2-fiscal-year budget period. |
| October 1..... | 2-fiscal-year budget period begins.". |

AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

SEC. 4. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting in lieu thereof "biennially".

(b)(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraph:

"(11) The term '2-fiscal-year budget period' means the period of 2 consecutive fiscal years beginning on October 1 of any even-numbered year.".

(c)(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting in lieu thereof "April 15 of each odd-numbered year";

(B) by striking "the fiscal year commencing on October 1 of that year" and inserting in lieu thereof "each fiscal year in the succeeding 2-fiscal-year budget period",

(C) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "such 2-fiscal-year budget period"; and

(D) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)";

(B) in paragraph (3)—

(i) by striking "each year" and inserting in lieu thereof "each odd-numbered calendar year",

(ii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting in lieu thereof "either fiscal year in the 2-fiscal-year budget period beginning October 1 of the preceding calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting in lieu thereof "either fiscal year of such 2-fiscal-year budget period", and

(iv) by striking "fiscal year beginning October 1 of that calendar year" and inserting

in lieu thereof "succeeding 2-fiscal-year budget period";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) On March 31 of each even-numbered year, the Director shall transmit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any revisions in the Budget transmitted by the President to the Congress on January 15 of that year pursuant to the last sentence of subsection (a) of section 1105 of title 31, United States Code.".

(d)(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting in lieu thereof "July 31 of each odd-numbered year",

(B) by striking "a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year" and inserting in lieu thereof "the first concurrent resolution on the budget for the 2-fiscal-year budget period beginning on October 1 of the succeeding year",

(C) by striking "the fiscal year beginning on October 1 of such year" and inserting in lieu thereof "each fiscal year in such period", and

(D) by striking "each of the two ensuing fiscal years" and inserting in lieu thereof "each fiscal year in the succeeding 2-fiscal-year budget period".

(2) Section 301(b) (2 U.S.C. 632(b)) of such Act is amended to read as follows:

"(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—

"(1) Except as provided in paragraph (2) the first concurrent resolution on the budget may also require any other procedure which is considered appropriate to carry out the purposes of this Act.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any first concurrent resolution on the budget—

"(A) which directs any committee to determine and recommend changes in bills, laws, or resolutions; or

"(B) which includes any matter with respect to any subject other than budget outlays, budget authority, the surplus or deficit in the budget, revenues (including off-setting receipts and off-setting collections), or the level of the public debt.

"(3) The first concurrent resolution on the budget may set forth, if required by subsection (f), the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 should be achieved.".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting in lieu thereof "May 15 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) by inserting "first" after "In developing the";

(B) by striking "fiscal year" in the first sentence and inserting in lieu thereof "2-fiscal-year budget period";

(C) by inserting after the second sentence the following: "On or before June 15 of each odd-numbered year, the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) for the 2-fiscal-year budget period beginning on October 1 of the succeeding year.";

(D) by striking "five" in paragraph (6) and inserting in lieu thereof "four";

(E) by striking "such fiscal year" in paragraph (6) and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget period,"; and

(F) by striking "such period" in paragraph (6) and inserting in lieu thereof "such four-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended—

(A) by striking "the concurrent" each place it appears and inserting in lieu thereof "the first concurrent"; and

(B) by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(6) Section 301(i)(1)(A) of such Act (2 U.S.C. 632(i)(1)(A)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period", and

(B) by striking "for such fiscal year" the first place it appears and inserting in lieu thereof "for either fiscal year in such 2-fiscal-year budget period".

(7) The section heading of section 301 of such Act is amended to read as follows:

"ADOPTION OF FIRST CONCURRENT RESOLUTION ON THE BUDGET"

(8) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the item relating to section 301 and inserting in lieu thereof the following new item:

"Sec. 301. Adoption of first concurrent resolution on the budget.".

(e)(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a 2-fiscal-year budget period" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such 2-fiscal-year budget period" after "estimated allocation" each place it appears.

(2) The last sentence of section 302(b) of such Act (2 U.S.C. 633(b)) is amended—

(A) by striking "Each" and inserting in lieu thereof "By September 15 of each odd-numbered year, each"; and

(B) by striking "promptly".

(3) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting in lieu thereof "for either fiscal year in a 2-fiscal-year budget period"; and

(B) by striking "for such fiscal year" each place it appears and inserting in lieu thereof "for such 2-fiscal-year budget period".

(4) Section 302(d) of such Act (2 U.S.C. 633(d)) is amended by inserting "or section 310" after "304".

(5)(A) Section 302 (f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period"; and

(ii) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "either fiscal year in such 2-fiscal-year budget period".

(B) Section 302(f)(2) of such Act is amended—

(i) by striking "the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year" and inserting in lieu thereof "a concurrent resolution on the budget for a 2-fiscal-year budget period"; and

(ii) by striking "for such fiscal year" and inserting in lieu thereof "for such 2-fiscal-year budget period".

(f)(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended—

(A) by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(B) by inserting "first" after "until the".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(B) by striking the second sentence thereof.

(3) The section heading of section 303 of such Act is amended by striking "CONCURRENT" and inserting in lieu thereof "FIRST CONCURRENT".

(4) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the item relating to section 303 and inserting in lieu thereof "First concurrent".

(g)(1) Section 304 of such Act (2 U.S.C. 635) is amended—

(A) by striking "concurrent" and inserting in lieu thereof "first concurrent";

(B) by striking "fiscal year" the first two places it appears and inserting in lieu thereof "2-fiscal-year budget period";

(C) by striking "for such fiscal year";

(D) by inserting before the period "for such 2-fiscal-year budget period"; and

(E) by adding at the end thereof the following: "Prior to the adoption of the second concurrent resolution on the budget required for a 2-fiscal-year budget period under section 310(a), it shall not be in order in the Senate or the House of Representatives to consider any concurrent resolution on the budget revising the most recently agreed to concurrent resolution on the budget for such 2-fiscal-year budget period if the concurrent resolution making such revisions—

"(1) directs any committee to determine and recommend changes in bills, laws, or resolutions; or

"(2) includes any matter with respect to any subject other than budget outlays, budget authority, the surplus or deficit in the budget, revenues (including offsetting receipts and offsetting collections), or the level of the public debt.".

(2) Section 304(b) of such Act (2 U.S.C. 635(b)) is amended—

(A) by striking "MAXIMUM DEFICIT AMOUNT MAY NOT BE EXCEEDED.—" and inserting in lieu thereof "APPLICABILITY OF CERTAIN PROVISIONS.—";

(B) by striking "301(i)" the first place it appears and inserting in lieu thereof "subsections (g), (h), and (i) of section 301"; and

(C) by striking "such section 301(i)" and inserting in lieu thereof "section 301".

(h) Section 305(b) of such Act (2 U.S.C. 636(b)) is amended—

(1) in paragraph (1) by striking "304(a)" and inserting in lieu thereof "304(a) or 310(a)";

(2) in paragraph (3)—

(A) by striking "the concurrent" and inserting in lieu thereof "a concurrent"; and

(B) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(i)(1) Section 307 of such Act (2 U.S.C. 638) is amended—

(A) by striking the section heading and inserting in lieu thereof "COMMITTEE

ACTION ON APPROPRIATION AND OTHER SPENDING BILLS";

(B) by inserting "(a) COMMITTEE ACTION ON REGULAR APPROPRIATIONS BILLS.—" before "On or before";

(C) by striking "June 10 of each year" and inserting in lieu thereof "March 31 of each even-numbered year";

(D) by striking "annual";

(E) by striking "fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period"; and

(F) by adding at the end thereof the following new subsection:

"(b) REPORTING OF CERTAIN MEASURES.—

"(1) All bills and resolutions providing budget authority or spending authority described in section 401(c)(2)(C) for any 2-fiscal-year budget period—

"(A) shall be reported to the House of Representatives no later than March 31 of the year in which such period begins; and

"(B) shall be reported to the Senate no later than April 15 of the year in which such period begins.

"(2) If a committee of the House of Representatives or the Senate determines that a waiver of paragraph (1) is necessary with respect to any bill or resolution providing supplemental appropriations for any period, such committee may report, and the House or Senate may consider and adopt, a resolution waiving the application of such paragraph in the case of such bill or resolution.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the item relating to section 307 and inserting in lieu thereof the following new item:

"Sec. 307. Committee action on appropriation and other spending bills.".

(j)(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period";

(ii) in subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period"; and

(iii) in subparagraph (C) by striking "such fiscal year and each of the four ensuing fiscal years" and inserting in lieu thereof "the 4-fiscal-year period beginning with the first fiscal year in such 2-fiscal-year budget period".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year"the first place it appears and inserting in lieu thereof "2-fiscal-year budget period";

(B) by inserting "for such 2-fiscal-year budget period" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period preceding such 2-fiscal-year budget period".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting in lieu thereof "Four";

(B) by striking "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each 2-fiscal-year budget period";

(C) by striking "5 fiscal years beginning with such fiscal year" and inserting in lieu thereof "4 fiscal years beginning with the first fiscal year in such 2-fiscal-year budget period"; and

(D) by striking "such period" each place it appears and inserting in lieu thereof "such 4-fiscal-year period".

(k)(1) Section 309 of such Act (2 U.S.C. 640) is amended to read as follows:

"COMPLETION OF ACTION ON CERTAIN BILLS; LIMITATION ON ENROLLMENT OF CERTAIN BILLS AND RESOLUTIONS

"SEC. 309. COMPLETION OF ACTION REQUIRED.—(a) Except as otherwise provided pursuant to this title, not later than July 15 of each even-numbered year, the Congress shall complete action on all bills and resolutions—

"(1) providing new budget authority for the 2-fiscal-year budget period beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such period, if required to be reported under section 310; and

"(2) providing new spending authority described in section 401(c)(2)(C) which is to become effective during such 2-fiscal-year budget period."

Paragraph (1) shall not apply to a bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.

"(b) LIMITATION ON ENROLLMENT.—Bills and resolutions providing new budget authority for any 2-fiscal-year budget period or new spending authority described in section 401(c)(2)(C) for any 2-fiscal-year budget period shall not be enrolled until the concurrent resolution on the budget required to be reported under section 310(a) for such 2-fiscal-year budget period has been agreed to, and if a reconciliation bill or reconciliation resolution, or both are required to be reported under section 310(c) for such 2-fiscal-year budget period, until Congress has completed action on that bill or resolution, or both.".

(2) The item relating to section 309 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 309. Completion of action on certain bills; limitation on enrollment of certain bills and resolutions.".

(l)(1) Section 310 of such Act (2 U.S.C. 641) is amended by striking the matter preceding subsection (b) and inserting in lieu thereof the following:

"SECOND CONCURRENT RESOLUTION ON THE BUDGET; RECONCILIATION PROCESS

"SEC. 310. (a) SECOND CONCURRENT RESOLUTION ON THE BUDGET.—

"(1) On or before June 15 of each even-numbered year, the Committee on the Budget of each House of the Congress shall report to its House a concurrent resolution on the budget that reaffirms or revises the concurrent resolution on the budget most recently agreed to for the 2-fiscal-year budget period beginning on October 1 of such year. Any such concurrent resolution shall, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

"(A) specify the total amount by which—

"(i) new budget authority for each fiscal year in such 2-fiscal-year budget period;

"(ii) budget authority initially provided for prior fiscal years;

"(iii) new entitlement authority which is to become effective during each fiscal year in such 2-fiscal-year budget period; and

"(iv) credit authority for each fiscal year in such 2-fiscal-year budget period, contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

"(B) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

"(C) specify the amount by which the statutory limit on the public debt is to be changed for each fiscal year in such 2-fiscal-year budget period and direct the committee having jurisdiction to recommend such changes; or

"(D) specify and direct any combination of the matters described in subparagraphs (A), (B), and (C).

"(2) It shall not be in order in the Senate or the House of Representatives to consider any such concurrent resolution if such concurrent resolution directs any committee to determine and recommend changes in laws, bills, or resolutions directly or indirectly authorizing the enactment of new budget authority.

"(3) The provisions of subsections (g), (h), and (i) of section 301 shall apply with respect to concurrent resolutions under this subsection (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under section 301 (and amendments thereto and conference reports thereon).

"(4) On or before August 1 of each even-numbered year, the Congress shall complete action of the concurrent resolution referred to in paragraph (1).".

(2) Section 310(e) of such Act (2 U.S.C. 641(e)) is amended—

(A) by striking "20 hours" in paragraph (2) and inserting in lieu thereof "100 hours"; and

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

"(3) It shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or resolution or any amendment thereto or any conference report thereon which changes any provision of law other than provisions of law which—

"(A) provide new budget authority or spending authority described in section 401(c)(2)(C);

"(B) relate to revenues; or

"(C) specify the amount of the statutory limit on the public debt.".

(3) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended to read as follows:

"(f) COMPLETION OF RECONCILIATION PROCESS.—Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (b) not later than September 25 of each even-numbered year.".

(4) Section 310(g) of such Act (2 U.S.C. 641(g)) is amended by inserting "subsection (a)," after "under" the first place it appears.

(5) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the item relating to section 310 and inserting in lieu thereof the following new item:

"Sec. 310. Second concurrent resolution on the budget; reconciliation process.".

(m)(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "required to be reported under section 310(a) for a 2-fiscal-year budget period";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting in lieu thereof "a fiscal year in such 2-fiscal-year budget period";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "most recently agreed to concurrent resolution on the budget for such fiscal year" and inserting in lieu thereof "most recently agreed to concurrent resolution on the budget for the 2-fiscal-year budget period in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "a 2-fiscal-year budget period"; and

(B) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "either fiscal year in such 2-fiscal-year budget period".

(n) Section 401(b) of such Act (2 U.S.C. 651(b)) is amended—

(1) by striking "the fiscal year which begins during the calendar year in" in paragraph (1) and inserting in lieu thereof "the first 2-fiscal-year budget period which begins after the date on";

(2) by striking "for such fiscal year" the second place it appears in paragraph (2) and inserting in lieu thereof "for the 2-fiscal-year budget period in which such fiscal year occurs"; and

(3) by inserting "for such fiscal year" after "new budget authority" the second place it appears in paragraph (2);

(o) Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "4" in paragraph (1) and inserting in lieu thereof "three"; and

(2) by striking "four" in paragraph (2) and inserting in lieu thereof "three".

(p) Section 406(a) of such Act (2 U.S.C. 655(a)) is amended by striking "or section 304" and inserting in lieu thereof ", section 304, or section 310".

(q)(1) Title IV of such Act (2 U.S.C. 651 et seq.) is amended by adding at the end thereof the following new sections:

"REPORTS

"Sec. 408. (a)(1) The reports required by sections 301(c), 302(b), 308(b), and 308(c) shall contain the tables described in subsection (b).

"(2) Any—

"(A) concurrent resolution on the budget reported by the Committee on the Budget of the Senate or the House of Representatives under section 301, 304, or 310 of this Act; and

"(B) bill or resolution reported by a committee of the Senate or the House of Representatives which provides, modifies, or terminates budget authority or spending authority described in section 401(c)(2)(C), or which contains or modifies estimates of budget outlays,

shall be accompanied by a report containing the tables described in subsection (b). The conference report on any bill or resolution described in clause (A) or (B) of the preceding sentence shall be accompanied by a joint statement of the managers containing such tables.

"(b)(1) The tables required by subsection (a) shall set forth estimates of budget authority, spending authority described in section 401(c)(2)(C), and budget outlays for each of the accounts (to which the report, bill, or resolution referred to in such subsection pertains) which are set forth in the Budget Accounts Listing contained in the Budget of the United States Government submitted by the President pursuant to subsection (a) of section 1105 of title 31, United States Code, during the Congress in which the report referred to in subsection (a)(1) is made or the bill or resolution described in subsection (a)(2) is reported. If any such report, bill, or resolution contains provisions involving budget authority, spending authority, or outlays for which accounts have not been included in such Budget Accounts Listing, the estimates therefor in the table required by this subsection shall be set forth in account records with account identification codes assigned by the Director of the Congressional Budget Office.

"(2) The tables described in paragraph (1) which are required to be included in the reports required by sections 301(c), 302(b), 308(b), and 308(c), and in the reports accompanying any concurrent resolution on the budget reported under section 301, 304, or 310 shall also set forth estimates for the budget authority and spending authority described in section 401(c)(2)(C) which will become available without further congressional action and estimates of the outlays that will result from such budget authority and spending authority. With respect to the reports required by sections 301(c) and 302(b), the estimates described in the preceding sentence are only required for the accounts or portions of accounts relating to the subject matter within the legislative jurisdiction of the committee submitting the report.

"ACTION ON AUTHORIZING LEGISLATION

"Sec. 409. (a) Dates for Reporting and Final Action.—

"(1) Except as otherwise provided in this section, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a 2-fiscal-year budget period, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before July 1 of the odd-numbered year preceding the beginning of such 2-fiscal-year budget period.

"(2) The Congress shall complete action on all bills and resolutions directly or indirectly authorizing the enactment of new budget authority for a 2-fiscal-year budget period not later than December 1 of the year preceding the year in which such 2-fiscal-year budget period begins.

"(b) Emergency Waiver in the House.—If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) with respect to any bill or resolution, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) in the case of such bill or resolution.

"(c) Waiver in the Senate.—

"(1) The committee of the Senate which reports any bill or resolution may, at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate, within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

"(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

"(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to that bill or resolution referred to in the resolution.

"(d) Certain Bills and Resolutions Received From Other House.—Notwithstanding the provisions of subsection (a), if under that subsection it is in order in the House of Representatives to consider a bill or resolution of the House, then it shall be in order to consider a companion or similar bill or resolution of the Senate; and if under that subsection it is in order in the Senate to consider a bill or resolution of the Senate, then it shall be in order to consider a companion or similar bill of the House of Representatives.

"(e) Exceptions.—

"(1) Subsection (a) shall not apply with respect to new spending authority described in section 401(c)(2)(C).

"(2) Subsection (a) shall not apply with respect to new budget authority authorized in a bill or resolution for any provision of the Social Security Act if such bill or resolution also provides new spending authority described in section 401(c)(2)(C) which, under section 401(d)(1)(A), is excluded from the application of section 401(b).

"(f) Study of Existing Spending Authority and Permanent Appropriations.—The Committees on Appropriations of the House of Representatives and the Senate shall study on a continuing basis those provisions of law, in effect on the effective date of this section, which provide spending authority or permanent budget authority. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new items:

"Sec. 408. Reports.
"Sec. 409. Action on authorizing legislation.".

(r) Section 904(c) of the Congressional Budget Act of 1974 (2 U.S.C. 621(c)) is amended by striking "sections 305(b)(2)" and inserting in lieu thereof "sections 301(b)(2), 305(b)(2),".

AMENDMENTS TO TITLE 31, UNITED STATES CODE

SEC. 5. (a) Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-fiscal-year budget period' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11))".

(b) Section 1104(c) of title 31, United States Code, is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking the second and third sentences thereof; and

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

"(2) The budget submitted pursuant to section 1105 for the 2-fiscal-year budget period beginning on October 1, 1990, and the estimates of outlays and proposed budget authority required to be submitted under section 1109 for such 2-fiscal-year budget period, shall be set forth in the same accounts which are set forth in the Budget Accounts Listing contained in the budget submitted for fiscal year 1989 under section 1105. Any change in the accounts used in the budget submitted under section 1105 for the 2-fiscal-year budget period beginning on October 1, 1990, or any succeeding 2-fiscal-year budget period, or in the estimates of outlays and proposed budget authority required under section 1109 for any such 2-fiscal-year budget period, from the accounts set forth in the Budget Accounts Listing contained in the budget submitted under section 1105 for fiscal year 1989 or the preceding 2-fiscal-year budget period, as the case may be, shall be made only in consultation with the Committees on Appropriations, the Committees on the Budget, and the committees having legislative jurisdiction over the programs or activities which will be affected by such changes. The provisions of this paragraph do not prohibit the inclusion of new accounts in the Budget Accounts Listing contained in the budget submitted pursuant to section 1105 solely for purposes of presenting estimates for new programs.".

(c)(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) By January 15 of each odd-numbered year, beginning with 1989, the President shall transmit to the Congress, the budget for the 2-fiscal-year budget period beginning on October 1 of the succeeding calendar year. The budget transmitted under this subsection shall include the President's Budget Message, summary data and text, and supporting detail. The budget shall set forth in such form and detail as the President may determine—".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the two fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the two fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period"; and

(B) by striking "each of the 4 fiscal years after that year" in subparagraph (B) and inserting in lieu thereof "each of the 2 fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period following the 2-fiscal-year budget period";

(B) by striking "that following fiscal year" and inserting in lieu thereof "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting in lieu thereof "2-fiscal-year budget period before the 2-fiscal-year budget period".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting in lieu thereof "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting in lieu thereof "in that fiscal year".

(12) Section 1105(a) of title 31, United States Code, is further amended by adding at the end thereof the following new sentence:

"By January 15 of each even-numbered year, the President shall transmit to the Congress any revisions the President may desire to make in the Budget transmitted in the previous year.".

(d) Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting in lieu thereof "each even-numbered year".

(e) Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting in lieu thereof "2-fiscal-year budget period for";

(2) by inserting "or current 2-fiscal-year budget period, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting in lieu thereof "that period".

(f) Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(g) Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting in lieu thereof "2-fiscal-year budget period to which such budget relates".

(h) Section 1105(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "a fiscal year" and inserting in lieu thereof "a 2-fiscal-year budget period", and

(B) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(2) in paragraph (2) by striking "in the budget so transmitted for any fiscal year" and inserting in lieu thereof "for a fiscal year in a budget transmitted pursuant to subsection (a)".

(i) Section 1106(a) of title 31, United States Code, is amended—

(1) by striking "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "2-fiscal-year budget period";

(2) by striking "that fiscal year" in paragraph (1) and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period";

(3) by striking "the 4 fiscal years following the fiscal year" in paragraph (2) and inserting in lieu thereof "each fiscal year in the first 2-fiscal-year budget period following the 2-fiscal-year budget period";

(4) by striking "future fiscal years" in paragraph (3) and inserting in lieu thereof "each fiscal year in the first 2-fiscal-year budget period following the 2-fiscal-year budget period for which the budget is submitted"; and

(5) by striking "fiscal year" the last place it appears in paragraph (3) and inserting in lieu thereof "2-fiscal-year budget period".

(j) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(k)(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "each year" and inserting in lieu thereof "each even-numbered year (beginning with 1988)";

(B) by striking "the following fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period beginning in the following even-numbered year"; and

(C) by striking "during that year" and inserting in lieu thereof "during each such year".

(2) Section 1109(b) of title 31, United States Code, is amended by inserting "even-numbered" after "each".

(l) Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period (beginning on or after October 1, 1990)"; and

(2) by striking "May 16 of the year before the year in which the fiscal year begins" and inserting in lieu thereof "May 16 of the year before the year in which the bills and resolutions setting forth such authorizations are to be reported under section 409 of the Congressional Budget Act of 1974".

(m) Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting in lieu thereof "For each 2-fiscal-year budget period, beginning with the 2-fiscal-year budget period beginning on October 1, 1990, the"; and

(2) by striking "each year" each place it appears.

TITLE AND STYLE OF APPROPRIATION ACTS

SEC. 6. Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the 2-fiscal-year budget period ending September 30 (here insert the even-numbered calendar year.).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a 2-fiscal-year budget period, and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term '2-fiscal-year budget period' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

AMENDMENTS TO THE LEGISLATIVE REORGANIZATION ACT OF 1946

SEC. 7. (a) Section 136(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d(a)) is amended—

(1) by striking "Congress" in the matter preceding paragraph (1) and inserting in lieu thereof "Senate and the House of Representatives";

(2) by striking "its" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "their";

(3) by inserting "(except the Committees on Appropriations, the Committees on the Budget, the House Committee on House Administration, the House Committee on Rules, and the House Committee on Standards of Official Conduct)" after "Representatives" in the matter following paragraph (2); and

(4) by striking the second and third sentences thereof.

(b) Section 136 of such Act is further amended by striking subsections (b) and (c) and inserting in lieu thereof the following new subsections:

"(b) During the period beginning on January 15th of each odd-numbered year and ending October 1 of the following year, each standing committee of the House of Representatives and the Senate to which subsection (a) applies shall review and study—

"(1) the application, administration, execution, and effectiveness of those laws (or parts of laws) the subject matter of which is within the jurisdiction of that committee, and

"(2) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration thereof,

in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, modified, or eliminated. During such period, each such committee shall also review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto). Such committee may carry out the required reviews and studies by contract, or may require a Government agency to do so and furnish a report thereon to the committee. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time. The findings and determinations made by each such committee from its oversight activities under this section in any year shall be reported to the House of Representatives or the Senate no later than October 1 of such even-numbered year, and shall constitute the basis for such committee's legislative work during the succeeding Congress.

"(c) To assist a standing committee in carrying out its responsibilities under this section, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall provide to such committee such studies, information, analyses, reports, and assistance, including the requests for appropriations and the justifications therefor submitted by the agency to the President pursuant to section 1108 of title 31, United States Code, as may be requested by the chairman and ranking minority member of the committee, except that such request and justifications for a 2-fiscal-year budget period shall not be submitted under this subsection until after the day the President transmits the Budget to the Congress under section 1105 of such title for such period.

"(d)(1) To assist a standing committee in carrying out its responsibilities under this section, the head of any agency shall furnish without charge to such committee computer tapes or discs, together with explanatory documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

"(2) The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate shall prescribe rules and regulations for their respective Houses which will minimize duplication of requests under paragraph (1) of this subsection.

"(e) Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

"(f) Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each standing committee of the Senate or the House of Representatives such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

"(g) This section does not require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law. This section does not require any committee of the Senate to disclose publicly information the disclosure of which is governed by Senate Resolution 400, Ninety-fourth Congress, or any other rule of the Senate.".

AMENDMENTS TO RULES OF SENATE AND HOUSE OF REPRESENTATIVES

SEC. 8. (a) Paragraph 8 of rule XXVI of the Standing Rules of the Senate is repealed.

(b)(1) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(2) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting in lieu thereof "the 2-fiscal-year budget period in which such fiscal year occurs".

(3) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(4) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting in lieu thereof "biennially".

(5) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(A) by striking "March 15 of each year" and inserting in lieu thereof "May 15 of each odd-numbered year";

(B) by striking "fiscal year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(C) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such ensuing 2-fiscal-year budget period".

(6) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(c)(1) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(2) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "2-fiscal-year budget period if reported after August 1 of the year in which such 2-fiscal-year budget period begins".

(d) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

CONTINUING APPROPRIATIONS

SEC. 9. (a)(1) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) Except as provided in paragraph (2), if any of the regular appropriation bills for a 2-fiscal-year budget period does not become law before the beginning of such period, there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity, provided for in a regular appropriation Act that has become effective in accordance with section 1312 of this title for the preceding 2-fiscal-year budget period, at a rate of operations not in excess of the rate of operations provided for such project or activity for such preceding 2-fiscal-year budget period in such Act.

(2) If the rate of operations provided for a project or activity for the second fiscal year in a 2-fiscal-year budget period differs from the rate of operations provided for such project or activity for the first fiscal year in such such 2-fiscal-year budget period by reason of reductions made pursuant to an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, such project or activity shall be continued at a rate of operations not in excess of the rate of operations provided for such project or activity for such second fiscal year.

"(b) Amounts appropriated pursuant to subsection (a) with respect to a 2-fiscal-year budget period shall be available for the period beginning with the first day of such period and ending with the earlier of—

"(1) the day after the first date on which all of regular appropriations bills for such 2-fiscal-year budget period have become law, or

"(2) the last day of such 2-fiscal-year budget period.

"(c) For purposes of this section, 'regular appropriation bill' has the meaning given such term in section 307 of the Congressional Budget Act (2 U.S.C. 638).".

(2) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(b)(1) Chapter 13 of title 31, United States Code, is further amended by inserting after section 1311 the following new section:

"§ 1312. Effective date of certain appropriations

"(a) Notwithstanding any other provision of law, no regular appropriation Act for any 2-fiscal-year budget period shall become effective until the later of—

"(1) the first day of such 2-fiscal-year budget period, or

"(2) the day after the first date on which all of the regular appropriation bills for such 2-fiscal-year budget period have become law.

"(b) No law may waive or limit the application of this section unless such law does so in specific terms, referring to this section, and declaring that such law waives or limits the application of this section.".

(2) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1311 the following new item:

"1312. Effective date of certain appropriations.".

(c) Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(6)) is amended by adding at the end thereof the following: "For purposes of subparagraph (B), continuing appropriations made pursuant to section 1311 of title 31, United States Code, shall be treated as continuing appropriations for an entire fiscal year.".

(d)(1) The amendments made by this section shall apply to 2-fiscal-year budget periods beginning after September 30, 1990.

(2) For purposes of determining the application of section 1311 of title 31, United States Code, to the 2-fiscal-year budget period beginning October 1, 1990, any project or activity provided for in a joint resolution making continuing appropriations for the fiscal year beginning October 1, 1989, shall be treated as having been provided for in a regular appropriation Act.

(3) For purposes of determining the rate of operations for a project or activity under section 1311 of title 31, United States Code, for the 2-fiscal-year budget period beginning October 1, 1990, the rate of operations for such project or activity in each fiscal year of such 2-fiscal-year budget period shall equal the rate provided for such project or activity in a regular appropriation Act for the fiscal year beginning October 1, 1989 or a joint resolution making continuing appropriations for such fiscal year.

EFFECTIVE DATE

SEC. 10. The provisions of this Act and the amendments made by this Act shall take effect the first day of the One-hundred-and-first Congress, except that—

(1) the amendments made by section 5(k) of this Act shall take effect on November 9, 1988; and

(2) the provisions of section 11 of this Act shall take effect on the date of enactment of this Act.

FISCAL YEAR 1990

SEC. 11. (a) Notwithstanding the amendments made by sections 3, 4, 5, 6, 7, and 8 of this Act, the President shall submit to the Congress a budget for fiscal year 1990, and the estimates of outlays and proposed budget authority that would have been required under section 1109 of title 31, United States Code (as such section was in effect on November 8, 1987). The provisions of section 201 of the Budget and Accounting Act, 1921 (now 31 U.S.C. 1105), as such provisions were in effect on the day before the effective date of this Act, shall apply to the submission by the President of the budget for fiscal year 1990. The provisions of section 1109 of title 31, United States Code (as such provisions were in effect on November 8, 1987) shall apply with respect to the submission of such estimates by the President.

(b) Notwithstanding the amendments made by sections 3, 4, 5, 6, 7, and 8 of this Act, the Congress shall complete action on the concurrent resolution on the budget that would have been required for fiscal year 1990 under the provisions of the Congressional Budget Act of 1974 as such provisions were in effect on the day before the effective date of this Act. The provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the date of enactment of this Act) shall apply with respect to concurrent resolutions on the budget for fiscal year 1990, bills and resolutions providing new budget authority or new spending authority for fiscal year 1990, and bills and resolutions authorizing the enactment of new budget authority for fiscal year 1990, except that—

(1) the provisions of section 301(b)(1) of such Act (as in effect on the day before the effective date of this Act) shall not apply with respect to fiscal year 1990, and the provisions of section 301(b)(2) of such Act (as in effect on the day before the effective date of this Act) shall not apply with respect to fiscal year 1990 to the extent that such provisions are inconsistent with clause (2) of this subsection;

(2) it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or resolution for fiscal year 1990 or any amendment thereto or any conference report thereon which changes any provision of law other than provisions of law which—

(A) provide new budget authority or spending authority described in section 401(c)(2)(C) of such Act;

(B) relate to revenues; or

(C) specify the amount of the statutory limit on the public debt;

(3) section 408 of such Act, as added by section 4(q) of this Act, shall apply with respect to fiscal year 1990; and

(4) section 1104(c)(2) of title 31, United States Code, as added by section 5(b) of this Act, shall apply with respect to fiscal year 1990.

SUMMARY OF S. 286, THE "BUDGET PROCEDURES IMPROVEMENT ACT OF 1987"

Section 2 sets forth the Congressional findings and the purpose of the bill. The findings are that the current procedures and schedule do not allow sufficient time for the Congress to adequately consider measures relating to the budget of the United States Government or to fulfill its legislative and oversight responsibilities. The purpose of the bill is to address these problems by providing for a two-year budget cycle and by strengthening procedures intended to ensure adequate consideration of bills and resolutions before enactment.

Section 3 sets forth revisions to the Congressional budget timetable, as follows:

FIRST SESSION

On or before: Action to be completed.

November 10 (of the preceding session): President submits current services budget for the 2-fiscal-year budget period beginning in the succeeding even-numbered year.

January 15: President submits his budget recommendations for the 2-fiscal-year budget period beginning in the succeeding calendar year.

April 15: Congressional Budget Office submits report to the two Budget Committees with respect to the 2-fiscal-year budget period.

May 15: Committees and joint committees submit their views and estimates to the Budget Committees with respect to the 2-fiscal-year budget period.

June 15: Budget Committees report first concurrent resoluton on the budget for the 2-fiscal-year budget period to their Houses.

July 1: Committees report bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period.

July 31: Congress completes action on the first concurrent resolution on the budget for the 2-fiscal-year budget period.

September 15: Committees report allocations of the first concurrent resolution on the budget among programs within their jurisdiction.

December 1: Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period.

SECOND SESSION

On or before: Action to be completed.

January 15: President submits revised budget recommendations for the 2-fiscal-year budget period.

March 31: House committees report bills providing new budget authority and new spending authority for the 2-fiscal-year budget period.

March 31: Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.

April 15: Senate committees report bills providing new budget authority and new spending authority for the 2-fiscal-year budget period.

June 15: Budget Committees report second required concurrent budget resolution on the budget for the 2-fiscal-year budget period to their Houses.

July 15: Congress completes action on bills and resolutions providing new budget authority and new spending authority for the 2-fiscal-year budget period.

August 1: Congress completes action on second concurrent resolution on the budget for the 2-fiscal-year budget period.

September 25: Congress completes action on the reconciliation bill or resolution or both, implementing the second concurrent resolution on the budget for the 2-fiscal-year budget period.

October 1: 2-fiscal-year budget period begins.

Section 4 makes date changes throughout the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), consistent with the two-year timetable in section 3. Additionally, this section—

(A) prohibits the inclusion in a first resolution or revisions thereto of any instructions to committees to determine and recommend changes in bills, laws, or resolutions;

(B) prohibits the inclusion in any budget resolution of any matter on any subject other than budget outlays, budget authority, the surplus or deficit in the budget, revenues (including off-setting receipts and offsetting collections), or the level of the public debt;

(C) reestablishes a two-resolution budget process, with the first or planning resolution occurring in the first session of a Congress, followed by a second and binding resolution after action is completed on spending bills in the second session;

(D) withholds enrollment of all spending measures until action is completed on the second budget resolution and a reconciliation or resolution;

(E) increases the time for debate on a reconciliation bill from 20 hours to 100 hours; and

(F) requires that certain budget-related measures and reports include or be accompanied by tables setting forth the action or recommended action with respect to the budget accounts as contained in the budget submitted by the President.

Section 5 amends Title 31, United States Code, to conform the title to the schedule set forth in section 3. Additionally, section 5 requires that changes in the budget account structure from year to year be made in consultation with the Budget Committees, the Appropriations Committees, and the committees with legislative jurisdiction over the programs funded by the accounts to be changed.

Section 6 makes changes in Title 1 of the United States Code with respect to the form of appropriation bills consistent with a two-year budget process.

Section 7 amends the provisions of the Legislative Reorganization Act of 1946 with respect to legislative oversight by establishing a two-year legislative oversight cycle. The two-year cycles correspond to Congresses, and the results of the oversight activity are intended to form the basis for legislative action in the following Congress. Reports on oversight activities are required by October 1 of each second session. Additionally, the authority of executive agencies to provide information and assistance to congressional committees is clarified, and the General Accounting Office is authorized to furnish committes with the results of audits or reviews of programs completed in the six years preceeding a congressional review of a program.

Section 8 makes amendments to the Rules of the Senate and of the House of Representatives to conform them to the budget schedule set forth in section 3.

Section 9 provides that whenever congressional action is not completed on all spending measures (including budget resolutions and reconciliation bills or resolutions, if any) for a two-year budget period prior to the beginning of the period, all programs will continue to be funded at the current statutory level until action on all such measures is completed.

Section 10 sets forth the effective date which is the first day of the 101st Congress, except that the effective date for the President's first two-fiscal-year current services budget under this bill is the November 9 immediately preceding the 101st Congress.

Section 11 contains transition provisions. During the first session of the 101st Congress, two processes will occur simultaneously. Enactment of a budget for fiscal year 1990 will occur during the first session of the 101st Congress concurrently with the first session activities pursuant to enactment of a budget for the two-fiscal-year period consisting of fiscal years 1991 and 1992.

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EXHIBIT 2

[From the Washington Post, Jan. 12, 1987]

REFORMATION ROAD

(By Pete V. Domenici)

As the 100th Congress begins, the clamor for procedural reform rarely has been more vocal or more broad-based than it is now. Indeed, the president himself has joined the chorus of reform. But line-item vetoes, constitutional amendments to balance the budget, enhanced rescissions and other ideas the president may propose probably have little likelihood of being enacted.

It is easy to be skeptical of reform. The Stevenson Committee in 1976–77 was full of reforms, as were the Pearson-Ribicoff Committee in 1983 and the Quayle Committee in 1984. All were well-intentioned. None changed anything very much, maybe because ambitious change is rarely possible in an institution so strongly rooted in history, precedent and the power of individual members.

However difficult, though, it is clear that some form of "procedural restructuring" is necessary. Deadlines are regularly missed. Important budget decisions are delayed. Appropriations and other direct spending legislation is held back in committees. When appropriations bills do come to the floor, they are used regularly as vehicles for authorizations; Senate rules are ignored or overridden because these bills are viewed as the only vehicle around. Budget actions themselves, insofar as they are included in a single reconciliation bill, become a magnet for new authorizations and new programs that can, or do not otherwise, receive Senate consideration. Committees complete for jurisdiction. In the end, much of the year's legislation is compressed into a few major bills, each of them hundreds of pages in length, well beyond the individual member's ability to comprehend or influence.

Congress will face its first opportunity to consider budget process reform May 15, when the current statutory debt limits runs out. At this time, a revision of the automatic sequester process will likely be introduced, but the forum will be open for broader-reaching reform of the Gramm-Rudman law and the budget process. This may well be the next Gramm-Rudman "crisis," not a crisis of budget policy but rather a crisis of process.

Three charges dominate congressional criticism of our fiscal processes. First, they are too time-consuming and lead to catchall bills at the end of the session; second, they intrude too much of the substantive legislative jurisdiction of individual committees; third, they, and the budget process in particular, have failed to curb the deficit. There is much merit in the first two; the third is false.

The perception and reality that fiscal matters have dominated Congress is understandable. The explosive growth in the federal budget deficit and our inability to control the deficit are at the very top of the national agenda. Policy decisions, therefore, are necessarily fiscal, and almost every national need becomes a question of cost rather than policy or purpose.

Nevertheless, the fact remains that last year the conference agreement on the budget was not finished until June 26. As a practical matter, committees did not receive their budget allocations until after the July 4th recess, and direct spending legislation could not move until the last two months of the session.

Moreover, while implementing budget decisions, the budget process has too often subsumed the authorizing process. This has given rise not only to the regular practice of authorizing on appropriations bills but also to the excessive practice of amending "must do" legislation, such as the debt limit, with authorizations.

There is no reform that will substitute for the responsibility of the individual committee or member to conduct the business of government in an orderly or timely manner. But there are changes that could lessen the burdens of the current procedures, and I urge my colleagues to consider these carefully.

First, and possibly the most important, is to move to a two-year budget and appropriations cycle. All budget and appropriations would be considered in the first year, with authorizations and oversight to follow in the second. There would have to be a phase-in but, once fully operative, spending bills that affect the budget totals would have to conform to the budget limits set out the year before.

Second, it is absolutely necessary to restrict further the ability for committees or members to attach authorizing legislation to appropriations bills.

Third, we need flexibility within the two-year cycle to allow truly emergency supplemental appropriations and a simple procedure to change the budget frame-work for changes in economic or other circumstances.

Fourth, we ought to consider expedited procedures for the annual public debt limit ritual.

Amid all this change, let me emphasize the importance of retaining the goals and the parliamentary restraints of the present Gramm-Rudman law. The budget deficits, which just over a year ago the Congressional Budget Office projected to rise to nearly $300 billion by the 1990s, are now expected to fall to almost $100 billion. This means that under current policies, allowing all discretionary programs to increase with the rate of inflation and with no more spending cuts or tax increases, the budget deficit will decline almost $200 billion between FY 1986 and the early 1990s. And federal spending, which had grown 3.6 percent in real terms for the period FY 1980 to FY 1986, is in the current budget year not expected to grow at all. This is a dramatic change, which Gramm-Rudman helped bring about.

Just doing the first of these reforms—a two-year budget cycle combined with the Gramm-Rudman discipline—would bring about a profound change in the way Congress does its business. But such change would be clearly counterproductive if it were to lessen the ability of Congress to keep the deficit on the current downward path. Indeed, the temptation to modify the goals and procedural restraints in the current Gramm-Rudman law will likely be the first and, over the long term, the most important fiscal challenge to the new Democratic Senate.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

## TRADE DEFICIT FIGURES AND TEXTILE LEGISLATION IN THE 100TH CONGRESS

Mr. THURMOND. Mr. President, I am deeply disappointed over recent statistics which indicate that 1986 will be the worst trade year in U.S. history. For the first 11 months of 1986, the trade deficit was $159.1 billion. This surpasses the 1985 trade deficit of $148.5 billion. At the current rate, the year-end trade deficit for 1986 will be $173.6 billion. This will be the fifth straight record-setting annual deficit and will be the largest trade deficit experienced by any country at anytime. For the month of November 1986, the trade deficit exceeded $19 billion. The Washington Post of January 1, 1987, quoted Commerce Under Secretary Robert Ortner as saying:

> There was a time when a $19 billion deficit was horrendous for one year. Now we have to get used to thinking of it as being horrendous for one month.

I do not believe our Nation must get accustomed to transferring our economic strength to foreign countries. I do not believe we should become accustomed to the decline in American power which is caused by such huge trade deficits.

In 1816 Thomas Jefferson Said:

> To be independent, for the comforts of life, we must fabricate them ourselves. Manufacturers are now as necessary to our independence as to our comfort.

These words are as true today as they were over 170 years ago. To avoid the severe threat posed to our national economy and national security, we need a comprehensive and consistent trade policy.

I have the highest respect and admiration for President Reagan. During the course of this administration, I have been one of his strongest supporters. Nevertheless, I believe the President has in the past received bad advice on questions of trade policy. This is evidenced by the President's veto in the 99th Congress of the textile and apparel trade enforcement legislation, which I introduced along with Senator HOLLINGS. This legislation, which was designed to preserve American jobs and reduce the trade deficit, received overwhelming support. These most recent statistics clearly illustrate that in 1986 legislation which promotes fair trade in the textile and apparel industry is urgently needed.

Specifically, from January 1985, to November 1985, the trade deficit in the textile and apparel industry constituted $16.7 billion of the total deficit. For the same period in 1986, the textile trade deficit grew to $19.7 billion. This is an increase of nearly 2 billion square yards of imported textile products over the same period in 1985. The 11-month textile trade deficit already exceeds the $18 billion record set for all 1985.

Since 1980, over 350,000 American testile workers have lost their jobs to foreign imports. They have already felt the pain of the textile trade deficit. For the 4 million Americans who are still employed in either the textile industry or related industries, these recent statistics represent a grave threat to their economic security.

It is not only textile workers and their families who suffer the consequences of these tragic figures. The Defense Department ranks textiles second only to steel in importance to our National defense. However, if we continue current policies which encourage the transfer of our national industrial base to foreign countries, this virtually important domestic industry will die.

In this new year, it is my hope that the President will resolve to demonstrate his support for fairness to the American textile industry. It is essential that we restrain the unlimited growth of subsidized, cheaply produced foreign imports which threaten the strength of our national industrial base and cost thousand of American jobs each year.

As we begin the historic 100th Congress, I am deeply committed to ensuring the survival of the critically important domestic textile and apparel industry. I have no higher domestic legislative priority than the passage of a bill which promotes fair trade in this industry. Such legislation will require strong bipartisan support and cooperation. Accordingly, I look forward to working closely with Senator HOLLINGS and other distinguished colleagues from both sides of the aisle in this regard.

## ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 2 p.m., with statements therein limited to 5 minutes each.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized, under section 4, for 5 minutes.

Mr. BYRD. Yes, I seek recognition during morning business, under the order.

## THE PRESIDENT SHOULD APPOINT MEMBERS TO THE AVIATION SAFETY COMMISSION

Mr. BYRD. Mr. President, during the last Congress, I and a number of my colleagues on both sides of the aisle devoted a great deal of time and effort to examining the issue of aviation safety. We were concerned about a number of disturbing reports circulating from the General Accounting Office, Federal Aviation Administration officials, air traffic controllers, pilots, mechanics, engineers, and inspectors that continued to question the ability of the airways system to maintain an adequate margin of safety.

All of these reports ultimately focused on the same set of questions: What has been the impact of airline deregulation on Aviation safety? Are the FAA staffing levels sufficient, given the dramatic increase in the volume of commercial and general aviation traffic? Has the FAA recovered from the loss of 11,400 air traffic controllers who were fired following the PATCO strike in 1981? And, are the dual responsibilities of the FAA—to promote commercial aviation and to guarantee aviation safety—in conflict with one another?

The need to find answers to these questions was tragically underscored on August 31, 1986, by the collision in the skies over Los Angeles of Aeromexico flight 498, carrying 58 passengers and 6 crew members, with a single engine piper Cherokee. Both aircraft plunged to the ground killing everyone on board. To compound the tragedy, the DC-9 crashed into a Los Angeles suburb, damaging or destroying 11 homes and killing 22 residents.

A little more than 1 month prior to the AeroMexico disaster, on July 17,

1986, I testified before the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation. My testimony urged the subcommittee to act favorably on S. 2417, the Aviation Safety Commission Act of 1986, a bill I introduced together with 16 of my colleagues.

The objective of this legislation was to provide for an independent reexamination of the FAA, the Nation's aviation safety policy, and the impact of airline deregulation on aviation safety. It was, if you will, designed to accomplish for civilian aviation safety what the Rogers Commission had accomplished for the Space Program in the wake of the *Challenger* disaster.

S. 2417 was reported from the full Committee on Commerce, Science, and Transportation on August 7, 1986, and passed the Senate on September 11. This bill ultimately became title V of the 1987 continuing resolution (Public Law 99-591) which was signed into law on October 18, 1986.

The law requires the President to appoint a seven-member Aviation Safety Commission within 30 days of enactment. The Commission, by law, has 9 months to complete its investigation and report to the President and Congress on its findings and recommendations.

Admittedly, Mr. President, this is a short timeframe. There are two reasons for this: First, the Work of the Commission will be important to the Congress as we prepare to reauthorize the airport and airway trust fund and consider new funding levels for FAA operations. Second, and most important, the quicker we know what the faults of the system are, the quicker we can act to avoid further tragedy.

Regrettably, the administration does not seem to share this concern. I wish I could report today that the Commission was moving into its second month of work. Unfortunately, as of today, there is still no Aviation Safety Commission. Not a single member has been appointed, and the White House has been unable to say when appointments will be made.

Meanwhile, the evidence continues to mount that the Nation has an airways system in which the skies are too crowded and the margin of safety has become dangerously thin. Let me cite some examples:

In 1975, one aviation safety incident—which includes near mid-air collisions, surface operational errors, and crashes—was reported for every 12,805 air departures. By 1980, 2 years after the inception of airline deregulation, an incident was reported for every 7,377 departures, a 42-percent increase in the frequency of safety incidents during the period 1975-80. From 1980-82 the margin of safety appears to have improved, a function, I believe, of the temporary restrictions that the FAA placed on air traffic in response to the air traffic controllers' strike in 1981. These restrictions were lifted in 1983 and, not coincidentally, the frequency of safety incidents increased sharply, from one per 12,031 departures in 1982, to one per 5,323 departures in 1985, a 126-percent increase over the period.

Since airline deregulation began, the number of commercial passenger airlines has increased dramatically from 29 in 1978, to 307 in 1986. The number of commercial passenger aircraft operating has increased from 2,145 in 1978 to 3,824 in 1984. Furthermore, the number of general aviation aircraft in operation, which the FAA must also handle, has increased from 177,964 in 1978, to 220,940 in 1984.

As a result, according to the FAA, air traffic since 1978 has increased 60 percent. The FAA projects that air traffic between 1985 and 1997 will continue to increase at a rate of 7 to 10 percent per year.

Yet, during this expansion, not only has the aviation safety system not kept pace, it has fallen dangerously behind. The FAA remains understaffed, desperately in need of new technology, and preoccupied with efforts to certify new carriers rather than regulating existing ones.

For example, the FAA has not yet recovered from the 1981 air traffic controllers' strike. There are 3,677 fewer experienced air traffic controllers employed by the FAA today than there were in 1981, before the strike. According to the General Accounting Office, it will take at least 3 years for all 20 air route traffic control centers to reach the FAA's goal of 75 percent fully qualified controllers. The GAO admits that even this may be overly optimistic, given the wave of retirements expected over the next 5 years.

FAA efforts to compensate for the shortage of controllers raise even more questions. The GAO found a disturbing frequency in 6-day workweeks, use of overtime, and supervisors working traffic, the very factors that contribute to controller burnout.

Simply stated, as air traffic has been dramatically increasing, there has been a corresponding reduction in the resources and staffing levels available to the FAA. While the administration's budget request for fiscal year 1988 would appear to substantially increase funding for the FAA, keep in mind that this will only begin to compensate for the reduced spending for operations and the shortfall spending from the airport and airway trust fund that occurred in prior years. Even with the proposed increases, staffing levels will remain far short of pre-1981 levels.

Furthermore, there is evidence that the computer technology used in the terminal control areas [TCA's] to help controllers manage air traffic are deteriorating because of overloading. As part of an extensive series of articles appearing in the November 1986 issue of Spectrum, the magazine of the institute for electrical and electronics engineers, entitled, "Our Burdened Skies," authors Tekla Perry and Paul Wallich describe the effects of overloading on the IBM 9020 and automated radar tracking system [ARTS] computers used in terminal control areas:

The 9020 and arts computers were not intended to operate as close to capacity as they do, ATC controllers and technicians say. A 1980 report of the U.S. Senate Committee on Appropriations, discussing the air traffic control system, said that whenever utilization of computer central processing units and display channels exceed 50 percent, the performance of the entire system starts to degrade. Above the 60-percent range, the channel approaches saturation, which results in reduced response time to controller inquiries or a lockout. A lockout prevents controllers from entering data into the system or making any requests for information. According to technicians interviewed by Spectrum, the FAA computers at busy facilities operate at more than 90 percent of capacity.

As a result, equipment problems are mounting. Unfortunately, the FAA, through attrition, has allowed the number of technicians to fall from 11,000 5 years ago to 5,800 available today.

Another disturbing phenomenon is the declining level of pilot experience at all levels. A key indicator of pilot experience is the number of hours a pilot or first officer has spent in the cockpit. In 1983, only 8 percent of the pilots flying for commuter airlines had fewer than 2,000 flight hours. By 1985, 23 percent of commuter pilots had fewer than 2,000 hours. The major airlines face a similar problem. In 1983, pilots flying for major airlines had an average of 2,342 hours of flight experience in jet aircraft. In 1985, they had only 818 hours in jet aircraft.

Finally, Mr. President, I believe the dual responsibilities of the FAA to promote commercial aviation and regulate it are inherently contradictory. A 1985 GAO study found that FAA inspectors estimated they were spending about 82 percent of their time on certifying new airlines. This was occurring at the same time the number of FAA inspectors was being reduced by 30 percent.

Compounding this problem is an atmosphere of increasing competition. Price wars between airlines have created enormous pressure on carriers to minimize costs. According to the Department of Transportation, the primary areas for cost-cutting by the airlines are aircraft maintenence and personnel. The DOT figures show that the airlines cut the portion of their

operating expenses devoted to maintenance by 30 percent during the first 6 years of deregulation.

Mr. President, the explosive industry growth caused by airline deregulation is clearly putting enormous strains on the system. In the December 7, 1986, Washington Post, an article appeared entitled "Crowded Sky is no Place for Debate." In that article, there is a quote from an FAA senior official that summarizes the problem: There is a balance we must strike between a safe air system and the free enterprise system. On a stormy Friday afternoon, with dozens of carriers in a hurry to get where the are going, that balance is put to the test.

I call on the President to act immediately and appoint members to the Aviation Safety Commission, so that we may begin the task of increasing the safety of our skies.

I ask unanimous consent that the article from the Washington Post to which I referred be printed in the RECORD.

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

CROWDED SKY IS NO PLACE FOR DEBATE—LEESBURG AIR CONTROLLERS WORKING BUSY SECTOR 19 MUST STAY SHARP

(By Michael Specter)

An hour into his shift guiding airplanes through some of the busiest skies in the world, Christopher Sutherland spotted the invader.

"Sir, you are in a very busy place," the startled air traffic controller said to the pilot of the corporate jet. "I advise you to get out of there right now. Okay, sir?"

No reply.

"Sir, you gotta listen up when I'm talking," Sutherland continued, as a small crowd of suddenly attentive colleagues gathered behind him.

Finally, Sutherland got his answer and was able to usher the intruder out of Sector 19, a heavily congested three-dimensional highway that airplanes use between Washington and New York.

"Put me down for a save," Sutherland shouted. "Those little guys are kamikazes up there."

Sutherland is one of the 285 controllers who commute each day to the Washington Air Route Traffic Control Center in Leesburg, which is directing more airplane flights this year than at any time since it opened in 1963.

He usually commands Sector 19, which contains the most frequently used air routes in the Washington region. Dense with flight paths, it ranks among the most complicated of the United States' 646 controlled skyways.

Controllers assigned to the area that includes Sector 19 work long overtime hours, use more sick leave and make five times as many mistakes as controllers working elsewhere at Leesburg, according to FAA records. Through the end of October, Leesburg reported 65 "operational errors"—an FAA euphemism for planes getting dangerously close to each other—and Sector 19 was responsible for 19 of them.

When Leesburg controllers discuss "the big one," their phrase for a collision in the air, the talk turns quickly to Sector 19. Controllers there work in a tense world of crisp and often angry radio commands where everything depends on reflex and reaction and where seconds separate the routine from the disastrous.

Sector 19's problems pervade the traffic system. Rapid growth in flights, increasing delays and pressure from airlines to push more airplanes more speedily through the sky have made it difficult for controllers to keep pace.

"The traffic in our region right now is incredible," said Charles Reavis, who manages Leesburg for the Federal Aviation Administration. "Dulles, Newark and Baltimore [airports] are all booming, and [Sector] 19 connects them. It is a giant mixing bowl, and the airspace needs serious attention."

THE 90-MILE FUNNEL

Sector 19 serves as a massive funnel for thousands of aircraft that pass each day through the hectic corridor. It is shaped like a cylinder, 90 miles long and 23 miles wide, suspended between 10,000 and 27,000 feet.

Controllers assign airplanes to different altitudes, speeds and headings to keep them from running into each other and to make orderly their arrivals and departures at airports. As planes reach sector boundaries, they are "handed off" to other controllers in adjacent sectors.

"There are times you are so busy here you can hardly breathe," said Philip Kain, a soft-spoken controller who often works in Sector 19. "It's like constantly threading a needle at 600 miles per hour. Making a mistake means backing up the whole system."

"You got to waltz these guys through a pretty slim space," said Walter Simpkins, explaining the sophisticated geometry of separating airplanes. "You have to think about verticals and laterals, climbs and descents. Then you have to add the elements of time, distance and speed.

"Above all you can never do anything in the present. The present won't ever help us. Every move is 15 miles down the road."

Despite the pressures, Reavis says there is nothing the FAA cares about as such as safety. "Of course we want every aircraft flying on time, but safety really does come first," he said, "It's important to remember the facts: In 1985 we had three situations here where pilots had to take evasive action. That's three out of 2 million [flights]."

Reavis' assurances of safety are echoed at all levels of FAA management, and the statistics seem impressive. Sector 19, for example, is but one of the Washington center's 38 three-dimensional highways, and it accounts for only a fraction of the 1 million passengers who move through the nation's air traffic control system each day on more than 15,000 scheduled flights.

Sector 19 controllers choreograph flights landing at the busy New York airports with those flying from the south to Hartford, Conn., Boston and on to Nova Scotia and Europe. The job is to blend commercial traffic with private aircraft and with an ever-increasing array of military planes. Sector 19 controllers sometimes monitor more than a dozen passenger jets while keeping an eye on up to a score of smaller planes.

Only the most experienced controllers are assigned to Sector 19, and almost without exception they say they love their work. But in dozens of recent interviews at the Washington center, controllers spoke of growing frustrations as they struggle to accommodate the surge in traffic that has come in the wake of airline deregulation in 1978.

In the five years since 11,400 air traffic controllers walked off their jobs and were fired by President Reagan for doing so, the demands on the Washington center have grown more rapidly than at any of the FAA's 20 other air route centers.

In 1980, about 1.5 million scheduled flights passed through Leesburg's 200,000-square-mile territory, which extends from the Ohio River to the Atlantic Ocean and from New York to South Carolina. This year, with fewer qualified controllers working there than on Aug. 3, 1981, when the Professional Air Traffic Controllers Organization strike began, FAA officials expect the number to exceed 2.2 million.

The FAA counts controllers in several ways. "Full performance level" controllers are completely qualified to work radar. "Developmentals" are trainees. Before the strike Leesburg had 342 fully qualified controllers and 85 trainees. Today, with much more work to do, the center has 236 qualified controllers, 50 trainees and 27 "assistants," a category that did not exist before the strike.

Not one of the 33 Leesburg controllers interviewed for this article said the system is as safe as it was the day the strike began, and each of them said they handle too much traffic during the rush hours, from 4 p.m. to 8 p.m., when the center sees 65 percent of its daily workload.

Take Ron Turley, for example. After three harrowing hours of steering airplanes through Sector 19, both his shirt and chair are drenched with sweat.

"It could be 20 below in here, but I'd still be cookin'," said Turley, shaking sweat from his forehead. "Imagine driving 90 miles an hour on the Beltway during rush hour. That's what working Sector 19 is like."

When Turley rises to take break, his soaked chair goes with him. Replacements bring their own.

THE SICK LEAVE SYNDROME

A recent internal FAA memorandum identified "several patterns that reveal frequent improper use of sick leave" in the work area that includes Sector 19. Among the abuses cited in the memo were leave taken on the heaviest traffic volume days, leave taken on days for which vacation requests had been denied, and leave taken on weekends.

Such employee tactics have become more common at the busiest air traffic centers where the FAA has had trouble retraining an adequate supply of controllers.

"I've been working six-day weeks practically since the strike," Turley said. "I called downtown [to FAA headquarters] two years ago. I said I'd been working overtime since '81 and I don't see no relief in sight. I said I'd like some time off. They had nothing for me."

Despite the problems, Sector 19 carries a special status with Leesburg controllers, and so do the people who work in it. In a business powered by a strange mixture of adrenalin and contemplation, nobody has more authority than a controller juggling 17 planes carrying up to 3,000 people, all converging on an electronic beacon in New Jersey.

"Everybody caters to 19," said Samuel J. Pacifico as he delivered a staccato monolog while guiding airliners toward Newark and LaGuardia. "People adjust to us, they respect our traffic. They have to; really, we're the key to the country. When this area here gets packed too tight, we have jets spinning up and down the entire coast."

"Spinning" is a word controllers use when they order a plane to circle or detour to avoid traffic.

BIG ONES AND LITTLE ONES

Nothing gives controllers a bigger headache than making sure that small planes stay clear of passenger jetliners. On Aug. 31, moments before a small private plane collided with an Aeromexico airliner in the packed skies east of Los Angeles International Airport and killed 82 people, the controller directing the jet scolded another private pilot not involved in the collision for straying into an area where he did not belong. Investigators have speculated that the distraction kept the controller from seeing the small plane converge on the jetliner.

The FAA has begun to tighten rules for planes flying near the nation's busiest airports in the aftermath of that crash.

But the new procedures will affect only crowded airports, not the busy skyways between them, such as those in Sector 19.

It is common for the controllers of Sector 19 to call pilots and tell them to watch for smaller planes.

"TWA 890, heads up for [plane] which should be passing off your right wing now," says one controller.

The controller is lining up planes for landings in New York and tells all the pilots, "I'm going to need a good rate down to 17 [thousand feet]. And don't dog the descent, gentlemen." That means keep up the speed.

FAA officials say that more than a third of all delays in the air traffic system occur in the New York area. Almost half of those are at Newark. At 7 o'clock on a busy evening, the approach lanes to Newark are almost always clogged, with impatient pilots flying in circles at the sector boundaries.

Controllers say that in addition to the number of private aircraft passing through the system, coordinating the exchanges with other controllers and pilots that are necessary to transfer control of an airplane from one sector the next causes them their greatest frustrations.

There are times when a controller hears nothing but requests. Pilots want to speed up to gain lost time, climb to save fuel because jets are more efficient at higher altitudes, change routes to avoid heavy weather. When private pleasure pilots add their voices to the din, often seeking advice on how to stay out of the fast lane, the noise can become unbearable.

"Attention to all aircraft." The speaker is Jack Crouse, a 14-year veteran controller juggling more than a dozen planes mixing at low altitudes on a sunny October afternoon.

"Just don't call me for a minute or two. There's too much going on here. Let me call you."

Like most air traffic controllers, Crouse needs to be in the driver's seat to feel comfortable. With aircraft passing in and out of this sector—at times without his permission or without warning from his colleagues—he can get a little testy.

At 6:50, as green dots controllers call "the herd" move in syncopated clusters across the radar screen, a TWA pilot calls for the second time to complain about the delay he has been forced to make.

Crouse cuts him short. "The whole world hates a whiner, Captain."

And when a LaGuardia tower controller declines to accept one of his planes, forcing him to place it in a holding pattern that will set off a ripple of delays throughout his sector, he erupts: "Come on La Guardia, don't be a wimp."

DECISIVE PEOPLE SPEAK DECISIVELY

Most air traffic controllers do not have time to argue with pilots. They are decisive people who speak in specific, flat, declarative words.

"Verify your altitude, American 556," says one controller who asked that his name not be published. The pilot tells him he is flying at 10,000 feet.

"Your clearance was to 11,000 feet," comes the sharp reply. "Get back where you belong and never do that again."

Controllers can be punitive.

One afternoon in October, an American Airlines flight strayed above Sector 19 at 37,000 feet without switching its radio to the proper frequency. The controllers were forced to call another American Airlines plane, have its pilot radio the corporate offices, which then reached the errant jet by telex.

"There's only one thing to do with a guy like that," said the controller on duty when the pilot finally radioed his position. "Put him in the penalty box."

For the next 20 minutes the pilot was forced to fly in circles, wasting his passengers' time and hundreds of dollars of the company's fuel.

"We condition these people to be authoritarian, even dictatorial at times," said Reavis. "And thank God we do. The sky is not a place to have a debate."

Working the toughest sectors is not for everybody, and it is not required. Nobody without the inclination for a fast lane is forced to work there. Some Leesburg controllers avoid the area altogether, preferring higher altitudes where traffic is more spread out.

"I enjoy my job and I love a challenge," said Steve Kennedy, one of the relatively recent recruits at Lessburg.

"But I don't work the Woodstown sector [Sector 19], and I don't ever want to get near it. If other people want it, I say God bless 'em."

Stress, overtime and tension notwithstanding, controllers say they love their jobs. Almost every complaint is punctuated with glee; every lecture about working conditions ends in the admonition that nothing could be more thrilling or satisfying than separating air planes.

"My wife thinks I have changed in 25 years," said Edward Dishard, just a few months short of retirement. "I'm not as understanding, sympathetic or patient. But I love this job. There is such a pure sense of power in what I do.

"Sometimes I wish I was the type to sit around and read a book, but I'm not. I'm a driver. I've got to see the bottom line, and in this business we see it every day."

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WELCOME MAT OUT FOR FAA TRAINEES

The FAA cannot put up the "Help Wanted" signs fast enough to satisfy Charles Reavis, the manager of the Washington Air Route Traffic Control Center in Leesburg.

"Our pipeline has been dry for a while," said Reavis recently. "We're getting a ton [of recruits] in the next year. I hope it's going to make a big difference here."

Within the next year, more than 100 trainees are scheduled to begin work at the Leesburg facility, one of six in the nation that the FAA lists as "critical" because of its shortage of experienced controllers.

Although none of the 19 other air route centers in the country is scheduled to get as many new controllers as is Leesburg, the controllers already working there worry that the influx will not solve the problems of understaffing that make it tough to get vacations and full weekends off and that have resulted in high use of sick leave.

One reason for this concern is that 20 percent of all controllers at Leesburg will be eligible for retirement within two years. FAA regulations permit controllers to retire with full benefits after 20 years if they are at least 50 years old. After 25 years on the job, they may take full retirement regardless of age.

"In the past, most 50-year-old controllers stuck around" said one supervisor at Leesburg who asked not to be identified. "This time things will be different." This year, more working controllers have retired than FAA officials expected, according to a recent study by the General Accounting Office.

Many at the FAA fear that trend will intensify, forcing the agency to fill the shoes of veterans with rookies. "Three years from now this place is going to have some real problems on its hands," said Ron Turley. "I just don't know where they think they are going to come up with the people they need."

There is a positive side, however. "The quality of controllers coming in today is as high as it has ever been," said Lewis McClenahan, a controller for 18 years and a former training instructor. "But you have to give people years to season. We don't have the time for that anymore."

Experts say it takes about three years to turn a new controller into one who can handle the most difficult situation, although FAA managers say that newly qualified controllers rarely work busy or complex sectors alone.

"These days [controllers] can go through training, become [fully qualified] and be working a major sector by themselves as soon as they are done," said McClenahan.

"One day you're a student, and the next day you're bringing planes into Newark."

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AIRLINES CHAFE UNDER FAA RULES

CARRIERS WANT PLANES ALOFT

In the aftermath of the 1981 air traffic controllers strike, the Federal Aviation Administration imposed a system of keeping flights on the ground instead of placing them in airborne holding patterns that challenge controllers.

With jet fuel costing a fortune and safety in doubt, the airlines accepted the change with a minimum of complaint. But coping with competition is tough. Air travel has grown enormously in recent years, and the industry has decided the FAA rules should be relaxed to permit more planes in less airspace.

"We have observed that bad weather clears up a lot faster than the FAA predicts," said a spokesman for the Air Transport Association, which represents most major airlines. "The result is wasted time and wasted runway capacity."

As it stands now, planes are held at an airport until the FAA can be sure there is room for them on their scheduled routes. The airline industry wants some flights that are on hold to be allowed routinely to take off. They say that this will allow planes to take advantage of unexpected holes as they develop.

Also, the industry wants to reduce the amount of space between flights. On busy routes, controllers usually require each flight to stay 20 miles behind the one in front of it, regardless of altitude.

The industry believes that this spacing is excessive, that it costs money and that it is an "inefficient use of airspace," as one industry spokesman said. The association has studied delays and has sent its recommended changes to the FAA.

The organizations said they consider the issue "sensitive" and declined to discuss it in detail.

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BAD WEATHER, BAD AIR TRAFFIC—THUNDERSTORMS CONVULSE FLIGHT SYSTEM, TURN FAA CONTROL CENTERS INTO LOGISTICAL NIGHTMARE

Nothing makes a controller quake like thunder. Storms convulse the air traffic system, forcing delays and diversions wherever they strike. Pilots, fearing the unpredictable above all, will do whatever they can to avoid flying into storm systems, where hidden winds can make a ride uncomfortable at best, fatal at worst.

When a TWA pilot was told by a Leesburg controller to fly into a thunderstorm on a recent fall day, his response was swift:

"I have to fly my airplane, and I'm not taking it there."

Controllers hear this almost every day, and even though they understand that pilots are paid to make that kind of decision, they have been trained to expect obedience.

"On days when we have bad weather, it's a logistical nightmare around here," said Robert L. Mulligan, a Leesburg supervisor. "Pilots just won't go where you tell them, and I can't blame them much."

Many major accidents occur in bad weather. Violent winds can buffet even the heaviest jumbo jet as if it were made of balsa wood. Pilots know that, and they would rather risk a brief ride along a forbidden route than a certain encounter with a bad storm.

Controllers at Leesburg say that almost nothing makes them more nervous than waking up to find their airspace filled with rain. In July, for example, Leesburg controllers had thunderstorms on 27 days.

"Bad weather would make almost any smart controller a little sick," said Philip Kain, who has worked at Leesburg for six years. "It is so stressful because you just know aircraft are simply not going to fly where you tell them to fly when the weather is bad."

When the weather gets bad, controllers are taught to lengthen the distances between planes and to reduce the number of planes in the air at any one time near airports.

Such maneuvers force delays and increase the irritation for pilots and passengers and the pressure on controllers.

Since deregulation, airlines have had a growing stake in meeting timetables because they schedule many flights into the same airport at approximately the same time so passengers can connect to many cities.

"There is a balance we must strike between a safe air system and the free enterprise system," said a senior FAA official who asked not to be identified. "On a stormy Friday afternoon, with dozens of carriers in a hurry to get where they are going, that balance is put to the test."

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## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GORE). The majority leader's time has expired.

Mr. BYRD. I ask unanimous consent to speak out of order.

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

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## SOVIET POLICY TOWARD AFGHANISTAN

Mr. BYRD. Mr. President, about 2 weeks ago, on December 27, 1986, the seventh anniversary of the Soviet Union's invasion and occupation of the sovereign nation of Afghanistan was reached. It was not an anniversary which was the subject of much fanfare, and it probably did not receive the kind of attention that it should have received around the world. To much of the world, it is old news, 7 years old. It is, unfortunately, old news in Afghanistan as well, and it is just more of the same very bad news.

We have seen Mr. Gorbachev's public relations tryouts on the Afghan question—the word was spread that he was going to do something about it. He was going to begin a staged withdrawal of his 120,000 troops there and he was going to end that problem, because, after all, it is not his war. It did not start on his watch. It is a sure-fire loser of a foreign policy for the Soviets, and the Afghan resistance has his troops buttoned down, and there is no end in sight.

But, Mr. President, the carefully marketed, so-called staged withdrawal of some Soviet troops from Afghanistan was, clearly, just that—a stage show, a sham, and a fake. The facts are in and they are indisputable—Mr. Gorbachev is fast on his way to making this his war, because he is faking a Soviet policy of withdrawal. Despite the public relations blitz by the new razzle-dazzle Soviet leadership, despite its attempt to portray itself as reasonable and flexible in its approach to their problem in South Asia, no substantial policy change or practice has appeared. Sooner or later, flashy new Soviet imagery must give way to practical changes in policy leading to a more humane, enlightened, diplomatic and productive path.

The same kind of unproductive fakery is now being displayed by the Soviet puppet regime in Kabul, which has just announced an offer of a ceasefire to the resistance, a political policy of so-called national reconciliation, amnesty for the Mujaheddin. All this is to occur, of course, while 120,000 benign Soviet military helpers stand by. This is, of course, a trap, a transparent attempt to win through political fakery what cannot be won on the battlefield, and it is an invitation to surrender. The Mujaheddin promptly rejected the proposal, as they should have.

There is another opportunity for the Soviets to get off the dime on their Afghan policy, in early February, when the United Nations-sponsored indirect negotiations resume between representatives of the Kabul regime and the Government of Pakistan. There is only one issue in those negotiations worth talking about—a timetable for the complete Soviet withdrawal of its forces from Afghanistan. This resolution urges the Soviets to reconsider the sham of their recent withdrawal publicity policy, and get down to business.

In the meantime, Mr. President, the resolution I introduced last Tuesday, January 6, 1987, on behalf of myself, Mr. DOLE and others, and which the Senate adopted by unanimous record vote, commits the Senate to continue its policy of providing all appropriate material assistance to the people of Afghanistan against the outside invader. As Senator MOYNIHAN accurately pointed out in his remarks here on the Senate floor last Tuesday, in association with the passage of the resolution on Soviet policy in Afghanistan, this is a continuation of a policy of assistance begun in 1979, just a few weeks after the invasion occurred. The resolution renewed the Senate's condemnation of the barbaric, outrageous bullying tactics of the Soviet Union in that proud nation—a policy which constructs bombs in the shape of toys to maim children in an effort to demoralize the populace. A recent authoritative report by the United Nations stated that the war is characterized by:

> The most cruel methods of warfare and by the destruction of large parts of the country which has affected the conditions of life of the population, destabilizing the ethnic and tribal structure and disrupting family units. The demographic structure of the country has changed, since over 4 million refugees from all provinces and all classes have settled outside the country and thousands of internal refugees have crowded into the cities.

The story of Afghanistan today has to be told in graphic terms, or it loses its urgency. There is a massacre going on in Afghanistan. A country is losing its population. It is being ripped apart by the Soviet military machine.

This resolution adopted by the Senate urged the Secretary of State to continue and accelerate vigorous diplomatic efforts, and to develop multilateral diplomatic efforts whenever possible, to put pressure on the Soviet leadership to see the counterproductive nature of their policy in Afghanistan. It also urged the Secretary to put pressure on the Soviets and their Kabul puppets to allow foreign journalists full access to Afghanistan in order to report on events in that nation.

The United States should take every opportunity to increase the international visibility of what the Soviets are doing in Afghanistan. This should be done in international meetings and fora of all kinds; it should be done by increased media coverage and the use

of our programming capabilities. We are, as a nation, far better at public diplomacy, far more adept at the use of public relations, than the Soviets are—and we should use those skills to bring the story of what is happening in Afghanistan to the world, particularly the Third World, continuously.

Mr. President, we should not stand by and allow Afghanistan to become another Gorky, a closed place, invisible to the West just because we have gotten tired of taking a stand.

The resolution also urged the Secretary to review our policy of recognizing the Afghan puppet regime, and determine if it is still not only in the interest of the United States, but in the interest of the people of Afghanistan, to continue that policy or discontinue that policy.

Mr. Gorbachev seems to like quick, broad-stroke solutions to problems. He tried for that at Reykjavik. If he is truly a problem solver, he will make good on the statement he made to the 27th Communist Party Congress in February of last year—he said:

We would like, in the nearest future, to withdraw the Soviet troops stationed in Afghanistan at the request of its government.

So far, only expectations have been raised by Mr. Gorbachev.

I would anticipate, Mr. President, that in looking forward to the possibility of a pull-out of Soviet forces and the coming to power of a truly representative Afghan Government, that such a government will be the beneficiary of guarantees by both superpowers, and will be independent and neutral. I think it should be made clear to Mr. Gorbachev that the Soviet withdrawal surely could be accompanied by American guarantees of neutrality for the succeeding government.

Our purpose in passing that resolution is to hasten an acceptable, humane resolution to the Afghan situation. There is no intention in our actions to humiliate the Soviet Government. I hope that the Soviets will interpret our action in that light.

Mr. President, I ask unanimous consent that a copy of the resolution which was adopted by the Senate last Tuesday appear in the RECORD at the close of my remarks, and I also ask unanimous consent that an article by Mr. Philip Taubman, entitled "Kremlin Feels Strain of Afghan War," which appeared in the New York Times of January 11, 1987, appear in the RECORD.

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

S. RES. 31

Whereas December 27, 1986, marked the seventh anniversary of the Soviet invasion of Afghanistan;

Whereas the Soviet occupation has been characterized by extreme brutality and a campaign of indiscriminate violence that has taken the lives of an estimated 1 million Afghans, and displaced more than 4 million others;

Whereas the Special Rapporteur of the United Nations Commission on Human Rights, in his Novmeber 5, 1985, report documented examples of a barbaric Soviet military campaign against civilians, including attacks on women and children, and in a subsequent report of February 14, 1986, found the situation unchanged and concluded that the "only solution to the human rights situation in Afghnaistan is the withdrawal of the foreign troops";

Whereas (the Soviet invasion was a major factor in the postponement of consideration by the Senate of the SALT II Treaty of 1979, and) the presence of Soviet troops in Afghanistan today continues to adversely affect the prospects for the long-term improvement of the United States-Soviet bilateral relationship in general;

Whereas the Soviet leadership appears to be engaged in a cynical and hypocritical public relations campaign aimed at protraying an ongoing staged withdrawal of Soviet troops from Afghanistan in the apparent belief that words will substitute for genuine action in shaping world opinion;

Whereas the offer by the Soviet puppet regime in Kabul for a cease-fire and amnesty in the name of "national reconciliation" is a transparent attempt to isolate the democratic resistance (the mujaheddin), confuse the populace and accomplish the surrender of the democratic resistance while the Soviet military occupation continues unabated; and

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues: Now, therefore, be it.

*Resolved*, That the Senate hereby—

(1) renews its condemnation of the continued Soviet invasion and occupation of the sovereign state of Afghanistan, against the will of the Afghan people, an activity which violates all standards of conduct befitting a responsible nation, which contravenes all recognized principles of international law, and which has been reflected in seven United Nations resolutions of condemnation;

(2) finds that recent Soviet representations concerning withdrawal of Soviet troops have been indisputably demonstrated to be a sham, are a cynical and calculated campaign of disinformation, and do not reflect genuine reductions in the Soviet occupation force, which continues to stand at an estimated 120,000 troops inside Afghanistan, with 30,000 more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

(3) finds that recent offers of a ceasefire, amnesty, and a government of national reconciliation advanced by the Soviet puppet regime in Kabul fail to provide the essential framework for a settlement, undermine the prospects for genuine progress, and should be spurned by the Afghan resistance so long as Soviet troops continue to occupy Afghanistan;

(4) believes that the only acceptable formula for settlement of the Afghan situation is one which results in a government genuinely representative of the Afghan people, outlines a definite timetable for the complete withdrawal of Soviet troops in the near future, and provides for the return of refugees in safety and dignity;

(5) renews its commitment, which was begun within weeks of the Soviet invasion of Afghanistan in December 1979 when the United States government began to supply light infantry weapons to Afghan freedom fighters, a fact made public by the White House on February 15, 1980, to support its people of Afghanistan through the provision of appropriate material support;

(6) urges the Secretary of State to—

(A) develop continued multilateral initiatives aimed at encouraging Soviet military withdrawal, the return of an independent and nonaligned status to Afghanistan, and a peaceful political settlement acceptable to the people of Afghanistan, including provision for the return of Afghan refugees in safety and dignity;

(B) develop a vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world on a frequent basis;

(C) encourage the Soviet leadership and the Soviet puppet regime in Kabul to remove the barriers erected against the entry into and reporting of events in Afghanistan by journalists;

(D) makes vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States, because of the negative effect that Soviet policies in Afghanistan have on attitudes toward the Soviet Union among the American people and the Congress; and

(E) review United States policy with respect to the continued recognition of the Soviet puppet regime, and continued U.S. diplomatic presence in Kabul to determine whether such recognition and presence is in the interest of the United States and the people of Afghanistan;

(7) urges the Soviet Union to present, through its Afghan puppet representatives, an expeditious timetable of no more than four months in accord with the stated position of the government of Pakistan, for the complete withdrawal of its forces at the next session of United Nations-sponsored indirect negotiations in February 1987, with representatives of Pakistan; and

(8) urges the government of Pakistan to resist the pressure of the Soviet Union to accept anything less than such a timetable for withdrawal at those indirect United Nations-sponsored negotiations.

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KREMLIN FEELS STRAIN OF AFGHAN WAR

(By Philip Taubman)

The withdrawal of Soviet troops from Afghanistan is not far off, the Soviet Foreign Minister, Eduard A. Shevardnadze, announced last week. "This event," he predicted, "is not behind the mountains."

Whether Mr. Shevardnadze proves to be a better prophet than the American officials who used to speak of the light at the end of the Vietnamese tunnel remains to be seen. But it was clear last week that while Moscow is increasingly eager to reduce its involvement in Afghanistan, the route to a withdrawal is not as smooth as Mr. Shevardnadze suggested.

The Foreign Minister and Anatoly F. Dobrynin, the party secretary in charge of foreign policy, returned from a trip to Kabul, the Afghan capital, amid indications that the Soviet Union had a carefully designed plan to achieve both the reality and the appearance of progress toward a settlement.

The plan, announced with considerable fanfare by Moscow and Kabul, included a

call for a ceasefire with guerrilla forces that would have started Thursday and a national reconciliation effort sponsored by Najib, the Afghan leader. The Soviet Union also agreed to set a timetable for withdrawal of its estimated 120,000 troops as part of a settlement negotiated by a United Nations mediator.

Although the guerrillas quickly rejected the terms for the reconciliation and ceasefire, the Shevardnadze-Dobrynin delegation, the highest-ranking Kremlin group to visit Kabul since Soviet troops moved into Afghanistan in 1979, suggested that other moves might be under consideration. Western diplomats speculated that these might include a unilateral reduction of Soviet forces to coincide with the Feb. 11 resumption of United Nations-sponsored negotiations in Geneva between the Afghan and Pakistani Governments. The withdrawal last year of six Soviet regiments, some 8,000 men, was considered a token gesture in the West, and United States officials have reported that the troops were replaced by new forces within days.

Moscow has plenty of reason to want to bring its troops home. The Soviet press has indicated that draft evasion is not infrequent and has written sympathetically of the plight of the disabled and troubled veterans. Graveyards across the country have monuments to the men killed in Afghanistan. There is concern that the sharp rise in drug use among Soviet young people since 1981 reported in Pravda last week, is partly the result of the involvement in Afghanistan, where narcotics are easily obtained.

A SYMBOL OF SHAME

Moreover, Moscow's role in Afghanistan has hurt its standing among Moslem nations, hampering Mikhail S. Gorbachev's efforts to increase Soviet influence in Asia and the Middle East.

"Afghanistan is to Soviet foreign policy what Sakharov was to human rights, a symbol of shame," one Western diplomat said, referring to Andrei D. Sakharov, the dissident physicist who was allowed to return to Moscow last month after nearly seven years in exile in the city of Gorky.

Sensitivity to the domestic and foreign costs of the war has been evident in Soviet press reports that increasingly depict the fighting as an "internationalist duty" by a "limited contingent" in an "undeclared war."

Despite the drawbacks, however, it is unlikely that the Soviet Union will untangle itself from Afghanistan any time soon. Mr. Najib, a former head of the Afghan secret police who was installed with Soviet help last May, has so far failed to draw his opponents into the Government, and the guerrillas have spurned his terms for national reconciliation. The rebels also rejected Mr. Najib's plan for a cease-fire, insisting on direct negotiations with Moscow.

Western analysts doubt that the Soviet Union will remove its forces until the internal situation stabilizes. "If the Soviets withdraw under present conditions, their friends will be slaughtered," a Western diplomat said last week.

In addition, Moscow has made any deal contingent on the cessation of Western aid to the rebels. But the United States is unlikely to halt the flow of money and arms unless Moscow withdraws a substantial number of troops. Although some progress was reported in the United Nations talks, the timing of a Soviet withdrawal remains an obstacle. Pakistan, with backing from the United States, has insisted that all Soviet troops be withdrawn within months, perhaps a year. Moscow has talked about three years and hinted that it might accept a two-year deadline.

Ultimately, the Russians may have to decide what sort of Government they can live with in Afghanistan. If they could accept a neutral Afghanistan, similar to the one that existed before the Soviet presence, a settlement would be easy.

But so far Moscow has given no indication that it would accept anything less than a pro-Soviet government, a condition the rebels find unacceptable.

One Western diplomat suggested that if Moscow is determined to cut its losses in Afghanistan, it might have to follow the advice that the late Senator George D. Aiken of Vermont once offered on the Vietnam War. What the United States should do, Mr. Aiken recommended then, was simply declare a victory and go home.

## APPOINTMENT OF MEMBERS TO SENATE COMMITTEES

Mr. BYRD. Mr. President, I ask that the Chair at this time announce the reconstitution of the Senate Select Committee on Intelligence and also the constitution of the new select committee that was agreed to on this past Tuesday, together with any other additions to committees which are contained in memorandums which I have sent to the desk. My request has only to do with the majority members of those committees.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to provide the Chair with a similar listing of Republican members of these respective committees that will be presented later today. My unanimous-consent request should include the request that our members be designated in the usual form following those listed by the distinguished majority leader. We will provide those before the close of business today.

The PRESIDING OFFICER. Without objection, the record will be held open for the designation of the minority members at the same point in the RECORD following the majority members.

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND NICARAGUAN OPPOSITION

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the provisions of Senate Resolution 23, 100th Congress, 1st session, appoints the following Senators to the Select Committee on Secret Military Assistance to Iran and Nicaraguan Opposition:

The Senator from Hawaii [Mr. INOUYE], chairman, the Senator from Maine [Mr. MITCHELL], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. HEFLIN], and the Senator from Oklahoma [Mr. BOREN].

(The following occurred later:)

The PRESIDING OFFICER (Mr. SANFORD). The Chair, on behalf of the President pro tempore, pursuant to the provisions of Senate Resolution 23, 100th Congress, 1st session, appoints the following Senators to the Select Committee on Secret Military Assistance to Iran and Nicaraguan Opposition:

The Senator from New Hampshire [Mr. RUDMAN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. HATCH], the Senator from Maine [Mr. COHEN], and the Senator from Virginia [Mr. TRIBLE].

SELECT COMMITTEE ON INTELLIGENCE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence:

The Senator from Oklahoma [Mr. BOREN], the Senator from Vermont [Mr. LEAHY], the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], and the Senator from California [Mr. CRANSTON].

(The following occurred later:)

The PRESIDING OFFICER (Mr. SANFORD). The Chair, on behalf of the President pro tempore, in accordance with Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence:

The Senator from Maine [Mr. COHEN], the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. HECHT], and the Senator from Virginia [Mr. WARNER].

JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The Chair announces the appointment of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from New York [Mr. MOYNIHAN] to the Joint Committee on Taxation.

## APPOINTMENTS BY THE VICE PRESIDENT

JOINT ECONOMIC COMMITTEE

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024 of title 15, United States Code, appoints the Senator from Montana [Mr. MELCHER] and the Senator from New Mexico [Mr. BINGAMAN] to the Joint Economic Committee.

## JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I have discussed this action which I am about to take with the distinguished acting Republican leader [Mr. STEVENS]. He is present on the floor, and I believe he concurs in the action.

I send to the desk a concurrent resolution. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislation clerk read as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Tuesday, January 27, 1987, at 9 o'clock post meridian, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

Mr. STEVENS. Mr. President, there is no objection.

The concurrent resolution was considered and agreed to.

Mr. BYRD. I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

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## S. 285—NATIONAL SECURITY TRADE ACT OF 1987

Mr. BYRD. Mr. President, today I am introducing the National Security Trade Act of 1987. The trade deficit for 1986 may well exceed $170 billion. We must assure that imports are not eroding our defense industrial base and putting our national security in jeopardy. I welcome the distinguished Senator from Delaware [Mr. ROTH] as cosponsor of this legislation.

Since section 232 was enacted in 1962, 16 petitions alleging a threat to national security have been filed. This is not a landslide of cases, nor should it be. The language of the statute and the legislative history are quite clear in establishing what kinds of cases rise to the urgency of a threat to national security. The statute describes in detail the factors to be weighed in deciding whether or not there exists a national security question. But it is very clear from the legislation and the history behind it that Congress intended that the statute function to effectively prevent the destruction of American industries which are vital to the national security. Indeed, section C requires that the President "recognize the close relation of the economic welfare of the Nation to our national security, and * * * take into consideration the impact of foreign competition on the economic welfare of individual domestic industries."

The legislative history provides an unmistakable indication of congressional intent. When the predecessor statute was first considered in 1955, Congress extended the reach of prior law which dealt only with issues of national defense so that the act would encompass any industry important to national security. The 1955 change was prompted by congressional concern over import injury to production of critical materials including petroleum, lead, and zinc. When the law was further refined in 1958, the Senate Finance Committee explained in its report:

> Language was further added directing attention and providing possible action whenever danger to our national security results from a weakening of segments of the economy through injury to any industry, whether vital to the direct defense or a part of the economy providing employment and sustenance to individuals or localities. The authority of the President is thereby broadened considerably but the dangers inherent in an economy suffering from unemployment, declining Government revenue, or loss of skills, and investment because of excessive imports of one or more commodities, must be recognized and avenues provided whereby they may be lessened.

In that same report, Congress noted its discontent with the ungenerous reading the statute had received:

> Considerable unfavorable comment has reached the committee about the administration of what was thought to be a strongly worded national security amendment in the 1955 extension. That section has been further strengthened so that sound results may be expected from it.

Despite a consistent effort to strengthen the statute, congressional intent remains frustrated by inaction on the part of successive administrations. For a confusing and sometimes elusive litany of reasons, Presidents have not granted relief to any industries filing petitions under section 232, with the sole exception of petroleum products. Why? Have all other petitions been groundless?

Let me discuss one case with which I am familiar. The American ferroalloys industry is among the most modern in the world. Because of the value of the dollar and predatory, antimarket practices by foreign producers such as South Africa and the Soviet Union, 60 percent of the American market is now held by foreigners. The Office of Technology Assessment, in a recent report entitled "Strategic Materials: Technology to Reduce U.S. Import Vulnerability," summarized the importance of ferroalloy products in the first paragraph of that report by saying:

> These metals are essential in the production of high-temperature alloys, steel and stainless steel, industrial and automotive catalysts, electronics, and other applications that are critical to the U.S. economy and the national defense.

The report continues by describing the dangers of our overdependence on foreign ferroalloy production and the need to diversify supply sources.

Despite these facts, the petition filed by the ferroalloys industry in December 1981 was not acted upon by the President until May 1984. In a perfunctory report, the administration denied any relief. Similarly, the machine tools industry—now devastated by imports—requested action in March 1983. It received no word from the administration until May 20, 1986. Since then, the administration has announced agreements to limit some machine tool imports. That action was doubtless encouraged by the introduction of this legislation last year, and the promise that Congress would revisit this important issue.

While the statute requires that the Commerce Department conclude its investigation within 1 year, it does not set a date for final action by the President. Of course, the authors of the statute could not have imagined that an allegation of a threat to the national security would be treated with disinterest by any President, particularly this one. But experience has shown that successive administrations are willing to wait in hopes that the problem goes away, rather than expose themselves to charges of protectionism.

Well, the problems have not gone away. But, in the case of ferroalloys and machine tools, those industries very nearly have. How is it that any President or any administration would be willing to let a vital element of our defense production base disappear without action? Our trading partners in Europe and Japan would not be so complacent. Indeed, in the case of ferroalloys, the European and Japanese Governments have in place national plans to assure the survival of critical ferroalloy production capacity.

But in the United States, I regret to say that we often refuse to see the fire until we feel the heat. Unless we are at war or otherwise face a conspicuous national crisis on the order of the gas shortage of a decade ago, our Government is often slow to recognize our defense needs. We seem doomed to repeat in every generation the mistakes that erode our defense production assets to the point that we are left scurrying to rebuild an industrial base that is the product of years of neglect. The administration's latest proposal to reduce the strategic stockpile and its inaction on the strategic petroleum reserve are recent examples of this trend.

Let me describe what this legislation would do.

First, the legislation establishes a time certain for Presidential action on any petition. Within 90 days of the time the Secretary of Commerce—and the Secretary of Defense—report their determination to the President, he must act, or state why he has refused to act on a matter that could impact upon the national security. Under present law, there is no time limit. We have seen petitions by the ferroalloys industry and the machine tools industry drag on months and months without resolution. American companies deserve the certainty of a response—and we all need to know whether the national security is threatened as a result of imports. Once an industry is gone, it is too late.

Similarly, the time which the Secretary of Commerce and the Secretary of Defense have to make such a determination is reduced to 6 months. I do not believe it is unreasonable to require that a matter which may involve national security be decided within 6 months. Again, time is of the essence.

Second, the bill enlarges the role of the Secretary of Defense. He cannot supplant the role of the Secretary of Commerce—nor should he. The Commerce Department has much of the economic data on American industries and the scope of foreign imports. But this is not a conventional trade question. The language of the statute makes clear that the threat of injury to national security must be assessed after weighing many factors—many of them within the expertise of the Department of Defense. For that reason, this legislation calls upon the Secretary of Defense to make a separate defense needs assessment within 3 months of the time a petition is initiated, and provides that this report is to be included in the Commerce Department's report to the President. Moreover, the bill requires a separate statement of concurrence or dissent from the Secretary of Defense—the chief Cabinet officer charged with responsibility for national security determinations.

Again, nothing in this legislation should be understood as undercutting the Commerce Department. The statute as it stands gives the responsibility to the Commerce Department for good reason. But I believe we need to formalize and make explicit the Defense Department's responsibility in making this national security determination. The Secretary of Defense knows the needs of the defense industrial base, and his Department should have an explicit role in making a decision on the impact of imports.

Third, my bill enumerates the available courses of action, should the President determine that a threat to the national security does exist. This is intended to broaden, not limit, the existing options. The language here closely mirrors the broad statutory authority under section 301 of the Trade Act. But it also includes a procedure whereby the President can initiate negotiations with foreign governments to resolve the problem. Remember, the statute is aimed at threats to the national security. If the President can put another country on notice that the imports are a potential danger, and that the United States will not tolerate that danger, perhaps a major problem can be solved before it does damage—to our economy or to our relationship with another country. This authority does not permit the President to bargain away any duties or other existing import limits. And if the President chooses this path, he has 6 months from the date of submission of the Commerce Department report to reach an agreement. If no agreement can be reached within that time, he must act, or publish in the Federal Register the reasons why he has declined to act.

Finally, this bill increases the visibility of the entire section 232 process. The results of the report of the Secretary of Commerce, as well as the President's final determination, are to be published in the Federal Register—excluding, of course, such information that may be classified or deemed business confidential. This increases the visibility of the entire process. The petitioning parties, the Congress, and the public at large deserve to know the basis on which such decisions are made. This statute has become a dead letter and the petitioners—the ferroalloys industry and the machine tool builders included—have lost faith in the operation of the law. If the data are not restricted for a reason, let them know why a decision has been made.

Does this bill open a broad new avenue of trade relief? It does not. However, it does create a realistic avenue of relief when vital sectors of the economy are threatened by imports. It breathes life into a moribund statute and supports the original intent of Congress: That national security be understood to encompass economic security for critical sectors of our industrial base.

Which companies can expect relief under this legislation? Certainly industries such as the ferroalloy producers should have reason for hope. In addition, crucial high-technology sectors, such as the semiconductor manufacturers, should consider how this legislation applies to their situations. Emerging technologies such as fiber optics and ceramics may be eligible. Often, foreign production in these new areas far exceeds domestic needs and the excess is targeted on the U.S. market so that emerging industries here are overwhelmed.

We need to get beyond the idea that national security is solely a function of how many troops and weapons we can field. The ability to sustain our defense production base and support our military in time of crisis is an important measure of our national security—and of our strength as a nation. The economic well-being of vital industries must be as much of a national priority as the maintenance of strong Armed Forces. I am convinced that this legislation will make an important contribution to safeguarding that production base.

I would point out to my colleagues that article XXI of the General Agreement on Tariffs and Trade [GATT] specifically allows a government to take action "necessary for the protection of its essential security interests." Nothing in this bill abridges the authority of the President. Nothing here requires the President to do anything other than make a timely determination when this country's national security is in question. But it provides an important expression of congressional confidence in a statute that should be the baseline of our trade policy. Whether Senators are devoted to a purist's view of free trade or hardened by the trade crisis, I hope they will support this important legislation.

When a version of this legislation was introduced on August 9, 1986, as an amendment to the Defense Department authorization, it was defeated on a party line vote. Indeed, this became the only major trade vote in 1986. I hope that the partisanship of an election year is behind us now. The issue of national security should never be muddied by partisan politics. This legislation is too important, and I hope it will receive strong bipartisan support.

## S. 284—AMENDMENTS TO TRADE EXPANSION ACT OF 1962

Mr. BYRD. Mr. President, I send to the desk a bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration and for other purposes. I ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. BYRD. Mr. President, as I have indicated to the distinguished acting Republican leader, it is my intent to introduce this same bill and, through the mechanism of rule XIV, begin its trek to the Senate Calendar.

I send this bill to the desk and ask that it be read the first time.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 284) to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes.

Mr. BYRD. Mr. President, I ask that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Objection having been heard to the second reading of the measure on this legislative day, the measure will remain at the desk pending its second reading on the next legislative day.

The text of the bill follows:

S. 284

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Trade Act of 1987".

SEC. 2. IMPORTS THAT THREATEN NATIONAL SECURITY.

(a) IN GENERAL.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request",

(2) by striking out ", Secretary of Commerce,",

(3) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Commerce",

(4) by striking out "within one year after receiving an application from an interested party or otherwise beginning" and inserting in lieu thereof "by no later than the date that is 6 months after the date on which the Secretary receives a request for an investigation under this section or on which the investigation otherwise begins", and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) The Secretary shall immediately notify the Secretary of Defense of any investigation initiated under paragraph (1) with respect to imports of an article. Upon receiving such notice, the Secretary of Defense shall conduct a separate defense needs assessment with respect to such article.

"(B) By no later than the date that is 3 months after the date on which the investigation under paragraph (1) of imports of an article is initiated, the Secretary of Defense shall complete the defense needs assessment conducted under subparagraph (A) with respect to such article and submit to the Secretary a report on the assessment. Such report shall be submitted by the Secretary to the President with (and be considered a part of) the report that the Secretary is required to submit to the President under paragraph (1),

"(3)(A) The report submitted by the Secretary under paragraph (1) shall include a written statement by the Secretary of Defense expressing concurrence or disagreement with the findings and recommendations of the Secretary contained in such report and the reasons for such concurrence or disagreement.

"(B) The report submitted by the Secretary under paragraph (1), or any portion of such report (including the report submitted by the Secretary of Defense under paragraph (2)(B)), may be classified only if public disclosure of such report, or of such portion of such report, would clearly be detrimental to the security of the United States.

"(C) Any portion of the report submitted under paragraph (1) which—

"(i) is not classified in accordance with subparagraph (B), and

"(ii) is not proprietary information described in paragraph (7)(A),

shall be published in the Federal Register.

"(4)(A) The President shall take action, or refuse to take action, under paragraph (1) by no later than the date that is 90 days after the date on which such report is submitted to the President.

"(B) The President shall make a written statement of the reasons why the President has decided to take action, or refused to take action, under paragraph (1) with respect to each report submitted to the President under paragraph (1). Such statement shall be included in the report published under subsection (d).

"(5) The actions which the President may take under paragraph (1) shall include, but are not limited to—

"(A) the issuance of proclamations or executive orders to impose duties, quotas, or other import restrictions, for such time as the President determines appropriate, on the products of, and fees or restrictions on the services of, any foreign country from which the imports that threatens to impair the national security are imported, or

"(B) the negotiation, conclusion, and carrying out of any agreement which limits the importation into the United States of such imports that threaten to impair national security, but does not provide for any reduction or elimination of any duty, quota, or other import restriction imposed by the United States.

"(6)(A) If—

"(i) the action taken by the President with respect to any report submitted to the President under paragraph (1) is the negotiation of an agreement described in paragraph (5)(B), and

"(ii) either—

"(I) no agreement described in paragraph (5)(B) is entered into before the date that is 6 months after the date on which the Secretary submitted such report to the President, or

"(II) any agreement described in paragraph (5)(B) that has been entered into is not being carried out is ineffective in eliminating the threat to the national security posed by imports of the article which is the subject of such report,

the President shall take such other actions as the President deems necessary to adjust the imports of such article so that such imports will not threaten to impair the national security.

"(B) If—

"(i) clauses (i) and (ii) of subparagraph (A) apply, and

"(ii) the President determines not to take any additional actions under subparagraph (A),

the President shall publish in the Federal Register such determination and the reasons on which such determination is based.

"(7)(A) Proprietary information which is provided by a person who has made a written request to the Secretary or the Secretary of Defense that such proprietary information not be disclosed to the public—

"(i) shall only be disclosed to those persons who are directly involved—

"(I) in investigations conducted under this section, or

"(II) in carrying out the provisions of this section, and

"(ii) shall not be disclosed in any statement or report which is required to be published under this section.

"(B) The Secretary is authorized to prescribe regulations that—

"(i) ensure compliance with the requirements of subparagraph (A), and

"(ii) impose sanctions against any person who violates the provisions of subparagraph (A).".

"(b) CLARIFYING AMENDMENT.—Subsection (d) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting "in the Federal Register" after "published".

## S. 287: WE MUST REFORM OUR UNEMPLOYMENT INSURANCE SYSTEM

Mr. BYRD. Mr. President, the Nation as a whole has emerged from the destruction of the recession of 1981 and 1982. However, as most of the Nation basks in the warmth of the recovery, we must not forget that recovery will be a very long time coming to millions of Americans who lost their jobs and, in many cases, their possessions, homes, and even their health—during the past 6 years.

The recovery largely passed by major sections of our Nation—including some entire States. My own State of West Virginia serves as an example. In October 1986, the last month for which data are available, the unemployment rate calculated by the U.S. Department of Labor for West Virginia was 11.5 percent; five other States and territories had rates of 9 percent or higher. Altogether, 12 States or territories have rates of 8 percent or above—a level traditionally defined as severe.

These unemployment rates, as high as they are, do not fully reflect the magnitude of the unemployment problem in these States, because they do not count those workers who became so discouraged as a result of their unsuccessful search for work that they have dropped out of the labor force altogether.

It also is important to note that those who have been laid off since 1981 are remaining unemployed longer than they did during and after previous recessions. Nationally, in November of this year, 709,000 workers had been unemployed for a full 12 months or longer—and this figure does not count the unemployed who have not worked at all in recent years. These unemployed workers and their families are the hapless victims of our Nation's economy gone awry.

It is one of those things for which this Nation can and should be proud that unemployment insurance usually is available as a partial cushion to workers who lose their jobs. However, the unemployment insurance system did not function during the 1981–82 recession, and currently is not functioning, to provide the cushion that I believe the Congress intended. This is true primarily with respect to programs of additional benefits beyond those available through the basic unemployment insurance programs operated by the States. The system simply

was overcome by the severity of the recession and the magnitude of unemployment we have experienced and continue to experience.

Although 12 of the 52 States and other jurisdictions currently have unemployment rates of 8 percent or greater, only 3 States or other jurisdiction are eligible for extended benefits—the second tier of benefits available through the unemployment insurance system. This unacceptable situation is primarily the result of the use of the insured unemployment rate as the sole State eligibility determinant for the extended benefits program.

In 1981, the Congress made two changes in the use of the insured unemployment rate. The first change increased the level of the insured unemployment rate a State must have to qualify. The second change omits from the computation of the insured unemployment rate any person receiving benefits beyond regular State benefits. The insured unemployment rate continues to omit in its computation all persons who have exhausted all available insured unemployment benefits, as it did before 1981.

Even had these changes not been made, however, use of the insured unemployment rate as the sole State eligibility determinant for the extended benefits program had undesirable results. States that are hardest hit by unemployment—particularly where the average duration of unemployment is highest—are substantially disadvantaged, because a greater proportion of their unemployed population is not counted in the insured unemployment rate. This distorting effect can be illustrated by my own State of West Virginia, where the total unemployment rate currently is 11.5 percent, but its insured unemployment rate is only 3.33 percent.

There is yet a third major problem with the portions of the unemployment insurance system that are superimposed on top of the basic State unemployment insurance programs. This problem is that virtually all who must contend with this set of programs—including program administrators, elected officials, employers who pay payroll taxes into its trust funds, taxpayers who fund some of its benefits from the treasury, and, most of all, workers who have been forced out of their jobs and badly need the help that unemployment insurance is supposed to provide—are confused by its complexity and the irrational way in which one program is related, or unrelated, to another.

The result is rather predictable. Those who believe themselves to be unfairly treated because they cannot understand the workings of one of the most complicated programs operated at any level of government in this Nation—and therefore believe themselves to be the victims of a program they thought was supposed to help those who have fallen upon hard times—become cynical and hostile toward government in general.

The unemployment insurance programs beyond State basic benefit programs are crying out for repair. The fundamental idea of such additional benefits is sound; it is, in fact essential. But these programs must be reformed so that they provide the protection they were intended to provide. They must be reformed so they will be dependable. And they must be reformed so that those who need benefits beyond those provided in basic State programs, those who pay the costs, and those who operate the programs can understand what help is available, how to obtain it, how much it costs, and how to operate the programs providing it efficiently.

These are not minor repairs. They cannot be accomplished by tinkering with the programs. The entire system of unemployment insurance beyond the basic benefit programs at the State level must be overhauled.

There are two other compelling reasons for taking action on fundamental improvements in the unemployment insurance system now rather than later. First, despite the fact that the majority of the Nation no longer is suffering from a recession, nonetheless a very substantial number of our workers have been and continue to be unable to find work.

Where are these long-term jobless workers? Some of them live in depressed sections of our large cities; some live in portions of States or entire cities where the basic economic underpinning has been devastated even though other portions of the same States may be performing economic handsprings; and some of them are residents of entire States or multi-State regions apparently left behind by the recovery or hit hard with regional recessions while much of the rest of the Nation recovers from 1981-82. These workers and their families badly need assistance beyond that provided in State basic unemployment insurance programs. None of them, except in two or three States, is eligible for additional unemployment insurance of any kind.

Second, the unemployment insurance system is not as hard pressed as it was during the peak of unemployment in late 1982 and early 1983. At that point, when the deficiencies of the system were most clearly evident, it was all the system could do to keep its head above the water. Perhaps it is not surprising that the forbidding task of reform was delayed until a calmer moment.

The time to act is now. Our economic system is cyclical. At some point we again will experience a major national recession. The unemployment insurance system again will be found wanting. And we will have no one but ourselves to blame if we have failed to make the unemployment insurance system improvements that ought to be made during a period when we have the relative luxury of time and opportunity for careful consideration and judgment.

I would like to describe the type of revised system I believe we should substitute for the current hodgepodge.

First, rather than having one program occasionally augmented by a second program, where the two operate according to conflicting standards of State eligibility and result in incomprehensible durations of benefits, there should be only one program providing benefits beyond those available through the basic programs operated by the States.

Second, rather than having, as in the current Extended Benefits Program, State eligibility requirements that dictate a State is eligible for all or nothing of the current 13-week benefit period, the program should be structured as the Supplemental Compensation Program operating until 1985 was structured—so that States with the highest levels of unemployment are eligible for the greatest number of weeks of benefits, and those benefits stage down as unemployment rates are lower.

Third, the use of the insured unemployment rate as the sole determinant of eligibility no longer is acceptable. It is well known that the total unemployment rate is not an ideal measure for this purpose. But surely it is apparent that use of the insured unemployment rate also is far from ideal.

In 1983 the Brookings Institution published a study containing a striking fact. During 1982, only 45 percent of unemployed workers received unemployment insurance benefits, compared to 78 percent during the recession year of 1975. One of the principal reasons cited by the study is that the insured unemployment rate no longer is accurate in measuring how difficult it is for unemployed workers to find jobs, and consequently is not desirable as a trigger for benefits. More recently, the U.S. Department of Labor reports that in 1985, an average of only 34 percent of the unemployed received benefits in any month of the year—the latest data available. It is my understanding this average is likely to be even lower for 1986.

As a practical matter, we should not tolerate a methodology that causes a State with 11.5 percent unemployment to receive only a very few weeks of benefits—or even no benefits—beyond those in the basic program. So, although efforts should be redoubled to find a preferable benefit duration determinant, in the meantime we should do the best we can with what we've

got. We should employ a variant of the total unemployment rate—stabilized by averaging that measure over a 2-month period in each State—to assure that States and their long-term unemployed workers are treated fairly.

Fourth, and finally, the financing of the program should be arranged so that, as a State's unemployment rate increases, the Federal Government will pay an increasing share of the benefits in that State. This is justified because heavy unemployment in any State largely will be the result of economic circumstances beyond its control. It is also necessary in order to minimize future additions to the heavy debts that have been incurred by the trust funds of those States that have been hit hardest by unemployment in recent years. To ignore this situation may result in ever-increasing employer taxation in these States. This would serve as a disincentive to private sector hiring—with the greatest increases in taxes falling in the States that have had the worst unemployment and are in the greatest need of new hiring. For similar reasons, it is necessary to provide that, as a State's unemployment increases and more benefit weeks are provided to jobless workers, an increasing share of the Federal share of benefits will be paid from general revenues rather than the Federal unemployment trust fund—again to prevent employers from having to shoulder counterproductive taxes.

In 1983 I was pleased to join with the senior Senator from Pennsylvania [Mr. HEINZ] an several other Senators in introducing legislation—S. 1784—to make the improvements that badly need to be made. That legislation was refined and introduced again in the 99th Congress as S. 699. Today, I again am introducing legislation for this purpose. The bill I am introducing today is identical in most respects to the bill introduced during the 99th Congress.

States may take advantage of the new program established by the bill I am introducing whenever they are able to do so after it is enacted, but are not required to do so until several months after their legislatures adjourn after they next convene in regular session. In my State of West Virginia, should this bill be enacted today (or before any current measures of unemployment have changed), the State would be able to provide 21 additional weeks of benefits to those unemployed who exhaust the State's basic benefits (26 weeks in most States) before they are able to find new employment. Ninety percent of the cost of these additional benefits to West Virginians would be paid by the Federal Government. Other States with similarly high unemployment rates would get the same help while those States fortunate enough to have low unemployment would not—at least not immediately. However, when, at any point unemployment begins to increase for any of them—as it tragically has done over the past year in the so-called oil patch States, the additional assistance will be there for them as well, without the necessity of further action by the Congress.

During the welcome time of general economic advancement, we must not forget those who are the victims and remain the victims of long-term unemployment. We must not forget the States and regions where recovery is still fleeting or where special recessionary forces are at work. We must take steps to assure that the much vaunted cushion of unemployment assistance actually is available to those who need it. Just as important, we should act now, while the failings of the unemployment insurance system are fresh in our minds, to assure that the system will operate more fairly, dependably, and efficiently in the future.

Mr. President, I ask unanimous consent that I be allowed to insert in the RECORD immediately following my statement a fact sheet about this legislation and the text of the bill I am introducing today.

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

CONSOLIDATION OF EXTENDED AND SUPPLEMENTAL UNEMPLOYMENT INSURANCE PROGRAMS

MAJOR PRINCIPLES EMBODIED IN S. 287 (100TH CONGRESS)

I. There should be only *one program* providing unemployment benefits beyond those available under states' basic U.I. programs—even during recessionary periods with highest unemployment, rather than two which are poorly coordinated and whose relationship to each other is inconsistent and confusing.

II. There should be an increasing number of weeks of benefits available under the consolidated program as the level of a state's unemployment increases (much as in the Supplemental Compensation program as it existed until early 1985).

III. The availability of additional weeks of benefits (beyond those in a state's basic program)—with the number of additional weeks based on the state's unemployment level—should be on a permanent stand-by basis under the consolidated program, so that it will not be necessary for the Congress to take affirmative action to set in place additional benefits as in the case of the Supplemental Compensation program, so that these additional benefits will be made available as high unemployment is experienced rather than being delayed until legislation can be enacted. Further, such additional benefits can be provided to states and multistate regions that suffer from high unemployment even when the nation as a whole is not suffering from overall high unemployment and it might be difficult to obtain enactment of legislation to establish a temporary program of additional benefits.

IV. As a state's level of unemployment increases, the federal share of costs should increase for the benefits under the consolidated program—as should the portion of the costs borne by the federal government that are paid with federal general revenues. This is true because the case of persistent high unemployment on a statewide basis almost always can be traced beyond the State's borders to national economic policy and even international economic circumstances—both far beyond the control of that state and its workers, businesses, and government. States and employers within them should not be required to bear the marginal costs of unemployment insurance when unemployment is the result of massive macroeconomic forces beyond their control.

V. The Insured Unemployment Rate (I.U.R.) has proved itself to be unsuitable as a sole determinant of state eligibility for additional unemployment benefits, excluding from eligibility many states with very high unemployment. Until a preferable determinant can be devised and the I.U.R. replaced with it, the determination of the number of weeks of benefits for which a state qualified under the consolidated program should be made both with the I.U.R. and with an alternative determinant of eligibility that better reflects the need for additional benefits beyond those provided by states' basic programs—and long-term unemployed workers in those states should be eligible for the higher number of weeks of additional benefits resulting from use of the two determinants. A variant of the Total Unemployment Rate (T.U.R.) is the best alternative currently available, and its immediate use is recommended. However, a concentrated study should be conducted to see if it is possible to devise some measure of a state's need for additional benefits that would be preferable to both the I.U.R. and T.U.R. variant.

Immediate Objectives of the Legislation:

(1) Avoid the problems with the Extended Benefits program, whereby many states with high unemployment have been ineligible to participate because of various "quirks" in the program's eligibility criteria;

(2) Relate logically to the severity of unemployment in each state the number of weeks of unemployment insurance beyond those in the state's basic program that are available in the state—so that benefit duration can be better understood by the public, by public policymakers, by businesses required to support part of benefit costs through employment taxes, and by jobless workers needing the benefits;

(3) Offer some relief to states from the terrible pressures on unemployment trust funds caused by heavy eligibility for extended benefits when those states are beset by high unemployment—now or in the future; and

(4) Remove the necessity for special Congressional action during periods of extreme economic distress to provide benefit duration beyond that in the Extended Benefits program, which results in harmful delays of additional assistance reaching the unemployed in economically distressed states.

Benefit and Financing Structure of the Program:

The proposed program replaces the Extended Benefits program and obviates the need for any Federal Supplemental Compensation program.

The following benefits will be available to each state's long-term unemployed persons, based on the state's Insured Unemployment Rate (IUR) or on a variant (described below) of its Total Unemployment Rate (TUR)—whichever results in a greater number of weeks of benefits, with costs

being covered by the state and federal governments as indicated:

| When a State's | | Unemployed persons receive 'X' weeks of benefits | Costs split: State share/ Federal share [1] (percentage) | Percent Federal share from trust fund [2] general revenue |
|---|---|---|---|---|
| 13-week average IUR is (percentage) for 2 weeks or | TUR variant is (percentage) | | | |
| 0 to 3.99 | N/A | 0 | | |
| 4.00 to 4.99 | 9.0 to 9.9 | 7 | 40/60 | 80/20 |
| 5.00 to 5.99 | 10.0 to 9.9 | 14 | 30/70 | 60/40 |
| 6.00 to 6.99 | 11.0 to 11.9 | 21 | 20/80 | 40/60 |
| 7.00 to and above | 12.0 and above | 28 | 10/90 | 20/80 |

[1] The State share is to be paid from the State trust fund.
[2] The Federal trust fund deriving its revenues from FUTA

Other Key Specifications of the Consolidated Program:

When a state's eligibility is determined on the basis of its IUR, benefits will be payable beginning the third week after the second consecutive week in which the state meets or exceeds the 4.00 percent IUR threshold (as a 13-week average).

A state's 13-week IUR in the week used for eligibility computations must be at least 100 percent of the average of the 13-week IUR computed in the same week in each of the prior six years (the "prior years test"). If a state fails to meet the "100 percent of prior years test," but meets a "90 percent of prior years test," it will be eligible for one tier below that for which its 13-week IUR alone would qualify it. If a state meets only an "80-percent of prior years test," it will be eligible for two tiers below that for which its 13-week IUR alone would qualify it. If a state meets only a "70 percent of prior years test," it will be eligible for three tiers below that for which its 13-week IUR alone would qualify it.

The TUR variant for any state is computed by averaging the TURs reported by the U.S. Department of Labor (USDoL) for the two most recent months for which USDoL state-by-state TUR statistics are available.

When a state's eligibility is determined on the basis of its TUR variant, benefits will be payable beginning the week after the week in which USDoL announces state-by-state TUR statistics for a month and the average of that state's TUR for that month and the preceding month equals or exceeds 9 percent.

Once a state has "triggered on" to benefits under the consolidated program, the number of weeks of benefits for which it is eligible will remain the same for a period of six weeks. At the end of every period of six weeks following commencement of benefits, the number of weeks of benefits for the next six-week period will be redetermined by using the IUR and TUR variant methods described above. At such a redetermination point, if the state's 13-week average IUR falls below 4.0 percent during the most recent week for which it has been computed and the week preceding that week, state eligibility for benefits under the consolidated program will cease at the conclusion of the third week following the second consecutive week during which the state's IUR fell below 4.0 percent unless the state qualifies under the TUR variant calculation. When the state fails to qualify under either the IUR or the TUR variant calculation, no person in the state may gain eligibility for benefits under the consolidated program.

When a person become eligible for any benefits to be paid under the consolidated program, he will be eligible for the number of weeks of benefits for which the state is eligible at the time he gains eligibility for these additional benefits, and will remain eligible for that number of weeks of benefits regardless of whether the state falls to a lower tier of benefits or becomes ineligible for continued participation in the consolidated program altogether—unless the state falls from one tier of benefit duration to a tier two or more below it during the course of the individual's eligibility for these benefits, in which case his duration of benefits will be adjusted to the proper number of weeks at that lower tier (by subtracting from the number of weeks of benefits payable at that lower tier the number of weeks of benefits under this program that previously were paid to that individual—but in no case will that number be fewer than 2 weeks). When a state rises to a higher tier of benefit duration, each individual who has exhausted the number of weeks of benefits available at the lower tier at any time during the previous 13 weeks and who remains in current benefit status will be entitled to the number of additional weeks of benefits under this consolidated program which he has received during his "benefit year" from the number of weeks of benefits for which the state is qualified in the tier to which it has newly risen—provided that no person may receive more than 28 weeks of benefits under this consolidated program during any one "benefit year." [In order to qualify for the program initially, a person must have a current "benefit year;" however, the person may continue to claim benefits for the duration of his original entitlement (or expanded entitlement if his entitlement is increased when the state rises to a higher benefit tier) even if his "benefit year" ends prior to the expiration of the entitlement.]

If a state becomes eligible again for the consolidated program after losing eligibility, a person still receiving benefits (i.e., he has not exhausted benefits from the prior period of state eligibility) will be eligible for the greater of (1) the number of weeks of benefits in this initial entitlement under the consolidated program, or (2) the number of weeks of benefits under the consolidate program for which he would be eligible in the state's new period of eligibility minus the number of weeks he already had received.

The sharing of financial responsibility for benefits between the federal and state government, and the division of the federal government's share between FUTA and general revenues, will be established at the time a person's initial claim for benefits under this consolidated program is processed, based on the tier for which the state is eligible at that time. If the beneficiary becomes eligible for additional weeks of benefits when the state later moves to a higher tier, the additional weeks will be financed in accord with the provisions for that higher tier.

While benefit duration is stated in the chart above in increments of whole weeks, the actual duration for any individual will be the lesser of the following: For the 7-week tier, 7 weeks or 27 percent of the original entitlement in the state's basic program; for the 14-week tier, 14 weeks or 54 percent of the original entitlement; for the 21-week tier, 21 weeks or 81 percent of the original entitlement; and for the 28-week tier, 28 weeks or 108 percent of the original entitlement.

If the state determines that labor market conditions in both the labor market areas in which an individual works and resides are so depressed that such efforts that are normally required likely will not result in employment, the state is granted flexibility (in accord with regulations to be promulgated by the Secretary of Labor) to modify for that individual the eligibility requirement that all applicants/recipients actively seek work and provide evidence of their search to the Employment Service.

In order to be eligible for benefits under this program, an unemployed person must participate in one week of an intensive job search program administered by the Employment Service if the Employment Service requests such participation and provides such a program that is accessible to the unemployed person.

No action taken by a state in order to bring its laws into compliance with the provisions of this Act will affect its eligibility for existing provisions of law allowing preferential treatment with respect to interest payments on federal loans to state trust funds or to the level of credit allowed against the FUTA tax imposed on employers in the state.

Transition Provisions:

The effective date of all changes noted above will vary in each state. Each may modify its program to align with the new federal requirements at any point after enactment, but must so modify its program no later than two months following the adjournment of the first session of that state's legislature that adjourns no earlier than four months after the date of the enactment of this Act. The Extended Benefits program (and any Supplemental Benefits program in effect at that time) will cease to be available to unemployed persons in that state on that date. Until that date, the state may proceed under current law (as that law may otherwise be modified in the meantime).

States may disregard the 20 percent factor in the Extended Benefits Program.

Study: The Department of Labor is required to make a study of new and more accurate measurements of unemployment for use as "triggers" in unemployment insurance programs, and to submit its findings and recommendations to the Congress no later than one year after the date of enactment of this Act.

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S. 287

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Extended Unemployment Compensation Act of 1987".

NUMBER OF WEEKS OF EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 2. (a) Section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended—

(1) by inserting after the first sentence the following new sentence: "The amount of extended compensation payable to any individual for any eligibility period shall not exceed the amount established in such individual's account for the benefit year in which such eligibility period begins.";

(2) in subparagraph (A), by striking out "50 per centum" and inserting in lieu thereof "the applicable percentage, determined under paragraphs (2) and (3),";

(3) in subparagraph (B), by striking out "thirteen" and inserting in lieu thereof "the applicable limit determined under paragraphs (2) and (3),"; and

(4) in subparagraph (C), by striking out "thirty-nine" and inserting in lieu thereof "a number equal to 26 plus the applicable limit determined under paragraphs (2) and (3),".

(b) Section 202(b) of such Act is amended by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following new paragraphs:

"(2) The applicable percentage and applicable limit for purposes of paragraph (1) are—

"(A) 108 percent, and 28 weeks, in the case of weeks beginning in a tier IV period;

"(B) 81 percent, and 21 weeks, in the case of weeks beginning in a tier III period;

"(C) 54 percent, and 14 weeks, in the case of weeks beginning in a tier II period; and

"(D) 27 percent, and 7 weeks, in the case of weeks beginning in a tier I period,

as such periods are defined in section 203.

"(3)(A) Except as provided in subparagraphs (B) and (C), the applicable percentage and applicable limit for an individual's compensation account shall be based upon the applicable percentage and applicable limit in effect for the tier period in which such individual's eligibility period begins, and shall remain in effect with respect to such individual for the duration of such eligibility period, without regard to subsequent changes in the applicable percentage or applicable limit in effect for such State, and without regard to whether the extended benefits period (which was in effect at the beginning of his eligibility period) ends.

"(B) If, during an individual's eligibility period, the applicable percentage and applicable limit for the State fall more than one tier, the applicable percentage and applicable limit for such individual's account shall be reduced to those in effect at such lower tier, but any compensation paid to such individual by reason of the higher applicable percentage and applicable limit previously in effect shall not be considered an overpayment.

"(C) If, during an individual's eligibility period, the State was at tier II or higher, and its extended benefit period (which was in effect at the beginning of the individual's eligibility period) ends, the applicable percentage and applicable limit for such individual's account shall be reduced to 8 percent and 2 weeks, but any compensation paid to such individual by reason of the higher applicable percentage and applicable limit previously in effect shall not be considered an overpayment.

"(D) If, while an individual is receiving extended benefits or within 13 weeks thereafter, the applicable percentage and applicable limit for the State increase, the applicable percentage and applicable limit for such individual's account shall be increased to such higher percentage and limit.".

(c) Section 202(c) of such Act is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

"(3) In the case of an interstate claim not described in paragraph (1), the applicable percentage and applicable limit shall be those in effect for the State in which the individual is filing the interstate claim.".

EXTENDED BENEFIT PERIODS; BENEFIT TIERS

SEC. 3. (a) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"EXTENDED BENEFIT PERIODS; BENEFIT TIERS

"SEC. 203. (a) BEGINNING AND ENDING.—An extended benefit period for a State shall begin with the third week after the first week for which there is a State 'on' indicator, and shall end with the third week after the first week for which there is a State 'off' indicator.

"(b) STATE 'ON' INDICATOR.—There is a State 'on' indicator for a week if—

"(1) the State's rate of insured unemployment—

"(A)(i) is 4.0 percent or greater for the 13-week period ending with such week, and for the 13-week period ending with the week preceding such week, or

"(ii) is 5.0 percent or greater for the 13-week period ending with such week, and

"(B) for the 13-week period ending with such week, equals or exceeds the necessary percentage of the average of such rate for the comparable 13-week periods in the prior 6 years in order to qualify for any benefit tier (as determined under subsection (e)(3)); or

"(2) the average of the State's total rate of civilian unemployment (unadjusted) for the 2 most recent months immediately preceding such week for which such rate is available from the Bureau of Labor Statistics is 9.0 percent or greater.

"(c) STATE 'OFF' INDICATOR.—There is a State 'off' indicator for a week if—

"(1) there is not a State 'on' indicator for such week;

"(2) such week is a redetermination week (as described in subsection (d)(2)); and

"(3) the State's rate of insured unemployment—

"(A) is less than 4.0 percent for the 13-week period ending with such week, and for the 13-week period ending with the week preceding such week; or

"(B) fails to qualify the State for any tier as determined under subsection (e)(3).

"(d) TIER PERIODS.—

"(1) INITIAL PERIODS.—An initial tier period is the first 6 weeks of any extended benefit period. The State's initial tier shall be determined on the basis of the third week preceding the tier period and shall remain the same for the 6 weeks of such period.

"(2) CONTINUING PERIODS; REDETERMINATIONS.—Three weeks after the beginning of any tier period, a redetermination shall be made of whether there is a State 'on' or 'off' indicator for such week, and whether the State's tier for such week has changed. If there is not a State 'off' indicator for such week, a new 6-week tier period shall begin with the third week following such week, and the State's tier shall be determined for such 6-week period. If there is a State 'off' indicator for such week, the extended benefit period shall end with the third week following such redetermination.

"(e) BENEFIT TIERS.—

"(1) IN GENERAL.—Subject to paragraphs (1) and (2), a State shall be at the highest tier in column A of the chart appearing below for which—

"(A) the rate of insured unemployment for the period consisting of the week of the determination or redetermination and the immediately preceding 12 weeks falls within the range shown in column B; or

"(B) the average of the total rate of civilian unemployment (unadjusted) for the 2 most recent months immediately preceding the week of the determination or redetermination for which such rate is available from the Bureau of Labor Statistics, falls within the range shown in column C.

| A | B | C |
|---|---|---|
| Tier level | Insured rate | Total rate |
| I | 4.0 percent or greater, but less than 5.0 percent | 9.0 percent or greater, but less than 10.0 percent |
| II | 5.0 percent or greater, but less than 6.0 percent | 10.0 percent or greater, but less than 11.0 percent |
| III | 6.0 percent or greater, but less than 7.0 percent | 11.0 percent or greater, but less than 12.0 percent |
| IV | 7.0 percent or greater | 12.0 percent or greater. |

"(2) SPECIAL RULE.—If a State does not qualify for any tier under the provisions of paragraph (1), but remains in an extended benefit period by reason of subsection (c)(3), such State shall be deemed to be at tier I.

"(3) REDUCTION IN TIER BASED ON 6-YEAR AVERAGE.—

"(A) In order to qualify for a tier under paragraph (1) on the basis of the rate of insured unemployment, a State's rate of insured unemployment for the 13-week period described in paragraph (1)(A) must also equal or exceed 100 percent of the average of such rate for the comparable 13-week periods in the prior 6 years.

"(B) If a State's rate does not meet the requirement of subparagraph (A), such State may nevertheless qualify for a lower tier on the basis of its rate of insured unemployment as follows:

"(i) The State shall qualify for the next lower tier (if any) if such rate for the 13-week period described in paragraph (1)(A) equals or exceeds 90 percent of the average of such rate for the comparable 13-week periods in the prior 6 years.

"(ii) The State shall qualify for the second lower tier (if any) if such rate for such 13-week period equals or exceeds 80 percent of such average.

"(iii) The State shall qualify for the third lower tier (if any) if such rate for such 13-week period equals or exceeds 70 percent of such average.

"(f) ELIGIBILITY PERIOD.—An individual's eligibility period for any benefit year shall consist of the first week in such benefit year for which he meets the requirements of section 202(a)(1) and which is in an extended benefits period, and all weeks thereafter in such benefit year for which he continues to be unemployed and meets the requirements of this Act. If, at the end of such benefit year, such individual is receiving extended compensation and has not exhausted such compensation, his eligibility period shall continue for any subsequent consecutive weeks of unemployment in which he meets the requirements of this Act until he has exhausted his extended compensation.

"(g) RATE OF INSURED UNEMPLOYMENT.—(1) For purposes of this section, the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for regular compensation for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by the State agency to the Secretary, by

"(B) the average monthly covered employment for the specified period.

"(2) The rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.".

PAYMENTS TO STATES

SEC. 4. (a) Section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) There shall be paid to each State an amount equal to the applicable percentage (as determined under paragraph (2)) of the sum of the sharable extended compensation and the sharable regular compensation paid to individuals under the State law.

"(2) Except as otherwise provided in paragraph (3), the applicable percentage is—

"(A) 90 percent with respect to compensation paid during a tier IV period;

"(B) 80 percent with respect to compensation paid during a tier III period;

"(C) 70 percent with respect to compensation paid during a tier II period; and

"(D) 60 percent with respect to compensation paid during a tier I period.".

(b) Section 204(b) of such Act is amended—

(1) in the heading thereof, by striking out "Shareable" and inserting in lieu thereof "Sharable"; and

(2) by striking out "subsection (a)(1)(A)" and inserting in lieu thereof "subsection (a)(1)".

(c) Section 204(c) of such Act is amended to read as follows:

"SHARABLE REGULAR COMPENSATION

"(c) For purposes of subsection (a)(1), 'sharable regular compensation' means regular compensation paid to an individual for a week of unemployment in such individual's eligibility period—

"(1) to the extent that such amount exceeds an amount equal to 26 times the average weekly benefit amount (including allowances for dependents) for weeks of total unemployment payable to such individual under the State law in the benefit year in which such eligibility period begins; and

"(2) which would qualify as 'sharable extended compensation' under subsection (b) if it were 'extended compensation'.".

(d) Section 205(3) of such Act is amended by striking out "beginning in an extended benefit period".

TRANSFERS TO EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5. Section 905(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) In addition to the amounts transferred into the extended unemployment compensation account pursuant to paragraph (1), there are authorized to be appropriated, without fiscal year limitation, to such account, an amount equal to—

"(i) 80 percent of the amount of the Federal payments required to be made to States under section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to compensation paid during a tier IV period; plus

"(ii) 60 percent of the amount of such Federal payments with respect to compensation paid during a tier III period; plus

"(iii) 40 percent of the amount of such Federal payments with respect to compensation paid during a tier II period; plus

"(iv) 20 percent of the amount of such Federal payments with respect to compensation paid during a tier I period.

"(B) Amounts appropriated pursuant to subparagraph (A) shall not be required to be repaid.".

JOB SEARCH PROVISIONS

SEC. 6. (a) Section 202(a)(3)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by inserting after "seeking work" the following: "; except that, the State, in accordance with regulations of the Secretary, may modify the requirement of this clause to take into account any determination by the State that labor market conditions in the labor market area in which such individual last worked, and in the labor market area in which such individual resides, are so depressed that actively seeking work likely will not result in employment".

(b) Section 202(a)(3)(A) of such Act is amended—

(1) by striking out the period at the end thereof and inserting "; or"; and

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

"(iii) unless he participates in an intensive 1-week job search program administered by the Employment Service, if requested to so participate.".

REPEAL OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 7. The Federal Supplemental Compensation Act of 1982 is repealed.

EFFECTIVE DATE

SEC. 8. The amendments made by sections 2 through 6 of this Act (and the repeal made by section 7) shall become effective on the date of the enactment of this Act. Any State may choose to delay the applicability of the amendments made by sections 2 through 6 to that State until a date not later than the first day of the third month which follows the first adjournment of a session of such State's legislature, which adjournment occurs no earlier than four months after the date of the enactment of this Act.

TRANSITION PROVISIONS

SEC. 9. (a) The amendments made by this section shall apply to the Federal-State Extended Unemployment Compensation Act of 1970 only as that Act applies (without regard to any amendments made by sections 2 through 6 of this Act) to those States which choose to delay the applicability of the amendments made by sections 2 through 6 as provided in section 8.

(b) Section 203(d)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended—

(1) by striking out "March 30, 1977" and inserting in lieu thereof "the date of the enactment of the Extended Unemployment Compensation Act of 1987";

(2) by striking out "(i)"; and

(3) by striking out ", and (ii) the figure '5' contained in subparagraph (B) thereof were '6' ".

STUDY OF MEASUREMENTS OF UNEMPLOYMENT

SEC. 10. The Secretary of Labor shall conduct a study, and shall report the results of such study to Congress not later than one year after the date of the enactment of this Act, with respect to alternatives to the rate of insured unemployment, which would be available with respect to all States, which might provide a more accurate measurement of the employment and labor market situation in each State.

AMENDMENTS SHALL NOT EFFECT STATE SOLVENCY PROVISION RELATING TO LOANS

SEC. 11. For purposes of section 3302(f)(2) of the Internal Revenue Code of 1954 and section 1202(b)(8) of the Social Security Act, actions taken by a State for the purpose of meeting any requirement of this Act, or the amendments made by this Act, shall not be considered a State action which results or will result in a net decrease in the solvency of the State unemployment compensation system.

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate resumes session today at 5 p.m., there be up to and not to exceed 30 minutes for the transaction of routine morning business and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I want to clarify one point with my good friend, the majority leader.

It is my understanding that the morning hour will have been completed by that time. Is that understanding correct?

Mr. BYRD. Yes.

Mr. STEVENS. I thank the distinguished majority leader for arranging for this time. There will be Senators who will be back on the floor at 5 were not here when we convened. I think it will be a convenience to them.

I have no objection.

Mr. BYRD. I thank the distinguished Senator.

## SENATOR PROXMIRE, NEW CHAIRMAN OF SENATE BANKING COMMITTEE

Mr. BYRD. Mr. President, in today's Wall Street Journal there appears an article on the new chairman of the Senate Banking Committee, Senator WILLIAM PROXMIRE. The article describes Senator PROXMIRE as "* * * persistent when he latches onto an issue * * *." This is indeed the case, as I can testify.

Mr. STEVENS. Mr. President will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. STEVENS. It may be an understatement.

Mr. BYRD. I thank the distinguished acting Republican leader for his preeminently clear and succinct observation.

I am confident that the Banking Committee will vigorously pursue such matters as stock market insider trading, banking industry reforms, and merger reforms, to name but a few areas where the Banking Committee will have an impact under Chairman PROXMIRE's leadership.

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

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

[From the Wall Street Journal, Jan. 12, 1987]

DEMOCRATS' HOLD ON SENATE BANKING PANEL AUGURS TOUGHER STANCE WITH BANKING, SECURITIES SECTORS

(By John E. Yang and Bruce Ingersoll)

WASHINGTON.—With Senate Democrats back in power, few segments of business are likely to notice the difference as much as the banking and securities industries.

The Senate Banking Committee will have far more active leadership from Wisconsin Democrat William Proxmire, who has succeeded GOP Sen. Jake Garn as chairman. The Utah Republican was an ardent but often ineffective champion of less regulation, while his successor is a veteran legislator with a populist approach to regulatory affairs whose own crusades have met with mixed success.

The switch comes at a time of upheaval as federal regulators struggle to keep pace with vast changes in banking and on Wall Street. They're expecting a third straight record-setting year of bank failures in 1987 while continuing to squabble with the industry over just what is and what isn't a bank and what bankers can and can't do. At the same time, a rash of corporate takeover abuses and the insider-trading transgressions of Ivan Boesky and others have provoked a clamor for tighter regulation.

Lobbyists predict the Banking Committee will be far more aggressive now that Mr. Proxmire has reclaimed the chairman's seat he held from 1975 to 1980. "It's about time," says Kenneth Guenther, executive vice president of the Independent Bankers Association of America. "It's been four long years."

Sen. Garn was unable to win enactment of a single major piece of banking or securities legislation since 1982. Much of the inaction resulted from his preference for having industry groups bring him legislation they could agree on, rather than forging compromise on his own bills.

ISSUES LEFT BY THE 99TH

Sen. Proxmire, an individualist who has never been publicity-shy, knows what he wants. He is persistent when he latches onto an issue and fights hard for his pet cause of the moment, whether it's killing a new Pentagon weapons program or closing a new Senate gymnasium. "He is a nitpicker," says the Almanac of American Politics, "not a man who can move government in a major way."

Mr. Proxmire's top priorities for the 100th Congress are items left undone by the 99th: bailing out the near-depleted federal savings and loan deposit insurance fund, curbing the spread of limited-service banks, giving banks additional powers and damping the corporate takeover frenzy. All are given good chances of congressional passage. He plans early hearings on all those topics, beginning with sessions on the banking issues Jan. 21 and 22.

In the banking industry, Mr. Proxmire's activism will probably be welcomed even by those who disagree with his goals. "The industry needs legislation," says Karen Shaw, a Washington banking consultant. "It doesn't matter what it is, as long as it's ordering in some way. Proxmire will try to do that."

In some quarters, Sen. Proxmire is regarded as a liberal foe of deregulation. On banking issues, however, he is actually more of a populist foe of concentration, more an opponent of bigness than of deregulation. Mr. Proxmire was responsible for the last broad banking deregulation bill, a 1980 law that gradually removed interest-rate restrictions.

Mr. Proxmire favors letting local bankers and business executives control the economic destiny of their community, free of interference from money-center banks. For instance, his campaign against the proliferation of limited-service banks—the so-called non-bank banks that either take deposits or give commercial loans but don't do both—stems from his fear that such giant companies as Merrill Lynch & Co. and Sears, Roebuck & Co. will eventually swallow the nation's local bankers.

CURBS ON "GREENMAIL" SOUGHT

Mr. Proxmire fondly recalls his dealings with a local bank three decades ago when he ran a printing company in Waterloo, Wis. "That bank was just perfect for our company," he says. "They knew us. . . . In many cases they'd gone to school with people who were in our company." He favors limiting how big banks grow, to protect the independence of the locally owned bank, which he calls "one of the best institutions we have."

And Mr. Proxmire opposes legislation to make it easier for federal regulators to arrange purchases of struggling banks by out-of-state buyers. "We should encourage the states to . . . solve their own problems," he says.

In the securities realm, Mr. Proxmire can count on the support of committee members Howard Metzenbaum (D., Ohio) and Donald Riegle (D., Mich.) as he seeks ways to slow the tender-offer process and curtail the excessses of takeover battles. "Greenmail"—in which a company pays a corporate raider a premium for his stock to get rid of him—is one abuse Mr. Metzenbaum hopes to halt. "It's an iniquitous practice," he asserts. Adds Mr. Proxmire: "This merger mania is plunging our corporations deeper and deeper in debt."

Lobbyists and congressional staff members expect Sen. Riegle, new chairman of the securities subcommittee, to be tougher on the securities industry—and more skeptical of investment bankers—than his predecessor, Sen. Alfonse D'Amato. The New York Republican's inaction on anti-takeover and "junk bond" bills won him Wall Street's gratitude and a gush of campaign contributions.

It isn't yet clear how Senate legislative initiatives are likely to fare on the House side. Rep. Edward Markey (D., Mass.), the odds-on favorite to become the new chairman of the Energy and Commerce Committee's subcommittee on telecommunications, consumer protection and finance, is a relative unknown on securities matters, but is expected to be as consumer-oriented as he has been on telecommunications issues.

Ultimately, Rep. John Dingell (D., Mich.), chairman of the parent committee, may decide the disposition of take-over legislation, but so far he has been noncommittal.

Securities industry lobbyists and Senate staff members expect the 100th Congress to do more than just tinker with the takeover process. At minimum, Congress appears inclined to curtail greenmail, lengthen the minimum offering period for a tender offer, and close the so-called 10-day window, which gives raiders that long to accumulate stock in a target company before publicly disclosing their holdings.

"There's mood to do something," says Sen. Metzenbaum. And if the Securities and Exchange Commission breaks another major insider-trading scandal and more lawmakers' corporate constituents are seized by raiders, the mood will be even stronger.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGES FROM THE HOUSE

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

## MEASURES PLACED ON THE CALENDAR

By unanimous consent, the following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

## 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-204. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Greece; to the Committee on Armed Services.

EC-205. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to the People's Republic of China; to the Committee on Armed Services.

EC-206. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to the Federal Republic of Germany; to the Committee on Armed Services.

EC-207. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a

report on a foreign military assistance sale to Turkey; to the Committee on Armed Services.

EC-208. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report evaluating the Residential Conservation Service Program; to the Committee on Energy and Natural Resources.

EC-209. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, a report on trade between the U.S. and the nonmarket economy countries; to the Committee on Finance.

EC-210. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a secret report for fiscal year 1986 on the operation of the Special Defense Acquisition Fund; to the Committee on Foreign Relations.

EC-211. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on the allocation of funds for fiscal year 1987 foreign military sales financing, the military assistance program, international military education and training, the economic support fund, peacekeeping operations, and anti-terrorism programs; to the Committee on Foreign Relations.

EC-212. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-213. A communication from the Chairman of the Merit Systems Protection Board transmitting, pursuant to law, a report on the Board's internal accounting and administrative control programs; to the Committee on Governmental Affairs.

EC-214. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-215. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-216. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-217. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-218. A communication from the Director of the U.S. Arms Control and Disarmament Agency transmitting, pursuant to law, a report on the Agency's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-219. A communication from the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-220. A communication from the General Services Administration transmitting, pursuant to law, a report on the Administration's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-221. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, a report on the Authority's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-222. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report on the Agency's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-223. A communication from the Director of the Federal Mediation and Conciliation Service transmitting, pursuant to law, a report on the Service's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-224. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-225. A communication from the Chairman of the National Endowment for the Arts transmitting, pursuant to law, a report on the Endowment's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-226. A communication from the Board Members of the Railroad Retirement Board transmitting, pursuant to law, a report on the Board's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-227. A communication from the Secretary of Education transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-228. A communication from the Director of the Administration Office of the U.S. Courts transmitting, pursuant to law, the actuarial reports on the Judicial Survivor's Annuities System and the Judicial Retirement System for 1985; to the Committee on Governmental Affairs.

EC-229. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the Agency's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-230. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-231. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-232. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on the Board's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-233. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on the Board's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-234. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, a report on the Administration's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-235. A communication from the Chairman of the National Endowment for the Humanities transmitting, pursuant to law, a report on the Endowment's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-236. A communication from the Secretary of Education transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-237. A communication from the Administrator of NASA transmitting, pursuant to law, a report on NASA's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-238. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on the Administration's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-239. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the transfer of surplus real property for public health purposes in fiscal year 1986; to the Committee on Governmental Affairs.

EC-240. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-241. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, the 1986 report required by sec. 791(c) of Title 28, U.S.C.; to the Committee on the Judiciary.

EC-242. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, proposed regulations governing political contributions by persons and multicandidate political committees; to the Committee on Rules and Administration.

EC-243. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on commodity and country allocations for food assistance under PL480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-244. A communication from the President of the United States transmitting, pursuant to law, a report on the continuance of his declaration of a state of emergency between the U.S. and Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC-245. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on HUD-Owned Multifamily Project Negotiated Sales; to the Committee on Banking, Housing, and Urban Affairs.

EC-246. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the Northeast Corridor Improvement Project; to the Committee on Commerce, Science, and Transportation.

EC-247. A communication from the chairman of the U.S. Railway Association transmitting, pursuant to law, the Association's final report on the conclusion of its affairs and its dissolution; to the Committee on Commerce, Science, and Transportation.

EC-248. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the viability of the domestic

uranium mining and milling industry; to the Committee on Energy and Natural Resources.

EC-249. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, a report on 1985 activities of the Economic Development Administration; to the Committee on Environment and Public Works.

EC-250. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to the Philippines; to the Committee on Foreign Relations.

EC-251. A communication from the Chairman of the Postal Rate Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-252. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on the Department's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-253. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-254. A communication from the USPS Records Officer, U.S. Postal Service, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-255. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on two altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-256. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-257. A communication from the Associate Director of the U.S. Information Agency transmitting, pursuant to law, a report on the Agency's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-258. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations governing loan discounts for the college housing and academic facilities loan programs; to the Committee on Labor and Human Resources.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. ROTH):

S. 284. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; read the first time.

By Mr. BYRD (for himself and Mr. ROTH):

S. 285. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; to the Committee on Finance.

By Mr. FORD:

S. 286. A bill to provide for a two-year Federal budget cycle, and for other purposes; ordered held at the desk.

By Mr. BYRD:

S. 287. A bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs; to the Committee on Finance.

By Mr. RIEGLE:

S. 288. A bill to improve the quality of examinations of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATSUNAGA:

S. 289. A bill for the relief of Laurelee Ruth Jordan; to the Committee on the Judiciary.

S. 290. A bill for the relief of William Shu-Lai Mok and his wife Jaqueline Mok; to the Committee on the Judiciary.

S. 291. A bill for the relief of Marcelino Valdez and Gloria Valdez; to the Committee on the Judiciary.

S. 292. A bill for the relief of Goldhorn Cheng, Cheng-Hwa Lee Cheng, Shih-Chuang Cheng, Shih-Huang Cheng, and Shih-Kang Cheng; to the Committee on the Judiciary.

S. 293. A bill for the relief of Micaela Agno Rasay; to the Committee on the Judiciary.

S. 294. A bill for the relief of Da Ying Huang and Shoa Lan Huang, husband and wife, and their child, Si Jing Huang; to the Committee on the Judiciary.

S. 295. A bill for the relief of Kam Hon Wong and his wife Po Kwan Wong; to the Committee on the Judiciary.

S. 296. A bill for the relief of Masayoshi Goda, his wife Nobuko Goda, and their children Maki Goda and Eri Goda; to the Committee on the Judiciary.

S. 297. A bill for the relief of Yasumasu Muraoka; to the Committee on the Judiciary.

S. 298. A bill for the relief of Isamu Yasutomi; to the Committee on the Judiciary.

S. 299. A bill for the relief of Hee Man Cheng; to the Committee on the Judiciary.

By Mr. STAFFORD (for himself, Mr. KENNEDY, Mr. BAUCUS, Mr. DURENBERGER, Mr. CHAFEE, Mr. CRANSTON, Mr. LEAHY, Mr. KASTEN, Mr. WEICKER and Mr. MOYNIHAN):

S. 300. A bill entitled the "New Clean Air Act"; to the Committee on Environment and Public Works.

By Mr. HEINZ:

S. 301. A bill for the relief of Edmond Ing-Ming Ko, doctor of philosophy; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. BINGAMAN):

S. 302. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and refined petroleum products; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. DODD and Mr. INOUYE):

S. 303. A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD (for Mr. INOUYE):

S. 304. A bill to provide for the fair and proper implementation of the cargo preference laws of the United States; to the Committee on Govermental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. ROTH):

S. 284. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; read the first time.

S. 285. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; to the Committee on Finance.

(The remarks of Mr. BYRD on this legislation and the text of the legislation appear earlier in today's RECORD.)

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By Mr. FORD:

S. 286. A bill to provide for a 2-year Federal budget cycle, and for other purposes; pursuant to the order of August 4, 1977; ordered held at the desk by unanimous consent until the close of business in January 16, 1987.

(The statement of Mr. FORD and the text of the legislation appear earlier in today's RECORD.)

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By Mr. BYRD:

S. 287. A bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs; to the Committee on Finance.

(The statement of Mr. BYRD and the text of the legislation appear earlier in today's RECORD.)

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By Mr. RIEGLE:

S. 288. A bill to improve the quality of examinations of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTION EXAMINATION IMPROVEMENT ACT

Mr. RIEGLE. Mr. President, today I am introducing the Depository Institutions Examination Improvement Act of 1987. This bill is designed to increase the ability of our depository institution regulatory agencies to deal with continuing problems in our banking and thrift systems.

Last year there was once again a record number of bank failures. And the thrift industry continues to have problems. Safety and soundness are words we used to take for granted when they referred to our financial institutions. That is no longer the case. It is of paramount importance that we protect the safety and soundness of our financial institutions. We do this now by ensuring the strength of the Federal Savings and Loan Insurance Corporation [FSLIC], the Federal Deposit Insurance Corporation [FDIC], and the national credit union share insurance fund, and by taking appropriate actions to secure the safety and soundness of federally insured and

regulated institutions. That means protecting the Office of the Comptroller of the Currency [OCC], the Federal Home Loan Bank Board [FHLBB], and National Credit Union Administration [NCUA].

Our Nation's financial institutions have become more complex in their products and services, and this trend is undoubtedly going to continue. Unfortunately, however, State and Federal examiners are being overwhelmed by their ever growing responsibility for supervising these institutions.

It is early detection followed by adequate supervision that is a key to lowering the number of bank and thrift failures. Without expert supervision, the result will be more liquidations and mergers which are extremely costly to the agencies. It is imperative that those agencies charged with the responsibility of monitoring the condition of our financial institutions have the resources to do this job in a competent and efficient manner. The legislation I am introducing today provides for needed changes in the training and compensation of bank examiners, and removes the supervisory agencies from unnecessary budgetary restrictions.

To address the compensation and training problems that currently hinder the effectiveness of the Federal examination system, the legislation provides for changes in three critical areas:

First, a personnel management demonstration project is established to give the Federal depository regulatory agencies the flexibility to compensate examiners and other employees at levels closer to parity with the private sector. Often, once a Federal bank examiner is completely trained and thoroughly competent, he or she is hired by a financial institution. Better hours, less time away from home, and higher pay combine to lure the examiner into the private sector. Implementation of this project will enable the agencies to attract and retain the highly qualified work force needed to examine and oversee the many depository institutions that have loan quality problems and increasingly complex operations. The bill would also establish more adequate compensation for living expenses for examiners on temporary duty assignments. Temporary assignment can last for a year or more, sometimes resulting in financial hardship for examiners.

Second, authority is provided to study the feasibility of further consolidating Federal examiner training and establishing a graduate degree program in financial institution examination. Use of this authority will result in better examiner training and reduced training expenses.

Third, this legislation also sets minimum standards for State bank regulators. When these standards are met, the examination reports made by State regulators will be accepted by the Federal Reserve and the FDIC for well-run State chartered institutions. This will be beneficial in two ways. First, the minimum standards will act to strengthen the State bank regulators. Second, by accepting the examination reports for healthy institutions it frees the resources of the FDIC to concentrate on troubled institutions.

Unnecessary budgetary constraints arising from certain fiscal, budgetary, and appropriation requirements are eliminated for the Federal depository institution regulatory agencies. These agencies are specifically exempted from the sequestration requirements of Gramm-Rudman-Hollings and the apportionment requirements of the Anti-Deficiency Act. These aspects of the bill are key to a healthy depository institutions industry.

With respect to apportionment requirements, financial regulatory agencies have to respond in a timely fashion to the increasingly frequent crises encountered by our Nation's banks and thrifts. Requiring Federal financial regulatory agencies to spend their funds on a specific schedule of apportionment simply makes no sense. Financial institutions do not fail on schedule. The bank and thrift regulatory agencies must have absolute flexibility to deal with such failures when they arise. Accordingly, these agencies should be exempt from the Anti-Deficiency Act. It is important to note that OMB has only recently tried to exert its authority through the Anti-Deficiency Act. Historically the FDIC and FSLIC have not been subject to apportionment and have had the freedom to spend their funds as needed to assure prompt resolution of bank and thrift problems. This bill would simply reaffirm that authority.

The agencies would also be exempt from Gramm-Rudman-Hollings. One of the special aspects of these agencies is that they are user-fee funded. Their income derives from premiums and assessments, plus interest on their trust funds. They do not receive money from the U.S. Treasury. The money sequestered from the accounts under Gramm-Rudman-Hollings would not even be returned to the Federal Treasury to reduce the deficit. On the contrary, it could mean that the fees charged to banks and thrifts would be rebated to them. Ironically, such a lowering of fees will reduce the examination services that can be provided to inspect banks and thrifts. Such a result is absurd at a time when the Federal Government is trying its hardest to reverse the record number of bank and thrift failures.

These changes do not mean that Congressional oversight will be lacking. This bill specifically reaffirms the oversight Congress now has over the financial regulatory agencies. These agencies are still subject to GAO audit. This bill simply gives the agencies the tools needed to do their jobs.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 288

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Examination Improvement Act of 1987".

SEC. 2. TEMPORARY ASSIGNMENTS AND TRAVEL ALLOWANCES OF FEDERAL EXAMINERS.

The Depository Institutions Examinations Council (as redesignated by section 7(a)) shall prepare guidelines for the Federal depository institutions regulatory agencies which would ensure that any Federal examiner who is temporarily assigned to a place of employment outside the region in which such examiner is regularly employed will receive—

(a) adequate compensation for living expenses incurred in connection with the temporary assignment, taking into account any higher cost-of-living in the place to which the examiner is temporarily assigned; and

(b) adequate amounts for travel expenses to and from the place to which the examiner is temporarily assigned.

SEC. 3. INDEPENDENT AGENCY STATUS OF FEDERAL DEPOSITORY INSTITUTIONS REGULATORY AGENCIES.

(a) INDEPENDENT AGENCY STATUS.—

(1) CERTAIN AGENCIES NOT SUBJECT TO BUDGET REVIEW.—Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Estimated expenditures and receipts of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration to be included in the budget under paragraphs (5) and (6) of subsection (a) shall be submitted to the President before October 16 of each year and included in the budget by the President without change.".

(2) AGENCIES NOT SUBJECT TO FISCAL, BUDGET AND APPROPRIATION REQUIREMENTS.—Section 1101 of title 31, United States Code, is amended by striking out "or the Supreme Court" and inserting in lieu thereof "the Supreme Court, or any agency which is subject to audit by the Comptroller General under section 714".

(3) AGENCIES NOT SUBJECT TO APPORTIONMENT OF FUNDS REQUIREMENT.—Subsection (b) of section 1511 of title 31, United States Code, is amended—

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

"(4) any agency which is subject to audit by the Comptroller General under section 714.";

(B) by striking out "and" at the end of paragraph (2); and

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and".

(4) BUDGET REDUCTION EXEMPTION.—

(A) IN GENERAL.—Paragraph (1) of section 255(g) of the Balanced Budget and Emer-

gency Deficit Control Act of 1985 is amended—

(i) by inserting after the item relating to compensation of the President the following new item:

"Comptroller of the Currency;";

(ii) by inserting after the item relating to exchange stabilization fund the following new items:

"Federal Deposit Insurance Corporation;

"Federal Home Loan Bank Board;

"Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation;"; and

(iii) by inserting after the item relating to intragovernmental funds the following new items:

"National Credit Union Administration;

"National Credit Union Administration, central liquidity facility;

"National Credit Union Administration, credit union share insurance fund;".

(B) CERTAIN EXPENSES.—Section 256(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of law, this subsection shall not apply with respect to the following:

"(A) Comptroller of the Currency.

"(B) Federal Deposit Insurance Corporation.

"(C) Federal Home Loan Bank Board.

"(D) Federal Savings and Loan Insurance Corporation.

"(E) National Credit Union Administration.

"(F) National Credit Union Administration, central liquidity facility.".

(5) STAFFING DETERMINATIONS NOT SUBJECT TO OUTSIDE CONTROL.—The number of employees employed by any Federal depository institutions regulatory agency shall not be subject to any limitation imposed by any officer of the executive branch of the Federal Government who is not an officer of such agency.

(6) PRESERVATION OF CONGRESSIONAL OVERSIGHT POWERS.—Nothing in the Depository Institution Examination Improvement Act of 1987 shall in any way affect existing Congressional powers of oversight of any Federal depository institutions regulatory agency.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Subsection (a) of section 714 of title 31, United States Code, is amended by striking out "and" and by inserting before the period the following: ", the Federal Home Loan Bank Board, the Federal Home Loan Banks, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration".

(B) The heading for such section 714 is amended to read as follows:

"SEC. 714. AUDIT OF FEDERAL DEPOSITORY INSTITUTIONS REGULATORY AGENCIES AND DEPOSITORY INSTITUTIONS EXAMINATION COUNCIL.".

(2) Subsection (b) of section 7 of the First Deficiency Appropriation Act, fiscal year 1936 (15 U.S.C. 712a(b)) is amended by striking out paragraphs 1. and 11. and by redesignating paragraphs 2. through 12. as paragraphs (1) through (10), respectively.

(3) The third proviso of the provision appearing under the heading "FEDERAL HOME LOAN BANK ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1944 (12 U.S.C. 1439a) is amended by striking out", subject to subsections (a) and (b) of section 7 of the First Deficiency Appropriation Act, 1936".

(4) Paragraph (5) of section 402(c) of the National Housing Act (12 U.S.C. 1725(c)(5)) and section 19 of the Federal Home Loan Bank Act (12 U.S.C. 1439) are each amended by striking out the last sentence.

(5) Subsection (b) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by adding at the end thereof the following new paragraph:

"(9) TREATMENT OF AMOUNTS RECEIVED.—Notwithstanding any other provision of law, no amount received by the Corporation pursuant to any assessment under this section or any other income of the Corporation may be construed to be Government funds or appropriated money and no authority of the Corporation to spend or otherwise obligate any such amount may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of the enactment of the Depository Institution Examination Improvement Act of 1987."

(6) Section 404 of the National Housing Act (12 U.S.C. 1727) is amended by adding at the end thereof the following new subsection:

"(j) TREATMENT OF AMOUNTS RECEIVED.—No amount received by the Corporation pursuant to any premium assessed under this section, any deposit required under this section, or any other income of the Corporation may be construed to be Government funds or appropriated money and no authority of the Corporation to spend or otherwise obligate any such amount may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of the enactment of the Depository Institution Examination Improvement Act of 1987.".

(7) The last sentence of section 19 of the Federal Home Loan Bank Act (12 U.S.C. 1439) (as amended by paragraph (4)) is amended by inserting before the period ": no amount received pursuant to such assessments or any other income of the Board may be construed to be Government funds or appropriated money and no authority of the Board to spend or otherwise obligate any such amount may be treated as budget authority, spending, authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of the enactment of the Depository Institution Examination Improvement Act of 1987."

(8) Section 18 of the Federal Home Loan Bank Act (12 U.S.C. 1438(a)) is amended by striking out subsection (a).

(9) Subsection (b) of section 18 of the Federal Home Loan Bank (12 U.S.C. 1438(b)) is amended by adding at the end thereof the following new sentence: "No amount received by the board pursuant to any assessment under this subsection or any other income of the board may be construed to be Government funds or appropriated money and no authority under this Act to spend or otherwise obligate any such money may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of the enactment of the Depository Institution Examination Improvement Act of 1987.".

(10) The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended—

(A) by adding at the end of section 105 the following new subsection:

"(f) TREATMENT OF AMOUNTS RECEIVED.—No amount received by the Board pursuant to any fee assessed under this section and no amount referred to in subsection (e)(3) shall be construed to be Government funds or appropriated money and no authority under this Act to spend or otherwise obligate any such amount may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the enactment of the Depository Institution Examination Improvement Act of 1987.";

(B) in subsection (b) of section 203, by inserting after the 1st sentence the following sentence: "No amount deposited in the fund under the preceding sentence shall be construed to be Government funds or appropriated money and no authority under this Act to spend or otherwise obligate any such amount may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of enactment of the Depository Institution Examination Improvement Act of 1987."

(11) Subsection (c) of section 18 of the Federal Home Loan Bank Act (12 U.S.C. 1438) is amended—

(A) in paragraph (1), by striking out ", and subject to any limitation hereon which may hereafter be imposed in appropriation Acts.";

(B) in paragraph (5), by striking out ", and obligations and expenditures of the board and such agencies in connection with this subsection shall not be considered as administrative expenses";

(C) in the first sentence of paragraph (6), by striking out. "(A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this sentence, the terms 'wholly owned Government corporation' and 'Government corporation', wherever used in such title, shall include the board, and (B)"; and

(D) in the second sentence of paragraph (6), by striking out "first budget program shall be for the first full fiscal year beginning on or after the date of the enactment of this subsection, and the".

(12) Paragraph (6) of the Reorganization Plan Numbered 6 of 1961, as ratified and affirmed by the Act entitled "An Act to prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law" and approved October 19, 1984 (98 Stat. 2705), is hereby repealed.

(13) The provision appearing under the heading "Limitation on Administrative and Examination Expenses, Federal Home Loan Bank Board" in title II of the Independent Offices Appropriation Act, 1961 (12 U.S.C. 1438a) is amended by striking out the second proviso.

(14) Paragraph (9) of section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(9)) is amended by striking out the last sentence.

(15) Paragraph (3) of section 407(m) of the National Housing Act (12 U.S.C. 1730(m)(3)) is amended by striking out the second to last sentence.

(16) Section 408(h) of the National Housing Act (12 U.S.C. 1730a(h)(6)) is amended by striking out paragraph (6).

(17) Section 209(b) of the Federal Credit Union Act (12 U.S.C. 1789(b)) is amended by striking out paragraph (1).

(18) Paragraph (2) of section 9101 of title 31, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(k) The Federal Savings and Loan Insurance Corporation".

(19) Paragraph (3) of section 9101 of title 31, United States Code, is amended by striking out subparagraph (E).

(20) Section 714 of title 31, United States Code, is amended—

(A) by striking out "insured bank" each place such term appears and inserting in lieu thereof "insured depository institution";

(B) by striking out "bank holding company" each place such term appears and inserting in lieu thereof "depository institution holding company"; and

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

"(e) DEFINITIONS.—For purposes of this section—

"(1) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' means—

"(A) any insured bank (within the meaning given to such term by section 3(h) of the Federal Deposit Insurance Act),

"(B) any insured institution (within the meaning given to such term by section 401(a) of the National Housing Act), and

"(C) any insured credit union (within the meaning given to such term by section 101(7) of the Federal Credit Union Act),

"(2) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'depository institution holding company' means—

"(A) any bank holding company (within the meaning given to such term by section 2(a)(1) of the Bank Holding Company Act of 1956); and

"(B) any saving and loan holding company (within the meaning given to such term by section 408(1)(D) of the National Housing Act)".

(21) Section 5240 of the Revised Statutes (12 U.S.C. 481 et seq.) (relating to bank examinations) is amended—

(A) in the 2nd sentence of the 2nd paragraph (12 U.S.C. 481), by inserting "without review or the approval of the Secretary of the Treasury" after "Comptroller of the Currency";

(B) in the 2nd sentence of the 3rd paragraph (12 U.S.C. 482), by inserting "without review or the approval of the Secretary of the Treasury" after "Comptroller of the Currency"; and

(C) by inserting after the 3rd paragraph (12 U.S.C. 482) the following new paragraph:

"No authority of the Comptroller of the Currency to spend or otherwise obligate any amount received pursuant to any assessment under this section or any other income of the Comptroller may be treated as budget authority, spending authority, credit authority, or as authority to obligate funds of the United States or be subject to any sequestration order or other reduction under the Balanced Budget and Emergency Deficit Control Act of 1985 or any other Act which was enacted before the date of the enactment of the Depository Institution Examination Improvement Act of 1987.".

(22) Section 328 of the Revised Statutes (12 U.S.C. 8) is amended by striking out ", to be appointed and classified by the Secretary of the Treasury,".

SEC. 4. CONSOLIDATION OF FEDERAL EXAMINER TRAINING.

(a) CONGRESSIONAL POLICY.—It is hereby declared to be the policy of the Congress to consolidate all programs for training Federal examiners (and examiners of such States as may participate in such programs) which may otherwise be conducted by the Federal depository institutions regulatory agencies in one school established and conducted by the Council under section 1006(d) of the Federal Depository Institutions Examination Council Act of 1978 (as redesignated by the amendment made by section 7(b)(1) to the extent such consolidation is feasible and practicable and in a manner which would—

(1) provide a uniform, high quality education for the Federal examiners employed by each Federal depository institutions regulatory agency; and

(2) make money available for employing additional examiners by eliminating the current duplication of training programs conducted by the Federal depository institutions regulatory agencies in an efficient and cost-effective manner.

(b) PROPOSAL FOR IMPLEMENTING CONSOLIDATED TRAINING PROGRAM.—The Council shall develop a proposal for implementing the policy of the Congress with respect to the consolidation of examiner training in one school to the extent such consolidation is feasible and practicable. In developing the proposal, the Council shall consider—

(1) whether a standard curriculum would be sufficient for training all Federal examiners or whether particular training needs exist with respect to each Federal depository institutions regulatory agency which would require additional courses for examiners employed by each such agency;

(2) whether the faculty should consist primarily of professional educators or professional examiners and the extent to which both educators and examiners should be appointed to the faculty;

(3) the manner in which the school would be administered as a consolidated training institution; and

(4) the manner in which the cost of operating the school would be distributed among the Federal depository institutions regulatory agencies.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Council shall submit a report of the Council's proposal under subsection (b) to the Committee on Banking, Finance and Urban Affairs and the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Governmental Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report shall contain—

(A) a detailed statement of the findings and conclusions of the Council with respect to the implementation of congressional policy on the consolidation of examiner training in one school;

(B) the Council's recommendation for such legislation as it considers necessary or appropriate in order to consolidate such training in the manner proposed by the Council; and

(C) the amount of money which the Council estimates each Federal depository institutions regulatory agency would save as a result of consolidating the training of Federal examiners in one school.

SEC. 5. GRADUATE DEGREE PROGRAM IN FINANCIAL MANAGEMENT ANALYSIS.

(a) IN GENERAL.—The Council shall study the feasibility of establishing a graduate degree program in financial management analysis for officers and employees of Federal depository institutions regulatory agencies and State depository institutions supervisory agencies. In studying the feasibility of establishing such program, the Council shall—

(1) estimate the cost of establishing and operating such a program;

(2) consider whether—

(A) such program should be conducted directly by the Council or by a Federal depository institutions regulatory agency;

(B) such program should be conducted in conjunction with the training school referred to in section 4(a); or

(C) the Council should enter into an agreement with a private or State institution of higher education to conduct the program and issue any degree established under such program either in conjunction with a similar degree program already conducted by such institution or as a separate program; and

(3) consider what minimum requirements should be established for the admission of any individual into the program, including prerequisites relating to the undergraduate or other education of such individual, the experience such individual has had in the field of depository institution examination at the time of such admission, and the length of service with the Federal depository institutions regulatory agency or State depository institutions supervisory agency by which such individual is employed at the time of such admission.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Council shall submit a report of the Council's study of the feasibility of establishing a graduate degree program in financial management analysis to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report required under subsection (a) shall contain—

(A) a detailed statement of the findings and conclusions of the Council with respect to such study;

(B) the Council's recommendation for such legislation as it considers necessary or appropriate in order to establish such program in the manner proposed by the Council; and

(C) the estimated cost of establishing and conducting the program in the manner proposed by the Council.

(3) AGENCY APPROVAL.—In addition to the information described in paragraph (2), the

report required under paragraph (1) shall indicate whether or not each Federal depository institutions regulatory agency has approved the proposal of the Council contained in such report and, if any such agency has not, the reasons given by such agency for any failure to approve (to the extent the Council has such information).

SEC. 6. MINIMUM REQUIREMENTS FOR STATE EXAMINATIONS OF FEDERALLY REGULATED OR INSURED INSTITUTIONS.

(a) CONGRESSIONAL PURPOSE.—It is the purpose of this section—

(1) to establish a uniform procedure for reviewing, with the consent of the States, the adequacy of State examinations of depository institutions which are also subject to examinations by Federal depository institutions regulatory agencies;

(2) to prohibit Federal depository institutions regulatory agencies from relying on any such State examinations in lieu of conducting their own examinations of such depository institutions if the State examinations are deemed inadequate pursuant to such review or if the State refuses to allow such review to be made; and

(3) to require Federal depository institutions regulatory agencies to accept State examinations of financially sound depository institutions if such State examinations are determined to be adequate pursuant to such review.

(b) ESTABLISHMENT OF MINIMUM REQUIREMENTS.—

(1) IN GENERAL.—In consultation with the liaison committee established by the Council pursuant to section 1007 of the Federal Depository Institutions Examination Council Act of 1978 (as redesignated by the amendment made by section 7(b)(1)), the Council shall establish minimum requirements for examinations of depository institutions by State depository institution supervisory agencies in order for any such examination of any depository institution to be deemed adequate for purposes of Federal law.

(2) CRITERIA FOR REVIEW.—In establishing the minimum requirements described in paragraph (1) for any State depository institution supervisory agency, the Council shall establish standards relating to—

(A) the frequency of examinations of depository institutions;

(B) the quality and thoroughness of such examinations;

(C) the standards and procedures for classifying loans and supervising lending practices;

(D) the ratio between the number of examiners employed by any State depository institution supervisory agency and the number of depository institutions examined by such examiners (taking into account the type of depository institution examined by such examiners);

(E) the education, training, and experience of examiners, supervisors, and other individuals employed by such agency who are involved in conducting or supervising such examinations; and

(F) such other conditions and procedures as the Council may determine to be appropriate.

(3) LIMITATION.—The requirements established under paragraph (1) for any State depository institution supervisory agency, as in effect at any time, may not exceed the minimum standards in effect for Federal examiners at such time.

(c) REQUEST FOR PERMISSION TO REVIEW.—At least once during each calendar year, the Council shall request each State depository institution supervisory agency which conducts examinations of depository institutions within such State which are also subject to examinations by a Federal depository institutions regulatory agency to allow the Council to conduct a review, in accordance with subsection (d), of the administration of such examinations by such State agency.

(d) REVIEW.—

(1) IN GENERAL.—If, pursuant to a request under subsection (c), the Council receives permission to review the administration of examinations by a State depository institution supervisory agency, the Council shall determine whether such agency meets the minimum requirements established under subsection (b) in administering such examinations.

(2) PROCEDURE.—The Council shall prescribe by regulations the procedures for conducting any review under paragraph (1).

(e) NOTIFICATION OF FAILURE TO MEET MINIMUM REQUIREMENT.—

(1) IN GENERAL.—If, at any time, the Council determines a State depository institution supervisory agency does not meet the minimum requirements established under subsection (b), the Council shall notify the head of such agency of such determination. Such determination and notice shall not be made public by the Council.

(2) DETAILED EXPLANATION.—Any notice under this subsection shall be accompanied by a report containing a detailed explanation of the circumstances by reason of which the agency was found not to be in compliance with the requirements established under subsection (b).

(3) PERIOD FOR REMEDYING THE DEFICIENCY.—Upon making a determination described in paragraph (1), the Council shall prescribe, on the basis of all the circumstances of the case, the period of time it will provide to the agency to cure the deficiency giving rise to such determination before taking any action under subsection (f). The period so prescribed may be extended by the Council in its discretion, except that the period so prescribed in any case, including any such extensions, shall not exceed 3 years.

(f) NOTICE TO FEDERAL DEPOSITORY INSTITUTIONS REGULATORY AGENCIES.—If any State depository institution supervisory agency—

(1) refuses any request by the Council under subsection (c) for permission to review the administration of examinations by such agency, or

(2) fails to remedy any deficiency giving rise to a determination under subsection (e)(1) within the period of time allowed by the Council under subsection (e)(3), the Council shall notify each Federal depository institutions regulatory agency of such refusal or failure to comply. If examinations of depository institutions which are subject to examination by such agency are actually conducted by regional banks, branches, or other offices of such agency, the agency shall notify each such bank, branch, or other office of any notice received by such agency under the preceding sentence.

(g) SOLE RELIANCE ON STATE EXAMINATIONS PROHIBITED WHILE NOTICE IS IN EFFECT.—While any notice under subsection (f) with respect to any State depository institution supervisory agency is in effect, no Federal depository institutions regulatory agency and no regional bank, branch, or other office of any such agency may rely on any report of examination by such State agency in lieu of conducting examinations otherwise required under any Federal law or any regulation prescribed by such Federal agency.

(h) SPECIAL RULES.—

(1) SEPARATE REVIEW AND NOTICE.—If a State depository institution supervisory agency has separate branches or departments each of which have authority to conduct examinations, the Council may—

(A) review each such department or branch separately under subsection (d); and

(B) limit the scope of any notice issued under subsection (f) to the department or branch in which the deficiency has been found which resulted in the notice.

(2) DEFICIENCIES RELATING TO EXAMINATIONS OF PARTICULAR TYPES OF INSTITUTIONS.—If a State depository institution supervisory agency has authority to examine more than 1 type of depository institution and the Council's determination of a deficiency which results in a notice under subsection (f) relates to the State agency's capacity to conduct examinations of a particular type of depository institution, the Council may limit the scope of the notice to examinations of that type of depository institution.

(i) ACCEPTANCE OF STATE EXAMINATIONS REQUIRED UNDER CERTAIN CIRCUMSTANCES.—

(1) INSURED BANKS.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end thereof the following new subparagraph:.

"(C) REQUIRED ACCEPTANCE OF STATE EXAMINATIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Corporation shall accept any report of examination made by a commission, board, or authority described in subparagraph (A) in connection with an examination of a financially sound insured bank if, in the most recent review of such commission, board, or authority by the Depository Institutions Examination Council under section 6(d) of the Depository Institution Examination Improvement Act of 1987, the Council determined that such commission, board, or authority met the minimum requirements established under section 6(b) of such Act.

"(ii) NOTICE OF REASON FOR FAILURE TO ACCEPT.—The Corporation may refuse to accept any report of examination described in clause (i) if—

"(I) the Corporation determines that the commission, board, or authority which made the report fails to meet a requirement established under section 6(b) of the Depository Institution Examination Improvement Act of 1987; and

"(II) the Corporation notifies the commission, board, or authority of such refusal and provides a detailed explanation of the reason for such refusal.

"(iii) FINANCIALLY SOUND INSURED BANK.—For purposes of this subparagraph, the term 'financially sound insured bank' means an insured bank with a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating under a comparable rating system."

(2) MEMBERS OF, AND NONMEMBER BORROWERS FROM, HOME LOAN BANKS.—Section 8 of the Federal Home Loan Bank Act (12 U.S.C. 1428) is amended—

(A) by striking out "Sec. 8. The" and inserting in lieu thereof "Sec. 8. (a) IN GENERAL.—The"; and

(B) by adding at the end thereof the following new subsection:

"(b) REQUIRED ACCEPTANCE OF STATE EXAMINATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Board shall accept any report of examination made by a commission, board, or authority having supervision of State-chartered member or nonmember borrowers under this Act in connection with an examination of a financially sound borrower if, in the most recent review of such commission, board, or authority by the Depository Institutions Examination Council under section 6(d) of the Depository Institution Examination Improvement Act of 1987, the Council determined that such commission, board, or authority met the minimum requirements established under section 6(b) of such Act.

"(2) NOTICE OF REASON FOR FAILURE TO ACCEPT.—The Board may refuse to accept any report of examination described in paragraph (1) if—

"(A) the Board determines that the commission, board, or authority which made the report fails to meet a requirement established under section 6(b) of the Depository Institution Examination Improvement Act of 1987; and

"(B) the Board notifies the commission, board, or authority of such refusal and provides a detailed explanation of the reason for such refusal.

"(3) FINANCIALLY SOUND BORROWER.—For purposes of this subsection, the term 'financially sound borrower' means a member or nonmember borrower under this Act with a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating under a comparable rating system.".

(3) INSURED THRIFTS.—Subsection (m) of section 407 of the National Housing Act (12 U.S.C. 1730(m)) is amended by adding at the end thereof the following new paragraph:

"(5) REQUIRED ACCEPTANCE OF STATE EXAMINATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Corporation (or the Federal Home Loan Bank Board on behalf of the Corporation) shall accept any report of examination made by a commission, board, or authority having supervision of State-chartered insured institutions in connection with an examination of a financially sound insured institution if, in the most recent review of such commission, board, or authority by the Depository Institutions Examination Council under section 6(d) of the Depository Institution Examination Improvement Act of 1987, the Council determined that such commission, board, or authority met the minimum requirements established under section 6(b) of such Act.

"(B) NOTICE OF REASON FOR FAILURE TO ACCEPT.—The Corporation (or such Bank Board) may refuse to accept any report of examination described in subparagraph (A) if—

"(i) the Corporation (or the Board) determines that the commission, board, or authority which made the report fails to meet a requirement established under section 6(b) of the Depository Institution Examination Improvement Act of 1987; and

"(ii) the Corporation (or the Board) notifies the commission, board, or authority of such refusal and provides a detailed explanation of the reason for such refusal.

"(C) FINANCIALLY SOUND INSURED INSTITUTION.—For purposes of this paragraph, the term 'financially sound insured institution' means an insured institution with a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating under a comparable rating system.".

(4) INSURED CREDIT UNIONS.—Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end thereof the following new subsection:

"(e) REQUIRED ACCEPTANCE OF STATE EXAMINATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Board shall accept any report of examination made by a commission, board, or authority described in subsection (d) in connection with an examination of a financially sound insured credit union if, in the most recent review of such commission, board, or authority by the Depository Institutions Examination Council under section 6(d) of the Depository Institution Examination Improvement Act of 1987, the Council determined that such commission, board, or authority met the minimum requirements established under section 6(b) of such Act.

"(2) NOTICE FOR REASON FOR FAILURE TO ACCEPT.—The Board may refuse to accept any report of examination described in paragraph (1) if—

"(A) the Board determines that the commission, board, or authority which made the report fails to meet a requirement established under section 6(b) of the Depository Institution Examination Improvement Act of 1987; and

"(B) the Board notifies the commission, board, or authority of such refusal and provides a detailed explanation of the reason for such refusal.

"(3) FINANCIALLY SOUND INSURED CREDIT UNION.—For purposes of this subsection, the term 'financially sound insured credit union' means an insured credit union with a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating under a comparable rating system.".

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The eighth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended by adding at the end thereof the following new sentence: "The directors shall not approve any examination by any State authority while any notice under section 6(f) of the Depository Institution Examination Improvement Act of 1987 is in effect with respect to such authority.".

(2) The second sentence of section 7(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)(A)) is amended by inserting "(other than any such commission, board, or authority with respect to which a notice under section 6(f) of the Depository Institution Examination Improvement Act of 1987 is in effect)" after "authority" the first place such term appears in such sentence.

(3) The second to last sentence of section 8(a) of the Federal Home Loan Bank Act (12 U.S.C. 1428) (as amended by subsection (i)(2)) is amended by inserting "(and any State examination with respect to which a notice under section 6(f) of the Depository Institution Examination Improvement Act of 1987 is in effect shall be deemed inadequate)" after "Home Loan Bank".

(4) Subsection (d) of section 204 of the Federal Credit Union Act (12 U.S.C. 1784(d)) is amended by inserting "(other than any such commission, board, or authority with respect to which a notice under section 6(f) of the Depository Institution Examination Improvement Act of 1987 is in effect)" after "credit union".

(k) DELAYED EFFECTIVE DATE.—Subsection (g) and the amendments made by subsections (i) and (j) shall take effect at the end of the 3-year period beginning on the date of enactment of this Act.

SEC. 7. REDESIGNATION OF EXAMINATION COUNCIL AS DEPOSITORY INSTITUTIONS EXAMINATION COUNCIL.

(a) IN GENERAL.—The Financial Institutions Examination Council established by section 1004 of the Federal Financial Institutions Examination Council Act of 1978 is hereby redesignated as the "Depository Institutions Examination Council". Any reference in any law, regulation, document, record, or other paper of the United States to the Financial Institutions Examination Council shall be deemed to be a reference to the Depository Institutions Examination Council.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1001 of the Federal Financial Institutions Examination Council Act of 1978 is amended to read as follows:

"Sec. 1001. Short Title.

This title may be cited as the 'Federal Depository Institutions Examination Council Act of 1978'.".

(2) The Federal Depository Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) (as redesignated by paragraph (1)) is amended—

(A) by striking out "Financial Institutions" each place such term appears in such Act and inserting in lieu thereof "Depository Institutions"; and

(B) by striking out "financial institutions" each place such term appears in such Act and inserting in lieu thereof "depository institutions".

(3) The heading of title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 is amended by striking out "FINANCIAL" and inserting in lieu thereof "DEPOSITORY".

(4) Paragraph (3) of section 1003 of the Federal Depository Institutions Examination Council Act of 1978 (as redesignated by paragraph (1)) is amended to read as follows:

"(3) the term 'depository institution' has the meaning given to such term by section 19(b)(1)(A) of the Federal Reserve Act.".

(5) Sections 304(f) and 310(a) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(f) and 2890) are each amended by striking out "Financial Institutions" and inserting in lieu thereof "Depository Institutions".

(6) Subsection (e) of section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by striking out "Financial Institutions" and inserting in lieu thereof "Depository Institutions".

(7) Sections 714(a) and 718(a) of title 31, United States Code, are each amended by striking out "Financial Institutions" and inserting in lieu thereof "Depository Institutions".

SEC. 8. DEMONSTRATION PROJECT RELATING TO PERSONNEL MANAGEMENT.

(a) DEFINITIONS.—For purposes of this section—

(1) AGENCY.—The term "agency" means—

(A) the Office of the Comptroller of the Currency;

(B) the National Credit Union Administration;

(C) the Federal Home Loan Bank Board;

(D) the Federal Savings and Loan Insurance Corporation;

(E) the Board of Governors of the Federal Reserve System, if it provides written notice within 90 days after the date of the enactment of this Act of its intention to partici-

pate in the demonstration project under this section; and

(F) the Federal Deposit Insurance Corporation, if it provides written notice within 90 days after the date of the enactment of this Act of its intention to participate in the demonstration project under this section.

(2) COMPENSATION.—The term "compensation" means the total value of the various forms of compensation provided, including—

(A) basic pay;

(B) bonuses;

(C) allowances;

(D) retirement benefits;

(E) health insurance benefits;

(F) life insurance benefits; and

(G) leave benefits.

(b) GENERAL REQUIREMENTS.—

(1) RELATION TO SECTION 4703 OF TITLE 5.—There shall be conducted under this section a demonstration project which—

(A) except as otherwise provided in this section, shall be conducted in accordance with section 4703 of title 5, United States Code; and

(B) shall, for purposes of subsection (D)(2) of such section, be counted as a single project.

(2) PROJECT DESIGN AND IMPLEMENTATION.—The Office of Personnel Management and each agency shall jointly determine the terms and conditions under which such agency will participate in the demonstration project. In carrying out this section, the head of each agency shall be responsible for the conduct of the demonstration project with respect to such agency.

(3) POSITIONS COVERED.—Subject to subsections (f) and (g) of section 4703 of title 5, United States Code, the demonstration project shall cover—

(A) any position within an agency which would otherwise be subject to—

(i) subchapter III of chapter 53 of title 5, United States Code, relating to the General Schedule;

(ii) subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service; or

(iii) chapter 54 of title 5, United States Code, relating to the Performance Management and Recognition System; and

(B) in the case of an agency, or any unit of an agency, not covered by one of the pay systems referred to in subparagraph (A), any position within such agency, or within such unit, which would otherwise be subject to a pay system comparable to one of the pay systems referred to in subparagraph (A), as determined by the head of the agency involved.

Notwithstanding any other provision of this section, the demonstration project shall not cover positions within the Office of the Comptroller of the Currency which are not under the provisions cited in subparagraph (A)(ii) unless such Office provides written notice within 90 days after the date of the enactment of this Act of its intention to include such positions under the demonstration project.

(c) SPECIFIC REQUIREMENTS.—Under the demonstration project, the head of each agency shall provide that—

(1) the rate of basic pay for a position may not be less than the minimum rate of basic pay, nor more than the maximum rate of basic pay, payable for the pay band (as referred to in paragraph (3)) within which such position has been placed;

(2) the minimum and maximum rates of basic pay for each pay band shall be adjusted at the times, and by the amounts, provided for under subsection (d);

(3) positions shall be classified under a system using pay bands which shall be established by combining or otherwise modifying the classes, grades, or other units which would otherwise be used in classifying the positions involved;

(4) employees shall be evaluated under a performance appraisal system which—

(A) uses peer comparison and ranking wherever appropriate; and

(B) affords appeal rights comparable to those which would otherwise be available with respect to the position involved;

(5)(A) the rate of basic pay of each participating employee will be reviewed annually, and shall be adjusted on the basis of the appraised performance of the employee; and

(B) subject to subsection (d)(3)(A)(i), the adjustment under subparagraph (A) in any year in the case of any employee whose performance is rated at the fully successful level or higher shall be at least the percentage recommended under subsection (d)(1)(B) for such year;

(6) appropriate supervisory and managerial pay differentials (which shall be considered a part of basic pay) shall be provided;

(7) performance-recognition bonuses, and recruitment and retention allowances, shall be awarded in appropriate circumstances (but shall not be considered a part of basic pay);

(8) there shall be an employee development program which includes provisions under which employees may, in appropriate circumstances, be granted sabbaticals, the terms and conditions of which shall be consistent with those applicable for members of the Senior Executive Service under section 3396(c) of title 5, United States Code (excluding paragraph (2)(B) thereof);

(9) payment of travel expenses shall be provided for personnel to their first post of duty in the same manner as is authorized for members of the Senior Executive Service under section 5723 of title 5, United States Code, at the discretion of the head of the agency involved;

(10) differentials (which shall not be considered a part of basic pay except for purposes of chapters 81 and 87 of title 5, United States Code) shall, at the discretion of the head of the agency involved, be provided to compensate for regional differences in costs of living; and

(11) performance awards under section 5384 of title 5, United States Code, may be paid without regard to the provisions of subsection (b)(3) of such section.

(d) COMPENSATION COMPARABILITY.—

(1) FINDINGS AND RECOMMENDATIONS REQUIRED.—The head of each agency shall, by contract or otherwise, provide for the preparation of reports which, based on appropriate surveys—

(A) shall include findings as to—

(i) the extent to which, as of the commencement of the demonstration project, there exists any deficiency in the overall average level by compensation provided with respect to positions within such agency which are under the demonstration project, as compared to the overall average level of compensation generally provided with respect to positions involving the same types and levels of work in the private sector; and

(ii) with respect to each year thereafter, any net increase occurring during such year in the extent of the deficiency in the overall average level of compensation provided with respect to positions within such agency which are under the demonstration project, as compared to the overall average level of compensation generally provided with respect to positions involving the same types and levels of work in the private sector; and

(B) shall recommend a single percentage by which basic pay for all positions within such agency which are under the demonstration project must be increased so that, when considered in conjunction with the other forms of compensation generally provided, any net increase determined under subparagraph (A)(ii) will be eliminated.

(2) ADJUSTMENT OF RATES.—Whenever an agency head receives a recommendation under paragraph (1)(B), that agency head—

(A) shall increase the minimum and maximum rates of basic pay for each pay hand by the percentage recommended; and

(B) if and to the extent that funds are available for that purpose, may further increase those minimum and maximum rates to eliminate any part of any remaining deficiency, as originally determined under paragraph (1)(A)(i).

(3) LIMITATIONS ON AMOUNTS PAYABLE.—

(A) IN GENERAL.—Notwithstanding any other provision of this section—

(i) the maximum rate of basic pay payable under any pay band may not exceed the rate of basic pay payable for level IV of the Executive Schedule; and

(ii) the amount of basis pay, bonuses, and allowance paid during any fiscal year to any employee participating in the demonstration project may not, in the aggregate, exceed the annual rate of basic pay payable for level I of the Executive Schedule.

(B) RULES FOR APPLYING LIMITATION.—

(i) PAYMENT OF AMOUNTS PREVIOUSLY WITHHELD.— Any amount which is not paid to an employee during a fiscal year because of the limitation under subparagraph (A)(ii) shall be paid in lump sum at the beginning of the following fiscal year.

(ii) AMOUNT TO BE TAKEN INTO ACCOUNT.—Any amount paid under this subparagraph during a fiscal year shall be taken into account for purposes of applying the limitation under subparagraph (A)(ii) with respect to such fiscal year.

(4) TOTAL COST. —Notwithstanding any other provision of this section, the demonstration project shall be conducted in such a way so that, with respect to the 12-month period beginning on October 1, 1987, the total cost to the Government relating to providing compensation to participating employees shall not exceed the total cost which would have resulted if this section had not been enacted.

(5) PLACEMENT IN A LOWER BAND.—

(A) IN GENERAL.— It the minimum rate of basic pay for a pay band, after an increase under paragraph (2)(A), exceeds the rate of basic pay payable to an employee whose position would otherwise be within such pay band, the employee's position may, notwithstanding subsection (c)(1), be placed in the next lower pay band.

(B) APPEALABILITY.—Placement of a position in a lower pay band under subparagraph (A) shall not be considered a reduction in grade or pay for purposes of subchapter II of chapter 75 of title 5, United States Code, or any comparable provision of law.

(e) CONVERSION RULES.—

(1) REDUCTIONS PROHIBITED.—The rate of basic pay for an employee serving in a position at the time it is converted to a position covered by the demonstration project may not be reduced by reason of the establishment of such project.

(2) PRO RATA INCREASES.—

(A) IN GENERAL.—Each employee referred to in paragraph (1) shall be paid—

(i) in the case of an employee serving in a position under the General Schedule on the date the position becomes covered by the demonstration project, a lump-sum, pro rata share of the equivalent of any within-grade increase which would have been due the employee under section 5335 of title 5, United States Code, computed as provided in subparagraph (B),

(ii) in the case of an employee serving in a position subject to chapter 54 of title 5, United States Code, on such date, a lump-sum, pro rata share of the equivalent of the employee's merit increase which would have been due under such chapter, computed as provided in subparagraph (B), and

(iii) in the case of an employee serving in a position referred to in subsection (b)(3)(B), on such date, a lump-sum, pro rata share of any increase comparable to one described in clause (i) or (ii), computed as provided in subparagraph (B), taking into account the performance requirements applicable to such increase.

(B) ADMINISTRATIVE RULE.—For purposes of subparagraph (A), the pro rata share of an equivalent increase referred to in such subparagraph shall be computed through the day before the date referred to in such subparagraph.

(f) REPORTS AND EVALUATIONS.—

(1) RESPONSIBILITIES OF CONTRACTOR.—

(A) EVALUATIONS.—In carrying out section 4703(h) of title 5, United States Code, with respect to the demonstration project, the Office of Personnel Management shall provide that such project will be evaluated on an annual basis by a contractor. Such contractor shall be especially qualified to perform the evaluation based on its expertise in matters relating to personnel management and compensation.

(B) REPORTS.—The contractor shall report its findings to the Office in writing. After considering the report, the Office shall transmit a copy of the report, together with any comments of the Office and any comments submitted by any agency, to—

(i) the Committee on Banking, Finance and Urban Affairs, and the Committee on Post Office and Civil Service, of the House of Representatives; and

(ii) the Committee on Banking, Housing, and Urban Affairs, and the Committee on Governmental Affairs, of the Senate.

(2) FINAL REPORT.—The Comptroller General shall, not later than 4 years after the date on which the demonstration project commences, submit to each of the committees referred to in paragraph (1)(B) a final report concerning such project. Such report shall include any recommendations for legislation or other action which the Comptroller General considers appropriate.

(g) CONTRACTS.—The authority to enter into any contract under this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(h) COMMENCEMENT DATE.—The demonstration project shall commence not later than January 1, 1988.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(a) COUNCIL.—The term "Council" means the Depository Institutions Examination Council (as redesignated by section 7(a)).

(b) FEDERAL DEPOSITORY INSTITUTION REGULATORY AGENCIES.—The term "Federal depository institutions regulatory agencies" has the meaning given to such term by section 1003(1) of the Federal Depository Institutions Examination Council Act of 1978 (as redesignated by the amendment made by section 7(b)(1)), except that for purposes of sections 2, 3, and 5 such term also includes the Federal Savings and Loan Insurance Corporation.

(c) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given to such term by section 19(b) (1) (A) of the Federal Reserve Act.

(d) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given to such term by section 1201(a) of the Higher Education Act of 1965.

(e) FEDERAL EXAMINER.—The term "Federal examiner" means any individual employed by a Federal depository institutions regulatory agency or a regional bank, branch, or other office of such agency whose duties involve the examination of depository institutions.

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By Mr. STAFFORD (for himself, Mr. KENNEDY, Mr. BAUCUS, Mr. DURENBERGER, Mr. CHAFEE, Mr. CRANSTON, Mr. LEAHY, Mr. KASTEN, Mr. WEICKER, and Mr. MOYNIHAN):

S. 300. A bill entitled the "New Clean Air Act"; to the Committee on Environment and Public Works.

(The remarks of Mr. STAFFORD and the text of the legislation appear at another point in today's RECORD.)

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By Mr. BOREN (for himself and Mr. BINGAMAN):

S. 302. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and refined petroleum products; to the Committee on Finance.

EXCISE TAX ON IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

● Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleague from Oklahoma, Senator BOREN, in introducing legislation establishing an oil import fee. We discussed this issue last session, but came to no consensus.

IMPORT FEE

Clearly, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling in this country. The fee proposed in this legislation would serve to raise the price of imported oil from the levels determined by an unstable market. A fee would be applied to imports of refined and crude oil products. The existence of such a variable fee would establish a floor for domestic oil prices and help stabilize the world oil price.

Furthermore, a fee would ensure that foreign producers pay a fair tax on oil that flowed into the United States as a result of a price drop. The extremely low tariff imposed on imported oil at present, in effect, enables imports to be subsidized by the taxes paid in domestic production. A fee would also preserve the value of the Nation's strategic petroleum reserve, on which nearly $13.5 billion has been spent since 1977. A fee would discourage imports, while encouraging domestic production, and thus enable the United States to avoid a return to dangerous levels of foreign dependence.

NATIONAL SECURITY

Most important, an oil import fee would help ensure that our national security is not threatened. Without a fee to stabilize oil prices, the potential threats are significant.

REDUCED STRIPPER OIL PRODUCTION

A drop in price could eliminate over half of the Nation's production from low volume "stripper" wells, making necessary an additional $4.6 billion per year in imports. There are over 441,000 stripper wells, and they produce an average of only 3 barrels per day, or a daily total of about 1.3 million barrels. Many operate on a margin of only a few dollars per barrel.

As oil prices decline, large numbers of strippers become uneconomic and have to be shut down. Once production from a well ends, most States require that the wells be plugged and adandoned. The United States could thus lose perhaps 7 to 8 percent of its total domestic production. Furthermore, since stripper wells comprise three-fourths of the Nation's wells, they drive much of the oil-well servicing support industry, which has itself been in depression. Although stripper wells produce little individually, collectively they are a major resource for the Nation.

THE END OF ALASKAN EXPLORATION

Alaska provides 1.1 million barrels of oil per day, roughly 20 percent of total domestic production. Alaska holds nearly a third of the Nation's known oil reserves, and is estimated by the U.S. Geological Survey to contain up to a quarter of the Nation's undiscovered recoverable reserves. A drop in oil prices would preclude the chance that other Alaskan oil fields could be found and put on stream. Eliminating Alaska's rich potential would mortgage the Nation's energy future.

REDUCED OCS EXPLORATION

The U.S. Geological Survey estimates that a third of the Nation's remaining undiscovered recoverable reserves of oil lie under the waters of the Outer Continental Shelf. A fall in prices makes the deeper waters of the OCS uneconomic and ensures that much of the Nation's potential would remain locked away for years.

REDUCED NATURAL GAS DEMAND

Virtually all of the powerplant capacity and 45 percent of the U.S. industrial load can switch to residual fuel oil. If oil prices, and, therefore, fuel oil prices, continue to drop, the gas bubble may not end until the mid 1990's.

It is clear that some action must be taken in the near future, and I think

an oil import fee merits serious consideration.

OPPOSITION

I am well aware of the arguments against an import fee—from the impact it would have on our friendly trading partners, such as Mexico and Canada, to the lost opportunity for economic growth because of falling prices and the potential for inflated prices in other sectors of the economy. I believe the concerns for our neighbors to the North and South are somewhat overstated. I would think that both nations would benefit from a more stable world oil market—which is what this fee is intended to encourage. However, I would suggest that any short-term losses to our economy would not compare with the devastating impact of a collapse of our domestic energy industry.

NEW MEXICO

New Mexico is the fifth largest oil- and gas-producing State in the Nation in terms of total quantity and has suffered from the decline of oil and gas prices. Oil prices have declined from $26 a barrel last January to $11 in July, with a gradual increase since then to $15. Natural gas prices fell from $2.47 a barrel in January to $1.64 in September with the current price at about $1. Revenues generated by the industry showed a 25-percent drop in 1986. The total value of New Mexico's oil and gas activity has dropped 46 percent in the past year. Employment by the industry dropped from a low of 13,200 in 1985 to 9,000 in October of 1986. The number of drilling rigs are down to an average of 29 compared with 71 last year. And of the State's bankruptcies, estimated to be 2,500 for 1986, one-fourth occurred in those counties where most of the State's oil and gas is produced. Clearly, effective action is needed to correct the decline of the industry.

ADMINISTRATION'S RULE

The President currently has the authority to impose an oil import fee under the Trade Expansion Act of 1962, but has been unwilling to recognize that it is in the national interest to do so. Unfortunately, the administration seems obvious to the potential consequences of declining prices. The President did request the Department of Energy to conduct a study of the national security implications of low oil prices and to make recommendations. Unfortunately, that study will not be completed until this spring. There does not appear to be any sense of urgency in the administration for the status of our domestic industry. Because of this attitude, it is incumbent upon the Congress to take effective action.

SUMMARY

The Congress must first take the lead in recognizing the importance of our energy needs. If enacted, an oil import fee would prevent the United States from sliding into greater dependency on foreign sources of energy. It would enable the domestic industry to remain a viable source of energy in the future. And it would preserve governmental tax revenues in the event of a fall in world oil prices, and stop the tax subsidization of imported oil. Most important, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling and exploration and a viable domestic industry. We must end the complacency that currently clouds our energy future and realize the growing threat to our Nation's desire for energy independence. An oil import fee can help move us in that direction.●

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By Mr. BRADLEY (for himself, Mr. DODD, and Mr. INOUYE):

S. 303. A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes; to the Committee on Labor and Human Resources.

JACOB K. JAVITS GIFTED AND TALENTED CHILDREN AND YOUTH EDUCATION ACT

● Mr. BRADLEY. Mr. President, today I am pleased to introduce along with my colleagues, Senator DODD and Senator INOUYE, the Jacob K. Javits Gifted and Talented Children and Youth Education Act of 1987. The Federal Government began its involvement with the education of gifted and talented students over 15 years ago. In 1969, Senator Jacob Javits of New York led the fight for the passage of the Gifted and Talented Children's Education Assistance Act. This legislation focused Federal attention on talented and gifted youth, gave them priority in several Federal education programs, and directed the Commissioner of Education to report to Congress on the current status of educational programs for gifted and talented children and the unmet educational needs of these children.

In 1974, Senator Javits provided the leadership needed to appropriate $2.5 million, through Public Law 93-380, to help local educational agencies aid these children. Again in 1978, Senator Javits introduced legislation leading to the passage of title IV-D of Public Law 96-561, the Gifted and Talented Children's Education Act. Appropriations reached $6.3 million in 1980, allowing for the support of many excellent and innovative educational programs.

Since 1980, we have witnessed a major retreat in aid for the gifted and talented. In 1981, at the request of the Reagan administration, the Gifted and Talented Children's Education Act of 1978 was eliminated as a separate program and merged with 29 other education programs under a block grant—chapter 2 of the Education Consolidation and Improvement Act. In 1986, only 13 percent of school districts receiving funds under chapter 2 allocated any money at all for gifted education. These districts spend an average of only $1,000 on this special program. And in 1982, as a further retreat, the Reagan administration closed the Office of the Gifted and Talented in the U.S. Department of Education. The Federal Government now plays virtually no role in helping schools provide opportunities for the gifted and talented.

Recently, the National Commission on Excellence in Education, in its report, "A Nation at Risk: The Imperative for Education Reform," stated:

> The Federal Government, in cooperation with states and localities, should meet the needs of key groups of students such as gifted and talented, the socioeconomically disadvantaged, minority and language minority students, and the handicapped. In combination these groups include both national resources and the nation's youth who are most at risk.

While I do not believe we are doing enough to support educational opportunities for any of these children with special needs, each of these groups, with the single exception of the gifted and talented, receive significant Federal assistance.

Mr. President, the needs of the gifted and talented are real. We have nearly 2.5 million gifted and talented elementary and secondary students in the country, but 40 to 60 percent of this population has never even been identified. Further, 50 percent of the identified students achieve below their ability level, and only 20 percent of the teachers in gifted education are properly trained to design curriculum for these students. There is an unfortunate popular notion that our gifted and talented children will succeed on their own. But without special attention these young people frequently get bored and drop out.

In New Jersey there are presently at least 80,000 school age children who have been identified as gifted and talented. Few of these children receive the services that they deserve and thousands more receive no supplemental services at all. In large part this is because almost all schools are caught in a financial squeeze. Local revenues are insufficient, Federal funds are virtually nonexistent and only minimal State aid is available—for example, only $200,000 is available from the State of New Jersey for all of our State's gifted and talented programs.

By necessity, local school boards must concentrate their efforts on behalf of the majority of students. Too frequently they don't have the fi-

nancial resources to provide nearly adequate services for these children. I propose that we reverse directions: The talented and gifted need more attention, not less. And to this end, today I am introducing a bill to provide national leadership to assist in the development of programs to serve the gifted and talented. I have introduced similar bills in the past two Congresses, and I am hopeful that in the 100th Congress we will finally let these special students know that we intend to help them reach their full potential.

My bill includes an authorization of $25 million for the next fiscal year and such sums as may be necessary in subsequent years to support programs at the State and local level that are designed to meet the educational needs of gifted and talented children and youth. Eligible recipients of this funding include State educational agencies, local educational agencies, schools of higher education, and other public and private organizations. Programs and projects to develop or improve the capability of schools with respect to the identification and education of gifted and talented schoolchildren is a major priority of this bill. In order to assure that inner-city children will not be left behind, half of the programs approved by the Secretary of Education must targeted at economically disadvantaged children.

In addition, preservice and inservice training and professional opportunities for teachers is also provided for under this legislation. If we are to continue or crusade for excellence in the classroom, then we must provide our Nation's teachers with the training, the tools, and the resources essential to any quality gifted and talented program.

Finally, this bill will establish a National Center for Research and Development in the education of gifted and talended youth. The purpose of this center is to stimulate high-quality research that will assist in identifying and serving gifted students in innovative ways. This center will provide the national leadership and support needed to ensure that the special potential of these students for assisting our Nation will not be lost.

I am hopeful that this year we will see progress in the effort to assist our gifted and talented children reach their full potential. Very similar legislation to the bill I am introducing has already been introduced in the House of Representatives by Congressman MARIO BIAGGI.

Many school districts around the country have established excellent programs for the gifted. We need to support these programs nationally. In New Jersey, the efforts underway in Montclair, Bayonne, Elizabeth, Union City, and other places need to be encouraged—not only with our best wishes, but also with our financial support. And that is why I am proposing this new legislation.

Mr. President, Federal aid can help solve problems. For example, the convocation model project set up in New Jersey to provide advanced science for the gifted was funded in 1979 through the old Federal talented and gifted legislation. Over 3,000 New Jersey students and 500 New Jersey teachers benefited from the project. Unfortunately, that program died in 1981 when funding was cut off. We need to encourage efforts such as these, not discourage them.

Mr. President, in order to move from the rhetoric of education reform to the reality of true reform, we must come to grips with the fact that children vary considerably in their abilities. It is our task to see that each and every student, including the gifted, receive a challenging education, an education designed to allow that child to reach his or her potential. That assistance cannot come at the expense of students who are struggling to learn basic skills. They need extra help as well. But neither can we continue to ignore our gifted children who quickly become bored and "nonlearners" when they are not challenged. We need to increase standards for all of our students. In sum, we need—at the Federal, State, and local level—to make a commitment to all of our students, whether they be disadvantaged, gifted, or in-between. The aid I am proposing to help talented and gifted students achieve his or her potential is one step to accomplish that goal.

Gifted and talented children represent an invaluable national resource, one that remains sadly underdeveloped. I truly believe that our leadership position in the world depends on our commitment to our youth. Our goal must be to do everything in our power to help all students reach their potential level of intellectual development. Special attention to gifted and talented students is called for if our Nation is to maintain and improve its position as a world leader in technology, the sciences, the humanities, and the arts. This legislation is a small step in the right direction to achieve this end.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 303

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

SHORT TITLE

SECTION 1. This Act may be referred to as the "Jacob K. Javits Gifted and Talented Children and Youth Education Act of 1987".

FINDINGS AND PURPOSES

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) gifted and talented children and youth are a national resource vital to the future of the Nation and its security and well-being;

(2) unless the special abilities of gifted and talented children and youth are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

(3) gifted and talented children and youth from economically disadvantaged families and areas at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

(4) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented children and youth for the provision of educational services and programs appropriate to their special needs; and

(5) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training, and providing a national focal point of information and technical assistance, that is necessary to ensure that our Nation's schools are able to meet the special educational needs of gifted and talented children and youth, and thereby serve a profound national interest.

(b) STATEMENT OF PURPOSE.—It is the purpose of this Act to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in our elementary and secondary schools to identify and meet the special educational needs of gifted and talented children and youth. It is also the purpose of this Act to supplement and make more effective the expenditure of State and local funds, and of Federal funds expended under chapter 2 of the Education Consolidation and Improvement Act of 1981 and the Education for Economic Security Act of 1984, for the education of gifted and talented children and youth.

DEFINITIONS

SEC. (3). (a) DEFINITIONS.—For the purposes of this Act:

(1) The term "gifted and talented children and youth" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "institution of higher education" has the same meaning given such term in section 435(b) of the Higher Education Act of 1965.

(4) The term "Hawaiian native" means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.

(5) The term "Hawaiian native organization" means any organization recognized by the Governor of the State of Hawaii primarily serving and representing Hawaiian natives.

(b) DEFINITION BY REFERENCE.—Any term used in this Act and not defined by subsection (a) shall have the same meaning as that term is given under chapter 3 of the Education Consolidation and Improvement Act of 1981.

AUTHORIZED PROGRAMS

SEC. 4. (a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 9 in any fiscal year the Secretary (after consultation with the advisory committee established pursuant to section 7) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) which submit applications to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this Act that are designed to meet the educational needs of gifted and talented children and youth, including the training of personnel in the education of gifted and talented children and youth or in supervising such personnel.

(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

(1) preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented children and youth;

(2) establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented children and youth, including summer programs and cooperative programs involving business, industry, and education;

(3) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented children and youth;

(4) programs of technical assistance and information dissemination; and

(5) carrying out (through the National Center for Research and Development in the Education of Gifted and Talented Children and Youth established pursuant to subsection (c))—

(A) research methods and techniques for identifying and teaching gifted and talented children and youth, and

(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this Act.

(c) ESTABLISHMENT OF NATIONAL CENTER.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies or a combination or consortium of such institutions and agencies, for the purposes of carrying out clause (5) of subsection (b). Such National Center shall have a Director. The Director shall consult with the advisory committee appointed by the Secretary pursuant to section 7 with respect to the agenda of the National Center. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used for the conduct of activities pursuant to subsections (b)(5) or (c).

PROGRAM PRIORITIES

SEC. 5. (a) GENERAL PRIORITIES.—In the administration of this Act the Secretary (and the advisory committee established pursuant to section 7) shall give highest priority—

(1) to the identification of gifted and talented children and youth who may not be identified through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with handicaps) and to education programs designed to include gifted and talented children and youth from such groups; and

(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented children and youth.

(b) SERVICE PRIORITY.—In approving applications under section 4 of this Act, the Secretary shall assure that in each fiscal year one-half of the applications approved contain a component designed to serve gifted and talented children and youth who are economically disadvantaged individuals.

PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS

SEC. 6. In making grants and contracts under this Act, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of children and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel serving such children in preservice and inservice training programs.

SECRETARY'S ADVISORY COMMITTEE

SEC. 7. (a) APPOINTMENT AND MEMBERSHIP.—The secretary shall appoint a committee composed of at least five persons who are not Federal employees to advise on the administration of this Act, including the content of regulations governing the administration of the Act. The committee shall have as members at least one person who is a director of programs for gifted and talented children and youth in a State educational agency, one person who has substantial responsibility in an institution of higher education for preparing teachers of such children and youth, one person who is nationally recognized as an authority on research in the field of special education of such children and youth, one person who is engaged as a teacher in a special program for such children and youth, and one person who is a parent of a child enrolled in an elementary or secondary school program for such children and youth.

(b) DUTIES.—The Secretary shall meet with the advisory committee at least twice during each fiscal year for which appropriations are made to carry out this Act, and shall seek the advice and counsel of the committee with respect to—

(1) identification of the most urgent needs for strengthening the capability of elementary and secondary schools nationwide to plan and operate effective programs for the identification and education of gifted and talented children and youth, and for addressing the program priorities set forth in section 5;

(2) the kinds of programs and projects authorized by this Act that are best calculated to help meet the needs identified by the Secretary and the committee pursuant to clause (1);

(3) the assessment of the effectiveness of programs and projects funded under this Act, and of progress under the Act in expanding and improving educational opportunities and programs for gifted and talented children and youth; and

(4) such other matters relating to the administration of this Act as the Secretary may find useful.

ADMINISTRATION

SEC. 8. The Secretary shall establish or designate an administrative unit within the Department of Education to administer the programs authorized by this Act, to coordinate all programs for gifted and talented children and youth administered by the Department, and to serve as a focal point of national leadership and information on the educational needs of gifted and talented children and youth and the availability of educational services and programs designed to meet those needs. The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented children and youth.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated $25,000,000 for fiscal year 1988 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1992, to carry out the provisions of this Act.●

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By Mr. BYRD (for Mr. INOUYE):

S. 304. A bill to provide for the fair and proper implementation of the cargo preference laws of the United States; to the Committee on Governmental Affairs.

CARGO PREFERENCE AMENDMENTS

● Mr. INOUYE. Mr. President, laws reserving the carriage of a percentage of Government impelled cargo are one of the cornerstones of our policy to promote the U.S. merchant marine. Indeed cargo reservation in one form or another is the rule rather than the exception in international ocean shipping.

A report prepared by the National Marine Engineers' Beneficial Association indicates the widespread existence of cargo reservation laws and other forms of maritime subsidies, and I ask unanimous consent that the report be printed in the RECORD following my remarks.

Significantly that report concludes that these and other trade barriers emanating from foreign nations are having a severe impact on the competitive position of U.S.-flag carriers.

Regrettably, the Federal agencies charged with implementing our own cargo reservation laws have been less

than diligent, and the purpose of those laws—to promote the U.S. merchant marine—has been frustrated.

In an effort to ensure stricter compliance with existing law, I am introducing the following legislation. I wish to emphasize that my proposal does not expand the scope of existing preference laws; and that it is not set in concrete.

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

NOT JUST SUBSIDIES: THE UNFAIR MARITIME TRADE BARRIERS OF FOREIGN SHIPPING NATIONS

(Prepared by: The National Marine Engineers' Beneficial Association)

INTRODUCTION

In response to concerns expressed by members of Congress, the National Marine Engineers' Beneficial Association has prepared this brief report on the unfair practices used by foreign governments and industries to protect their merchant fleets from world competition.

This market-distorting assistance appears in the form of direct and indirect legal and customary trade barriers, and is much more than the "acceptable" government maritime subsidies (see Attachment A) that are internationally recognized as necessary to ensure the upkeep of merchant fleets during worldwide shipping depressions. In fact, these barriers exist not to ensure the military and economic security of nations, but simply to insulate their maritime fleets from market realities.

Whether in for the form of tax penalties, rate-fixing bureaus, exorbitant cargo preference schemes, ancillary business restrictions, discriminatory port practices, and purposely laborious and complicated licensing requirements, trade barriers emanating from foreign nations are having a severe impact on the competitive position of U.S.-flag carriers.

On a regional basis, lesser developed nations in Latin America, Africa, the Middle East and the Far East employ the most abusive tactics. Especially notable are the policies of Bangladesh, India, Pakistan and Sri Lanka. These abuses are not, however, restricted to the Third World, and are frequently so subtle as to render them almost irremediable. Japan's merchant fleet, for instance, is shielded through so-called customary barriers such as high cube container restrictions and purposely complex Japanese business practices.

Similarly, the UNCTAD Code of Conduct for Liner Conferences, with its cargo division principle of 40-40-20 (40 percent of the trade for each of the trading nations, and 20 percent for cross-traders) is wreaking havoc on the U.S. merchant fleet which is not, as a result of U.S. government policy, an adherent to the liner code. Countries that have ratified or acceded to the code have done so at a rapid pace (see Attachment B). Many of our West European allies for instance, who generally have not incorporated into their policies the maritime trade abuses practiced by other nations, have acceded to the liner code. In order that the code have a "limited impact" on international shipping, however, these nations have agreed to reservations that restrict the code's use to Organization for Economic Cooperation & Development (OECD) nations and their trading partners in developing countries. Nevertheless, the Europeans, along with the developing nations, are relegating the U.S. fleet to cross-trader status for less than twenty percent of their trades.

Another problem that U.S.-flag carriers are having with the West European nations is the prevalance of "closed" liner conferences. Worse than the UNCTAD liner code, closed conferences bar outside participation on any scale. Thus, trades to which U.S. carriers should otherwise have access are closed to them entirety. At the same time, the American system of open conferences provides a convenient relief valve for the surplus liner tonnage of owners worldwide, thereby worsening our own problems of excess capacity.

The UNCTAD liner code, closed conferences and an increasing move toward restrictive bilateral shipping agreements between nations have changed the face of international shipping such that any country not engaging in at least one of these policies is placing itself at an extreme competitive disadvantage. In theory, the doctrine of free trade should provide a positive economic benefit to all parties. However, this only occurs when all of the parties strictly adhere to the rules of that doctrine. Unfortunately, in the business of ocean shipping the U.S. continues to be the "odd man out" as the only practitioner of free trade, thereby threatening not only the survival of a vital industry but the nation's military security as well.

The following pages of this report will, among other things, examine on a country-by-country basis some of the abusive trade tactics employed by competitors of the U.S.-flag fleet. This listing was compiled with information obtained from the Maritime Administration, the Federal Maritime Commission (FMC), the State Department and U.S.-flag ship operators. It is not, however, inclusive of all restrictions imposed by all maritime nations. Rather, it illustrates some of the more dominant positions taken by countries worldwide. For quick reference, the countries are listed in alphabetical order.

Following the examination of various nations' unfair trade barriers is a brief listing compiled from a 1983 study prepared by MarAd, "Maritime Subsidies," which highlights the maritime subsidies provided merchant fleets in 48 of the world's largest maritime nations (Attachment A). Those nations controlled by "centrally planned economies" are not included. Thus, the Warsaw Pact nations, China, North Korea, Yugoslavia and Cuba are examples of countries which have been omitted. (While not the subject of this report, the negative consequences of the non-market pricing practices of these countries have been widely recognized by the industrialized nations).

In the interest of brevity, the MarAd study has been greatly condensed. The utmost care was used in the scaling-down so as not to veer from the actual intent of the 1983 study. As an example, accelerated depreciation, advantageous customs duties and tax-free reserves, while warranting individual notes in the larger MarAd study, have been included in this list in one single category, "tax benefits." Similarly, smaller, less important aids such as export credits and government-operated merchant marine training academies are included in a final category, "other." More detailed information on this subject can be found in the full copy of "Maritime Subsidies," and more recent data can be obtained from the agency's upcoming publication on maritime subsidies.

At the end of this report is a list of countries that have ratified or acceded to the UNCTAD liner code (Attachment B). Many more nations engage in cargo sharing through bilateral agreements with trading partners in both liner and bulk trades.

In any case, with the growing direction of international shipping toward cargo sharing and closed liner conferences, and the increasing use of restrictive maritime trade barriers, countries that carry the "free trade" rather than "fair trade" banner are guaranteeing the demise of their merchant fleets.

MARITIME BARRIERS OF FOREIGN NATIONS

*Angola*

A March 1976 decree gives priority to Angola's national line for imports and exports. Foreign-flag vessels can be used only with a waiver from the government. National vessels get preferential customs treatment and port fees.

*Argentina*

Argentinian law reserves 100 percent of government cargo (broadly defined) to Argentinian vessels. This rule was amended in 1972 to allow participation by foreign vessels if bilateral agreements granting at least a 50% share for Argentinian vessels exist. Argentinian law asserts claim to 50% of all export cargo. Trades not covered by 50/50 bilateral agreements operate under pool agreements which give dominant cargo shares to national flags. Argentinian vessels pay reduced port fees and receive rebates of wharfage costs. Freight charges are rebated to exporters who use national-flag vessels.

*Bangladesh*

The Bangladesh government has established a waiver system for foreign flag carriage of free on board (f.o.b.) export cargo (The terms of sale for f.o.b. cargo allow the buyer to choose the carrier vessel. Conversely, cost, insurance and freight [c.i.f.] cargo gives the exporter the right to choose. In either case, governments that control their merchant fleets are able to use f.o.b. purchases, and c.i.f. sales as a means to steer their exports and imports to national-flag vessels). Under the waiver system, foreign vessels are limited to 350 deadweight tons (16-18 containers) per vessel from each load port. Loading of cargo beyond these limits requires a waiver from the Bangladesh government. Prior to the establishment of this system, American-flag vessels carried approximately 1400 DWT.

U.S. importers of jute and burlap are especially affected by this system. Historically, jute has been purchased f.o.b. and many U.S. importers have long term contracts with U.S. and foreign shipping lines. If a waiver cannot easily be obtained, the cargo will be forced to Bangladesh vessels to the detriment of U.S.-flag vessels and U.S. importers.

*Brazil*

Brazil offers concessionary tax treatment to shippers using national flag vessels. With the exception of a few Latin American nations, Brazil prohibits cross-traders in its Southbound trade. National carriers are exempt from light duties and pay reduced pilotage fees. A U.S.-Brazil maritime agreement, and pooling agreements among the carriers, allow the U.S. to carry half of the liner trade between the two countries.

*Colombia*

Fifty percent of imports and exports are reserved for national carriers and certain foreign-flag vessels. Foreign carriers must be granted associate status by national carriers to gain permission to discharge goods.

Colombia has agreements with Argentina and Brazil dividing cargo 50/50.

*Ecuador*

Fifty percent of all liner cargo and 100 percent of government cargo is reserved for national carriers. Otherwise, waivers are available on a preferential basis to foreign carriers whose nations have bilateral agreements with Ecuador. Foreign carriers are subject to a 0.952 percent freight charge (other Latin American carriers are not charged).

*Egypt*

A 1976 decree directs government cargo and 30 percent of all commercial imports and exports to Egyptian-flag vessels. The country's cargo allocation agency gives priority to state lines and, secondly, to Egyptian private lines. Egypt requires the use of local shipping agents by foreign operators. It is a widely held belief that local agents who represent foreign operators often work against them in favor of national-flag carriers.

*Ethiopia*

Although this is rarely enforced, import licenses one stamped "To be shipped in Ethiopian-flag vessels."

*Ghana*

Ghana's government purchasing agent imports via the state-owned Black Star Line. Import licenses require the use of the Black Star Line.

*India*

Import licenses are a major form of control and concern to U.S. shipping. A large portion of Indian imports from the U.S. are purchased by government-owned public sector companies. These companies have been requested to sell on a c.i.f. basis and purchase free alongside ship (f.a.s.) in order to control shipping. In the private sector, the terms of sale are between the buyer and seller. However, if goods are shipped on an Indian vessel, the freight cost does not become part of the foreign exchange allowed by India's Reserve Bank. Thus, an Indian importer may purchase more goods due to additional foreign exchange by shipping on Indian-flag vessels. Freight costs on U.S. and other foreign flag vessels are deducted from the license value.

In efforts to support their exports, the Indian government may use the government-owned steamship line to offer low freight rates for selected goods. This practice of offering low rates at uneconomic levels is considered "dumping," similar to the "dumping" of a manufactured product on the market. As a consequence, foreign vessels, particularly U.S.-flag vessels, suffer. This situation is further aggravated by a 5.64 percent freight tax levied on foreign vessels but not on Indian ships. Such a tax is not levied on Indian vessels in the U.S.

India's tax code also assumes that a profit is realized by U.S. operators. These operators, who have recently been operating in India in an income loss situation, have attempted in vain to receive a tax refund. Indian steamship lines also operating at a loss do not pay taxes.

The Government of India is considering legislation in the next session of Parliament to establish a "voucher scheme" for the purpose of enabling Indian flag vessels to carry 40 percent of India's export trade. An Indian exporter will be required to ship 40 percent of his freight on Indian vessels, and then obtain a voucher from the proper authorities to ship on foreign-flag vessels. In addition to being excluded from carrying a major share of Indian cargoes, American operators expect the procedure for obtaining a voucher to be complicated and laborious.

*Indonesia*

Government cargo (broadly defined) is reserved for national-flag vessels. Indonesia requires foreign carriers to use local agents at Indonesian ports when unloading cargo for forwarding. In addition, Indonesian-flag vessels receive a 50-percent reduction in port and bunkering charges (except for vessels carrying oil or natural gas). As an incentive to use Indonesian-flag vessels for exports, shippers using national vessels receive concessionary tax treatment.

*Ivory Coast*

The Ivory Coast has a cargo booking office which allocates cargo on a preferential basis. The 40/40/20 principle of the UNCTAD liner code, which the Ivory Coast signed in 1975, is also applied to non-conference, non-liner cargo.

*Libya*

Although actual implementation has been delayed, imports to Libya are required to be carried on nationally owned or chartered vessels. A 1984 decree requires translation of ship's documents, cargo manifests and crew lists into Arabic.

*Japan*

Despite assertions to the contrary, U.S.-flag container vessels continue to suffer because of Japanese restrictions on high cube containers. Costly and complicated application requirements, red tape and the scarcity of approved routes continues to cause U.S. high cube container vessel operators undue financial strain. The FMC is currently examining the effectiveness of Japan's assurances to end this problem.

Japanese shippers, using a fleet of high-cost Japanese vessels and low-cost, hand-picked third-flag vessels, continue to dominate the U.S.-Japan automobile import trade. Recently, three Japanese automobile exporters signed single ship agreements with U.S. operators to carry imports into the U.S. Legislation pending in Congress may encourage further Japanese concessions.

Restrictions on foreign ownership of ancillary shipping services such as trucking, warehousing and stevedoring were supposedly abolished in 1979. It is clear, however, that U.S. companies continue to be dissuaded from applying for operating licenses due to the discouragement they receive when making the standard informal agency inquiries into obtaining permits. Appeals by the U.S. State Department last year appear to have encouraged the Japanese government to begin opening its licensing process to U.S. companies.

*Korea*

100 percent of Korean export and import liner cargo is reserved for national-flag vessels. Foreign-flag vessels may be allowed access to these cargoes through Friendship, Commerce and Navigation (FCN) Treaties or other inter-governmental agreements. Foreign carriers cannot own capital assets in Korea.

*Mexico*

Fifty percent of liner cargo and up to fifty percent of bulk cargo, in addition to all government cargo, is reserved for national-flag vessels. As of January 1985, Mexico has offered a 10% rebate of import duties to importers who use Mexican-flag vessels.

*Pakistan*

The Government of Pakistan has imposed state management control over industries such as steel and energy. Imports to these industries are routed predominately to the national flag carrier.

National flag lines are allowed to collect inward freight on imports in non-convertible rupees, whereas foreign lines must collect in remittable rupees (foreign exchange). Thus, Pakistani importers are encouraged to buy f.o.b. and pay freight in local currency. By doing so, the freight component of the import license may be used for additional purchase of goods.

U.S.-flag carriers are subject to an 8% tax on their gross Pakistan-related revenues. In principle, this tax applies to all non-resident shipping lines. However, the provisions of some bilateral tax treaties of Pakistan allow for an exemption to the 8% tax. An example is Denmark, which obtained tax relief through an exchange of notes with the Pakistan tax authorities. This situation places U.S.-flag carriers at a disdvantage to the Pakistan National Shipping Company and Maersk Line (Danish flag carrier)—the two major steamship lines in the U.S.-Pakistani trade. Collection of this tax has been temporarily suspended for U.S. carriers pending the outcomes of current U.S.-Pakistani negotiations.

*Paraguay*

A law enacted in 1971 reserves 100 percent of import cargo to Paraguayan-owned or chartered vessels; up to fifty percent is reserved in trades with other Latin American countries. First priority is given to state vessels in the loading of any cargo.

*Peru*

On February 28, 1986 the Peruvian government issued a decree that reserves 100 percent of that nation's import-export cargo for Peruvian-flag vessels unless cargo-sharing agreements exist with the trading partner. According to the decree, exceptions will be made when Peruvian vessels are unable to provide service. The FMC is currently investigating this matter on behalf of U.S. shippers and carriers affected in Peruvian crosstrades.

*Philippines*

Exporters using national-flag vessels are allowed to deduct 150 percent of overseas freight and port charges from their taxable income. Enterprises that are registered with the Board of Investments may deduct 200 percent.

*Saudi Arabia*

Saudi Arabia's central bank telexed Saudi banks in 1985 urging them to specify use of national flag vessels in letters of credit. Royal decrees direct shippers to "prefer" Saudi vessels, especially when exporting government cargo. Saudi carriers have used these decrees to pressure contractors to use their vessels, thereby causing a marked loss of cargo for U.S. carriers. Forty-percent of the country's liner trade is decreed to go via national vessels.

*Sri Lanka*

Sri Lanka operates a Central Freight Bureau whose function is to book Sri Lanka's exports with steamship lines. Ceylon Shipping Corporation, the national carrier, thus benefits from cargo being preferentially routed onto their ships. Similarly, the Central Freight Bureau is known to engage in the fixing of freight rates to its national carrier's advantage.

Under Sri Lanka's tax code, non-resident shipping is taxed on the basis of an assumed six percent profit of gross export freight earnings. This tax is collected whether a profit has been made or not. This provision places a further burden on shipping lines, including U.S.-flag carriers, who have been operating at a loss during the international recession. Sri Lankan shipping lines are not subject to this tax.

*Taiwan*

Taiwan prevents the operation of businesses such as shipping agencies, sea freight solicitation agencies and container freight stations by non-Taiwanese nations. As a result, U.S. carriers are placed at a disadvantage compared to Taiwanese-flag carriers because the latter can provide such services either directly or through their own integrated services. U.S.-carriers are also subject to a business tax which does not apply to local shipping companies.

*Thailand*

Thailand has enacted rules, though not fully implemented, that offer exporters a 50% deduction of transportation costs for using national-flag vessels. Freight fixing rules have also been enacted, although they too have not been fully implemented

*United Arab Emirates*

Priority is given to vessels flying the national-flag as well as other Arab-flag vessels. In 1983, the country's Chamber of Commerce requested banks to include preferential clauses for national carriers in letters of credit.

*Uruguay*

Although the U.S./Uruguayan trade is not currently affected, a 1977 law reserves fifty percent of all water borne cargo and 100 percent of imports for Uruguayan vessels. Waivers are available to some foreign-flag vessels from nations that have bilateral agreements with Uruguay, approve conference membership or practice reciprocal cargo-sharing treatment.

*USSR (includes Eastern-bloc nations)*

The Soviet Union engages in several discriminatory practices which limit the ability of foreign shipowners to operate in the country's trades. these methods include: discrimination in access to Soviet port facilities, particularly through berthing priorities; and requirement that foreign service firms use Russian shipping agents; government fixing of freight rates and terms of shipment through negotiations with trading partner governments; a provision for below-cost, non-commercially charged facilities for national shipping enterprises and government required f.o.b. purchases and c.i.f. sales.

*Venezuela*

Fifty percent of liner cargo is reserved for national carriers and 100 percent of government cargo (broadly defined) is reserved for government owned liners. Waivers are granted to associated lines. National-flag vessels pay fifty percent less for pilotage fees, and imports are exempted from duty when carried on national or associated carriers.

*Zaire*

Zaire's Office of Maritime Freight Management has the power to fix freight rates. Beginning in the middle of 1983, Zaire requested a deposit of U.S. $10,000 from any shipping company wishing to continue trading in that country. Similarly, a 3 percent freight tax is imposed on foreign lines. This tax is reduced to 1.2 percent in trade where Zairean vessels participate.

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MARITIME SUBSIDIES OF 48 NATIONS

*Operating Subsidies:* Korea, Mexico, Peru, Portugal, Spain, United States.

*Construction Subsidies:* Argentina, Australia, Brazil, Canada, Finland, W. Germany, India, Ireland, Japan, Korea, Netherlands, Pakistan, Peru, S. Africa, Spain, Taiwan, United Kingdom.

*Low Interest Loans and Loan Guarantees:* Argentina, Belgium, Brazil, Denmark, Finland, France, West Germany, Greece, India, Italy, Japan, Korea, Malaysia, Netherlands, Norway, Pakistan, Peru, Philippines, Portugal, Singapore, Spain, Sweden, Switzerland, Taiwan, Turkey, United States, Uruguay.

*Cargo Preference:*[1] Algeria, Argentina, Australia, Brazil, Columbia, Denmark, Ecuador, Egypt, France, Ghana, Indonesia, Israel, Korea, Kuwait, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Spain, Taiwan, Thailand, United States, Uruguay, Venezuela.

*Cabotage Restrictions:* Australia, Brazil, Canada, Chile, Columbia, Ecuador, Finland, W. Germany, Greece, India, Italy, Malaysia, Mexico, Pakistan, Panama, Peru, Spain, Turkey, United States, Venezuela.

*Tax Benefits:* Argentina, Australia, Belgium, Brazil, Canada, Chile, Columbia, Denmark, Egypt, Finland, W. Germany, Greece, India, Indonesia, Ireland, Israel, Italy, Japan, Korea, Malaysia, Netherlands, Norway, Pakistan, Peru, Philippines, Spain, Sweden, Taiwan, United Kingdom, United States, Uruguay.

*Government Ownership:* Algeria, Argentina, Australia, Brazil, Chile, Egypt, Finland, Ghana, India, Indonesia, Ireland, Israel, Italy, Japan, Kuwait, Liberia, Malaysia, Mexico, Morocco, Netherlands, Pakistan, Peru, Philippines, Singapore, Spain, Taiwan, Thailand, Turkey, United Kingdom, Uruguay, Venezuela.

*Other:* Argentina, Australia, Belgium, Brazil, Canada, Columbia, Denmark, Finland, Germany, Greece, Italy, Israel, Japan, Korea, Mexico, Netherlands, Norway, Spain, Philippines, Peru, Singapore, Sweden, Taiwan, United Kingdom, United States, Venezuela.

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CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES

CONCLUDED AT GENEVA ON APRIL 6, 1974

Entry into force: October 6, 1983, in accordance with article 49(1).

Registration: October 6, 1983, No. 22380.

Text: TD/Code 11/Rev. 1 and Corr. 1 and depositary notification C.N. 1984.TREATIES-2 of May 1, 1984 (Process-verbal of rectification of the English and French authentic texts).

NOTE: Adopted by a Conference of plenipotentiaries which met at Geneva from November 12 to December 15, 1973 and from March 11 to April 6, 1974 under the auspices of the United Nations Conference on Trade and Development, in accordance with resolution 3035 (XXVII) of the General Assembly of the United Nations Dated on December 19, 1972. Open for signature from July 1 to June 30, 1975.

[1] A few countries, especially those in Latin America, have particularly strident cargo preference policies. As a result of these policies, these nations are listed in the trade barrier section as well.

| Participant | Signature | Definitive signature (*), Ratification, accession (*), acceptance (^), approval (^^) |
|---|---|---|
| Algeria | June 27, 1975 | |
| Bangladesh | | July 24, 1975.* |
| Barbados | | Oct. 29, 1980.* |
| Belgium | June 30, 1975 | |
| Benin | | Oct. 27, 1975.* |
| Brazil | June 23, 1975 | |
| Bulgaria | | July 12, 1979.* |
| Cameroon | | June 15, 1976.* |
| Cape Verde | | June 13, 1978.* |
| Central African Republic | | May 13, 1977.* |
| Chile | | June 25, 1975.* |
| China | | Sept. 23, 1980.* |
| Congo | | July 26, 1982.* |
| Costa Rica | May 15, 1975 | Oct. 27, 1978. |
| Cuba | | July 23, 1976.* |
| Czechoslovakia | June 30, 1975 | June 4, 1979.^^ |
| Ecuador | Oct. 22, 1974 | |
| Egypt | | Jan. 25, 1979.* |
| Ethiopa | June 19, 1975 | Sept. 1, 1978. |
| France | June 30, 1975 | |
| Gabon | Oct. 10, 1974 | June 5, 1978. |
| Gambia | | June 30, 1975.* |
| German Democratic Republic. | June 27, 1975 | July 9, 1979. |
| Germany, Federal Republic of. | June 30, 1975 | Apr. 6, 1983. |
| Ghana | May 14, 1975 | June 24, 1975. |
| Guatemala | Nov. 15, 1974 | Mar. 3, 1976. |
| Guinea | | Aug. 19, 1980.* |
| Guyana | | Jan. 7, 1980.* |
| Honduras | | June 12, 1979.* |
| India | June 27, 1975 | Feb. 14, 1978. |
| Indonesia | Feb. 5, 1975 | Jan 11, 1977. |
| Iran (Islamic Republic of). | Aug. 7, 1974 | |
| Iraq | | Oct. 25, 1978.* |
| Ivory Coast | May 1, 1975 | Feb. 17, 1977. |
| Jamaica | | July 20, 1982.* |
| Jordan | | Mar. 17, 1980.* |
| Kenya | | Feb. 27, 1978.* |
| Lebanon | | Apr. 30, 1982 |
| Madagascar | | Dec. 23, 1977.* |
| Malaysia | | Aug. 27, 1982. |
| Mali | | Mar. 15, 1978.* |
| Malta | May 15, 1975 | |
| Mauritius | | Sep. 16, 1980.* |
| Mexico | | May 6, 1976.* |
| Morocco | | Feb. 11, 1980.* |
| Netherlands | | Apr. 6, 1983.* |
| Niger | June 24, 1975 | Jan. 13, 1976. |
| Nigeria | | Sept. 10, 1975.* |
| Pakistan | | June 27, 1975.* |
| Peru | | Nov. 21, 1978.* |
| Philippines | Aug. 2, 1974 | Mar. 2, 1976. |
| Republic of Korea | | May 11, 1979.* |
| Romania | | Jan. 7, 1982.* |
| Senegal | June 30, 1975 | May 20, 1977. |
| Sierra Leone | | July 9, 1979.* |
| Sri Lanka | | June 30, 1975.* |
| Sudan | | Mar. 16, 1978.* |
| Togo | June 25, 1975 | Jan. 12, 1978. |
| Trinidad and Tobago | | Aug. 3, 1983.* |
| Tunisia | | Mar. 15, 1979.* |
| Turkey | June 30, 1975 | |
| USSR | June 27, 1975 | June 28, 1979^ |
| United Republic of Tanzania. | | Nov. 3, 1975.* |
| Uruguay | | July 9, 1979.* |
| Venezuela | | June 30, 1975.* |
| Yugoslavia | Dec. 17, 1974 | July 7, 1980. |
| Zaire | | July 25, 1977.* |

DECLARATIONS AND RESERVATIONS

(Unless otherwise indicated, the declarations and reservations were made upon definitive signature, ratification, accession, acceptance or approval.)

*Belgium*

*Upon signature:*

Under Belgian law, the Convention must be approved by the legislative chambers before it can be ratified.

In due course, the Belgian Government will submit this Convention to the legislative chambers for ratification, with the express reservation that its implementation should not be contrary to the commitments undertaken by Belgium under the Treaty of Rome establishing the European Economic Community and the OECD Code of Liberalization of invisible trade, and taking into account any reservations it may deem fit to make to the provisions of this Convention.

*Brazil*

*Upon signature:*

"In accordance with SUNAMAM's resolutions Nos. 3393, of 12/30/1972, and 4173, of 12/21/1972, which set up and structured the "Bureau de Estudos de Fretas Internacionais da SUNAMAM", and by which the "Superintendcia Nacional de Marinha Mercante (SUNAMAM)" has the authority to reject any proposal on freight rates put forward by Liner Conferences, the contents of article 14, paragraph 6, of that Convention do not conform to Brazilian Law."

*Bulgaria*

The Government of the People's Republic of Bulgaria considers that the definition of liner conference does not include joint bilateral lines operating on the basis of later-governmental agreements.

With regard to the text of point 2 of the annex to resolution I, adopted on April 6, 1974, the Government of the People's Republic of Bulgaria considers that the provisions of the Convention on a Code of Conduct for Liner Conferences do not cover the activities of non-conference shipping lines.

*China*

The joint shipping services established between the People's Republic of China and any other country through consultations and on a basis that the parties concerned may deem appropriate, are totally different from liner conferences in nature, and the provisions of the United Nations Convention on a Code of Conduct for Liner Conferences shall not be applicable thereto.

*Cuba*

*Reservation*

The Republic of Cuba enters a reservation concerning the provisions of article 2, paragraph 17, of the Convention, to the effect that Cuba will not apply said paragraph to goods carried by joint liner services for the carriage of any cargo, established in accordance with inter-governmental agreements, regardless of their orgin, their destination or the use for which they are intended.

*Declaration:*

With regard to the definitions in the first paragraph of part one, chapter I, the Republic of Cuba does not accept the inclusion in the concept of "Liner conference or conference" of joint liner services for the carriage of any type of cargo, established in accordance with inter-governmental agreements.

*Czechoslovakia*

*Upon signature:*

"The provisions of the Code of Conduct do not apply to joint line services established on the basis of inter-governmental agreements for serving the bilateral trade:

"Eventual one-sided regulation of the activity of non-conference lines by legislation of individual States would be considered incompatible on the part of the Czechoslovak Socialist Republic, with the main aims and principles of the Convention and would not be recognized as valid."

*France*

*Upon signature:*

Under the French Constitution, approval of the Convention is subject to authorization by Parliament.

It is understood that this approval is conditional upon compliance with the commitments undertaken by France under the Treaty of Rome establishing the European Economic Community and the Code of Liberalization of invisible trade of the Organization of Economic Co-operation and Development, taking into account any reservations which the French Government may deem fit to make to the provisions of this Convention.

*German Democratic Republic*

The German Democratic Republic declares that the provisions of the Convention on a Code of Conduct for Liner Conferences will not be applied to jointly operated lines established on the basis of inter-governmental agreements for the joint conduct of the bilateral exchange of goods between the respective states.

*Germany, Federal Republic of*

*Upon signature:*

"The Convention under the law of the Federal Republic of Germany, requires the approval of the legislative bodies for ratification. At the appropriate time, the Federal Republic of Germany will implement the Convention in conformity with its obligations under the Treaty of Rome establishing the European Economic Community as well as under the OECD Code of Liberalization of Current Invisible Operations."

*Upon ratification:*

*Declarations:*

1. For the purposes of the Code of Conduct, the term "national shipping line" may, in the case of a Member State of the European Economic Community, include any vessel operating shipping line established on the territory of such Member State in accordance with the EEC Treaty.

2. (a) Without prejudice to paragraph (b) [hereinafter], article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on the basis of reciprocity, between such States and other OECD countries which are parties to the Code.

(b) Paragraph (a) [above] shall not affect the opportunities for participation as third-country shipping lines in such trades, in accordance with the principles laid down in such trades, in accordance with the principles laid down in article 2 of the Code, of the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are:

(i) already members of a conference serving these trades; or

(ii) admitted to such a conference under article 1 (3) of the Code.

3. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the Member States of the Community or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

4. In trades to which article 3 of the Code of Conduct applies, the last sentence of that article is interpreted as meaning that:

(a) The two groups of national shipping lines will coordinate their positions before voting on matters concerning the trade between their two countries;

(b) this sentence applies solely to matters which the conference agreement identifies as requiring the assent of both groups of national shipping lines concerned, and not to all matters covered by the conference agreement.

5. The Government of the Federal Republic of Germany will not prevent non-conference shipping lines from operating as long as they compete with conferences on a commercial basis while adhering to the principle of fair competition, in accordance with the resolution on non-conference lines adopted by the Conference of Plenipotentiaries. It confirms its intention to act in accordance with the said resolution.

*India*

"In confirmation of paragraph (2) of the statement filed by the Representative of India on behalf of the Group of 77 on 8 April 1974 at the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences, it is the understanding of the Government of India that the inter-governmental shipping services established in accordance with inter-governmental agreements fall outside the purview of the Convention on the Code of Conduct for Liner Conferences regardless of the origin of the cargo, their destination or the use for which they are intended."

*Iraq*

The accession shall in no way signify recognition of Israel or entry into any relation therewith.

*Netherlands*

*[Same declarations, in essence, as those reproduced under "Germany, Federal Republic of", and made upon ratification.]*

*Peru*

The Government of Peru does not regard itself as being bound by the provisions of chapter II, article 2, paragraph 4, of the Convention.* * *

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FOUR COUNTRIES ACCEDE TO CODE OF CONDUCT FOR LINER CONFERENCES, FRANCE APPROVES

Four countries—Denmark, Norway, Sweden and the United Kingdom—have acceded to the Convention on a Code of Conduct for Liner Conferences. Their instruments of accession were received by the United Nations Office of Legal Affairs on 28 June. Also, France approved the Convention on 4 October.

The Convention was concluded at Geneva on 6 April 1974 by a Conference of Plenipotentiaries convened under the auspices of the United Nations Conference on Trade and Development (UNCTAD). It entered into force on 6 October 1983. The Convention brings about significant changes in the working arrangements of shipping conferences, which are associations of shipping lines active along particular trade routes. It provides for participation of national shipping lines in the trade carried by a particular conference between their countries, sets out criteria for determining freight rates, provides for stabilized freight rates, and sets up a system of mandatory international conciliation in certain types of disputes.

As of 4 October, the following 65 countries have expressed consent to be bound by the Convention: Bangladesh, Barbados, Benin, Bulgaria, Cameroon, Cape Verde, Central African Republic, Chile, China, Congo, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, Ethiopia, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Lebanon, Madagascar, Malaysia, Mali, Mauritius, Mexico, Morrocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Republic of Korea, Romania, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Sweden, Togo, Trinidad and Tobaggi, Tunisia, USSR, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia and Zaire.

FINLAND ACCEDES TO CODE OF CONDUCT FOR LINER CONFERENCES

Finland has acceded to the Convention on a Code of Conduct for Liner Conferences. Its instrument of accession was received by the United Nations Office of Legal Affairs on 31 December 1985.

The Convention was concluded at Geneva on 6 April 1974 by a Conference of Plenipotentiaries convened under the auspices of the United Nations Conference on Trade and Development (UNCTAD). It entered into force on 6 October 1983. The Convention brings about significant changes in the working arrangements of shipping conferences, which are associations of shipping lines active along particular trade routes. It provides for participation of national shipping lines in the trade carried by a particular conference between their countries, sets out criteria for determining freight rates, provides for stabilized freight rates, and sets up a system of mandatory international conciliation in certain types of disputes.

As of 31 December 1985, the following 66 countries have expressed consent to be bound by the Convention: Bangladesh, Barbados, Benin, Bulgaria, Cameroon, Cape Verde, Central African Republic, Chile, China, Congo, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Lebanon, Madagascar, Malaysia, Mali, Mauritius, Mexico, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Republic of Korea, Romania, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Sweden, Togo, Trinidad and Tobago, Tunisia, USSR, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia and Zaire.●

## ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Vermont [Mr. STAFFORD], the Senator from Arizona [Mr. DECONCINI], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 55

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 55, a bill to authorize the Lyman Jones and West River rural water development projects.

S. 83

At the request of Mr. JOHNSTON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. PELL], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. SASSER], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

S.182

At the request of Mr. RIEGLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 200

At the request of Mr. NICKLES, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1954 to repeal the windfall profit tax on crude oil.

S.232

At the request of Mr. WILSON, the names of the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

SENATE JOINT RESOLUTION 1

At the request of Mr. KENNEDY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], the Senator from Texas [Mr. BENTSEN], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. DECONCINI], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 10, a joint resolution disapproving and recommendations of the President relating to rates of certain officers and employees of the Federal Government.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution to encourage the Congress to ensure that sufficient funds are provided under title I of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981, to meet the needs of all eligible educationally disadvantaged students.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, February 3 and Thursday, February 5, 1987, 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of the Department of Energy's nuclear waste activities.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, January 20, and Wednesday, January 21, 1987, beginning at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking minority members on their fiscal year 1987 funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on x40278.

## ADDITIONAL STATEMENTS

### S. 20—THE GROUND WATER PROTECTION ACT OF 1987

● Mr. MOYNIHAN. Mr. President, the text of S. 20, the ground water protection bill I introduced on the first day of the 100th Congress, was inadvertently omitted from the CONGRESSIONAL RECORD last week. I ask that the text of the bill and my accompanying floor statement be printed in today's RECORD.

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

THE GROUND WATER PROTECTION ACT OF 1987

● Mr. MOYNIHAN. Mr. President, I rise with my distinguished chairman, Senator BURDICK, and members of the

Committee on Environment and Public Works, Senators MITCHELL, BAUCUS and LAUTENBERG in sponsoring The Ground Water Protection Act of 1987. I share my colleagues, hope that this bill will focus greater attention on ground water resources, a subject in which I have been interested for many years.

I first introduced the Sole Source Aquifer Protection Act, designed to protect underground sources for drinking water, in 1982. Many provisions of that aquifer protection bill are now incorporated in the Safe Drinking Water Act amendments, which, I am happy to report, was passed by the 99th Congress.

In addition to the Safe Drinking Water Act, a number of Federal laws affect ground water management, including the Clean Water Act, Superfund, and the Resource Conservation and Recovery Act [RCRA]. These laws overlay a complex of State statutes, which differ markedly in their treatments of ground water resources. The Ground Water Protection Act would define the role of Federal Government, in terms that will most help the States develop ground water strategies tailored to their individual needs. For example, many Eastern States have shallow aquifers with indistinct boundaries, while in the West, many States have deep and distinct aquifers. Some States rely heavily on ground water for drinking supplies, others less so.

On Long Island, 3 million New Yorkers rely on one aquifer for their drinking water, and this aquifer is now threatened by toxic chemicals. In Nassau County alone, 119 of 389 public wells have detectable levels of synthetic organic chemicals. These chemicals come from diverse sources—solvents from industries and residents' homes, pesticides from farms, nitrates from lawn fertilizers, and numerous chemicals which have leached from landfills. Officials of the State of New York and of Long Island have made significant progress in protecting this ground water resource. In 1978, the New York State Legislature stated that preventing the pollution of ground waters and protecting ground waters for use as potable water, would be the State's ground water quality goals, to guide the department of environmental conservation in establishing and updating water quality standards and classifications. Long Island has since been designated a sole source aquifer by the U.S. Envinronmental Protection Agency, and is developing a ground water management plan.

This bill would recognize that different States have different needs and find themselves at different stages in ground water planning and management. We have heard repeatedly from State officials, asking that EPA provide basic research into ground water contaminants, so States can determine how to classify their waters. Our bill would direct EPA to establish criteria for 100 contaminants and provide States with documents specifying the physical, chemical, biological and radiological properties of contaminants risk to human health at various concentrations in ground water. Our bill directs the EPA Administrator, whenever possible, to make use of research developed under other environmental statutes and cooperate with other agencies that hold toxicological data.

Armed with a common set of federally developed data, the States will set their own ambient ground water standards. In general, ambient ground water standards must be at least as stringent as those for drinking water in the Safe Drinking Water Act. But the States are free to designate "special ground water systems" with standards more or less stringent, depending on the use of the water and the threat to human health and the environment.

The bill also would require that States develop an assessment or inventory of ground water resources, in consultation with the U.S. Geological Survey. And finally, the Ground Water Protection Act would mandate that States develop management strategies to ensure Federal, State, and local coordination to protect ground water resources and guarantee compliance with State regulations.

This legislation would authorize $25 million a year for 3 fiscal years, on a 75-percent Federal, 25-percent State cost-sharing basis, for States to undertake ground water assessment. In addition, the bill would provide $50 million over 5 fiscal years, on a 50-percent matching basis, to assist States in setting States standards, developing State management strategies, and operating protection and monitoring programs.

I enthusiastically support this legislation, as a reasoned balance of Federal and State roles in ground water management. I urge my colleagues to support this bill.

As chairman of the Subcommittee on Water Resources, Transportation and Infrastructure, I will make national ground water legislation a priority for the 100th Congress. I am aware that there are different approaches to the task of protection of ground water. It is my hope that this bill will be a starting point for a bipartisan approach to ground water legislation. I, and my cosponsors welcome the advice and suggestions from other members of our committee, and from other Members of Congress.

I ask that the bill be printed in the RECORD at this point.

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

S. 20

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Ground Water Protection Act of 1987".

DECLARATION OF POLICY

SEC. 2. It is the policy of the United States to protect the quality of ground water resources for drinking and other uses.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Agency;

(2) the term "contaminant" means any man-made or natural physical, chemical, biological, or radiological substance or matter in ground water; and

(3) the term "State" means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

GROUND WATER QUALITY CRITERIA

SEC. 4. (a) ESTABLISHMENT OF CRITERIA.—(1) The Administrator shall establish criteria for ground water quality with respect to those contaminants found in ground water. Such criteria shall reflect the latest scientific knowledge on—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the association of the contaminant with various sources of ground water contamination; and

(C) existing and needed research relating to the contaminant.

(2) The criteria established under this subsection shall include an analysis of the risk posed by the contaminant to human health and the environment at various concentrations in ground water and with respect to various uses of the water. Such analysis for each contaminant shall include a comparison of the risks posed by such contaminant to risks posed by other ground water contaminants.

(b) FORMAT.—The Administrator shall establish and utilize a standard format for presentation of ground water criteria. The format shall be designed to facilitate State development of ground water quality standards under section 5. The format shall include a summary of the research and analysis of the contaminant which shall be understandable to public health professionals who lack training in toxicology.

(c) USE OF AVAILABLE DATA AND ADDITIONAL STUDIES.—(1) In establishing criteria under this section, the Administrator shall use, to the fullest extent practicable, any data or analysis developed, or planned to be developed, by the Agency for Toxic Substances and Disease Registry.

(2) In establishing the criteria under this section the Administrator shall consider criteria, data, and analyses developed pursuant to the Federal Water Pollution Control Act, title XIV of the Public Health Service Act (commonly referred to as the Safe Drinking Water Act), and the Toxic Substances Control Act.

(2) The Administrator shall establish criteria under this section for not less than 50 additional high priority contaminants within 30 months after the date of the enactment of this Act.

(3) The Administrator shall conduct studies to the extent necessary to establish crite-

ria under this section. Such studies may be conducted in conjunction with the Agency for Toxic Substances and Disease Registry. The Administrator may use the authorities of sections 4 and 8 of the Toxic Substances Control Act to gather data necessary to establish criteria under this section.

(d) TIMETABLE FOR ESTABLISHING CRITERIA.—(1) The Administrator shall establish criteria under this section for not less than 50 high priority contaminants within 18 months after the date of the enactment of this Act.

(3) The Administrator shall establish criteria under this section for additional contaminants on an ongoing basis and at a rate which is consistent with the needs of the States in developing ground water quality standards under section 5.

(e) ADVISORY PANEL.—(1) The Administrator shall, within 6 months after the date of the enactment of this Act, appoint a panel to advise him with respect to the implementation of this section, including (but not limited to) the contaminants for which criteria should be established, the rate at which the criteria should be established, and the quality and format of the criteria documents.

(2) The panel shall be chaired jointly by a senior official of the Environmental Protection Agency, to be selected by the Administrator, and a senior official of the Agency for Toxic Substances and Disease Registry, to be selected by the Secretary of Health and Human Services.

(3) The panel shall include not less than 5 representatives of State agencies involved with ground water protection, and representatives of other Federal agencies involved with ground water protection, as selected by the Administrator, with the concurrence of the Secretary of Health and Human Services.

(f) RESEARCH ACTIVITIES.—The Administrator shall provide for such additional research activities as he deems necessary to support the effective development and implementation of ground water standards and protection programs. The Administrator shall provide for effective coordination of ground water-related research within the Environmental Protection Agency and among other Federal agencies.

STATE GROUND WATER PROTECTION STANDARDS

SEC. 5. (a) AMBIENT GROUND WATER STANDARDS.—(1) Each State shall establish numerical standards for contaminants found in the ambient ground water. States may establish nondegradation standards for any contaminant or contaminants in the ambient ground water.

(2) Ambient ground water quality standards shall apply uniformly to all geographic areas in the State and all geological structures, unless the area or structure is designated by the State as a special ground water system under subsection (b).

(3) Ambient ground water quality standards shall, except as otherwise provided in subsection (b) for special ground water systems, be at least as stringent as the primary drinking water standard established under title XIV of the Public Health Service Act (commonly referred to as the Safe Drinking Water Act) for the particular contaminant (if such a standard has been established under such Act).

(b) STANDARDS FOR SPECIAL GROUND WATER SYSTEMS.—(1) The State may identify discrete and defined ground water systems within the State and establish special ground water quality standards for such systems.

(2) Special ground water systems may be defined, to the extent possible, by a specific geographic area or geologic structure. The definition of such system shall be a part of the standard.

(3) Standards for special ground water system may vary according to the specific use of the special ground water system. Such standards shall be numerical and shall be based on an assessment of the risks to human health and the environment inherent in such uses.

(4) Special ground water system may include geographic area or geologic structures associated with uses which may require more stringent standards than those established under subsection (a) (such as recharge of a valuable ecosystem) and uses which may require less stringent standards than those established under subsection (a) (such as agriculture, waste disposal, industrial processes, and mining).

(c) ESTABLISHMENT OF STANDARDS.—(1) In establishing standards under subsections (a) and (b), the State shall utilize the criteria established by the Administrator under section 4, and any other data which the State determines to be appropriate.

(2) The State shall establish standards under subsections (a) and (b) for the high priority contaminants for which the Administrator has established criteria under paragraphs (1) and (2) of section 4(d), unless the State determines that such contaminant is not found in such State, and may establish standards for any other contaminants found in the State.

(d) COMPLIANCE.—(1) In establishing standards under subsections (a) and (b), the State shall establish specific procedures and methods for determining compliance with such standards.

(2) The Administrator shall publish guidance and information describing procedures and methods for determining compliance with such standards within 12 months after the date of the enactment of this Act.

(e) TIMETABLE FOR ESTABLISHING STANDARDS.—(1) The State shall propose standards for ambient ground water and for any special systems for those contaminants for which criteria have been established under section 4(d)(1) within 30 months after the date of the enactment of this Act.

(2) The State shall propose standards for ambient ground water and for any special systems for those contaminants for which criteria have been established under section 4(d)(2) within 42 months after the date of the enactment of this Act.

(3) Any ground water standards proposed by the State shall be made available for comment to the Administrator and the public for a period of 6 months. The State shall establish final standards within 12 months after the close of such 6-month comment period.

(4) The State shall review, revise, if necessary, and expand, if appropriate, the standards established under this section not less often than every 3 years. Any proposed revisions or additions to State standards shall be made available for comment to the Administrator and the public for a period of 6 months.

(f) STATE STANDARDS TO APPLY UNDER FEDERAL PROGRAMS.—Any standard established by the State under this section shall apply as the standard of cleanup or control under any Federal program relating to protection of ground water, including (but not limited to) the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

GROUND WATER RESOURCE ASSESSMENT

SEC. 6. (a) REQUIREMENTS.—The State shall develop an assessment of ground water resources within such State. Such assessment shall—

(1) be sufficient to characterize ground water resources for management and protection purposes;

(2) provide a baseline for future monitoring of ground water;

(3) provide a basis for identification of special use ground water systems for purposes of section 5(b), and determination of contaminants present in such systems;

(4) focus on ground water quality, but may address ground water quantity if quantity will have a substantial impact on the design of programs to protect ground water quality; and

(5) be developed in consultation with the United States Geological Survey.

(b) TIMETABLE FOR ASSESSMENT.—(1) The Administrator and the Director of the United States Geological Survey shall, after consultation with the States, jointly issue guidance to the States describing the appropriate content and format for assessments under subsection (a) within 12 months after the date of the enactment of this Act.

(2) The State shall complete the assessment under subsection (a) within 30 months after the date of the enactment of this Act.

(3) Upon completion of the assessment under subsection (a), the State shall certify to the Administrator that such assessment meets the requirements of this section, and shall provide copies of the assessment to the Administrator and the Director of the United States Geological Survey.

GROUND WATER MANAGEMENT STRATEGY

SEC. 7.(a) REQUIREMENTS.—The State shall develop a management strategy with respect to ground water resources within such State. Such management strategy shall—

(1) identify a lead agency and provide an institutional framework for protection of ground water quality;

(2) identify major sources of ground water contamination and the contaminants associated with each such source;

(3) assure coordination among Federal, State, and local agencies involved in ground water protection; and

(4) assure coordination of ground water protection programs with surface water protection programs and with the activities of public water supply systems.

(b) TIMETABLE FOR MANAGEMENT STRATEGY.—(1) The State shall complete the development of an initial ground water management strategy under subsection (a) within 24 months after the date of the enactment of this Act.

(2) Upon completion of such strategy development, the State shall certify to the Administrator that such strategy meets the requirements of this section, and shall provide a description of the strategy to the Administrator.

(3) The State shall annually review and, if necessary, revise the management strategy to reflect any relevant change in conditions, and shall provide a description of any revised strategy to the Administrator.

GROUND WATER MONITORING

SEC. 8. (a) REQUIREMENTS.—The State shall establish a program of monitoring with respect to ground water resources within such State. Such monitoring program shall—

(1) be capable of assessing compliance with the standards established by the State

under section 5, including standards for special systems established under section 5(b);

(2) be designed to provide periodic assessments of ground water quality trends and to identify emerging or future ground water contaminants and contaminant sources;

(3) establish the institutional and agency responsibilities for monitoring; and

(4) establish the methods and procedures for monitoring.

(b) TIMETABLE FOR MONITORING PROGRAM.—(1) The Administrator and the Director of the United States Geological Survey shall jointly prepare a report to Congress evaluating alternative designs for a national ground water quality data management system within 18 months after the date of the enactment of this Act.

(2) The Administrator and the Director of the United States Geological Survey shall jointly, and in consultation with the States, prepare a guidance document for use by States in developing ground water monitoring programs under subsection (a) within 24 months after the date of the enactment of this Act.

(3) The State shall establish a ground water monitoring program under subsection (a) within 36 months after the date of the enactment of this Act.

(4) Upon the establishment of such program, the State shall certify to the Administrator that such program meets the requirements of this section, and shall provide a description of such program to the Administrator and to the Director of the United States Geological Survey.

(c) REPORTS ON GROUND WATER QUALITY.—(1) The State shall submit to the Administrator a report which provides a summary of ground water quality and trends in the State, and which describes the status of compliance with the standards established under section 5, including the standards for special systems established under section 5(b), within 30 months after the date of the enactment of this Act, and biennially thereafter. The State may use the ground water resource assessment submitted under section 6 in lieu of the first report otherwise required under this subsection.

(2) The Administrator may establish reasonable requirements regarding the content and format of reports required under paragraph (1) in order to assure compatability of data at the national level.

GROUND WATER PROTECTION PROGRAM

SEC. 9. (a) REQUIREMENTS.—(1) The State shall establish a ground water protection program which is capable of assuring compliance with the State ground water standards established under section 5.

(2) The State ground water protection program shall include individual elements addressing each source of ground water contamination identified in the management strategy pursuant to section 7(a)(2).

(3) The State ground water protection program shall include program elements addressing the following sources of ground water contamination that are of national concern:

(A) solid waste disposal;

(B) hazardous waste disposal;

(C) underground storage tanks and pipes;

(D) subsurface sewage disposal;

(E) pesticide use; and

(F) underground injection.

States shall, to the extent practicable, review and assess the interactive effects of such sources.

(4) The State may waive the requirement to develop ground water protection program elements identified in paragraph (3) by an affirmative demonstration to the Administrator that the source of contamination is not significant in that State and that ground water quality standards may be attained without establishment of a program for the identified source of contamination.

(5) The State ground water protection program may include programs established under other Federal laws, including the Solid Waste Disposal Act, title XIV of the Public Health Service Act (commonly referred to as the Safe Drinking Water Act), the Federal Insecticide, Fungicide, and Rodenticide Act, and the Federal Water Pollution Control Act.

(6) The ground water protection program elements may utilize regulations, voluntary controls, education, and any other measures which the State deems necessary and appropriate to assure compliance with ground water standards pursuant to section 5.

(7) The Administrator shall, after consultation with the States, provide States with guidance concerning the design, structure, and format of State ground water protection programs within 12 months after the date of the enactment of this Act.

(b) TIMETABLE FOR ESTABLISHING PROTECTION PROGRAM.—(1) The State shall propose a ground water protection program addressing sources of contamination identified in section 7(a)(2) within 36 months after the date of the enactment of this Act.

(2) The State shall propose a ground water protection program addressing sources of contamination identified in section 9(a)(3) within 48 months after the date of the enactment of this Act.

(3) Proposed ground water protection plans shall be made available for comment to the Administrator and the public for a period of 6 months. The State shall establish a final ground water protection program within 6 months after the close of the 6-month comment period.

(4) The State shall annually review and, if necessary, revise the final ground water protection program to reflect any relevant change in conditions, and shall provide a description of any such revision to the Administrator.

(c) EPA ASSESSMENT OF STATE PROGRAM.—The Administrator may conduct an assessment of a State program (or any program element thereof) developed under this section if the Administrator has reason to believe that the State program (or element) does not comply with the requirements of this section. Such assessment may include public hearings. The Administrator shall report the results of any such assessment, together with recommendations for needed actions, to the State within 6 months after initiating such assessment.

GRANTS TO STATES

SEC. 10. (a) GRANTS FOR GROUND WATER RESOURCE ASSESSMENTS.—(1) The Director of the United States Geological Survey shall make grants to States for the purpose of assisting the States in carrying out ground water resource assessments under section 6.

(2) There are authorized to be appropriated for grants under this subsection $25,000,000 for each of the first 3 fiscal years beginning after the date of the enactment of this Act.

(3) The amount appropriated for each such fiscal year for grants under this subsection shall be apportioned among the States by the Director on the basis of the geographic area of the State, the percentage of the population of the State relying on ground water for drinking water, and the need for development of ground water resource data in the State.

(4) Grants made under this subsection shall not exceed 75 percent of the costs of implementing the assessment in any fiscal year, and shall be made on the condition that non-Federal sources provide at least 25 percent of the costs of the activities receiving funding under this section.

(b) GRANTS FOR PLANNING AND PROGRAM MANAGEMENT.—(1) The Administrator shall make grants to States for the purpose of assisting the States in the implementation of sections 5, 7, 8, and 9 of this Act.

(2) There are authorized to be appropriated for grants under this subsection $50,000,000 for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(3) The amount appropriated for each such fiscal year for grants under this subsection shall be apportioned among the States by the Administrator on the basis of the geographic area of the State, the percentage of the population relying on ground water for drinking water, and the extent and seriousness of ground water contamination in such State. The Administrator shall establish a minimum grant amount in order to assure that each State has sufficient grant assistance to develop an adequate ground water program.

(4) Grants made under this subsection must be matched by the State on a dollar-for-dollar basis with State funds to be used in carrying out sections 5, 7, 8, and 9.

(c) LIMITATIONS ON GRANTS.—(1) States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

(2) No grant shall be made to a State under this section unless the Administrator determines, on the basis of information provided by the State and from other relevant sources, that the State is implementing the provisions of this Act satisfactorily.

(3) The Administrator may request such information, data, and reports as he may deem necessary to make the determination of continuing eligibility for grants under this section.

GENERAL AUTHORIZATION

SEC. 11. (a) GRANTS.—There are authorized to be appropriated for grants under section 10—

(1) $75,000,000 for each of the first 3 fiscal years beginning after the date of the enactment of this Act; and

(2) $50,000,000 for each of the following 2 fiscal years.

(b) ADMINISTRATIVE COSTS.—There are authorized to be appropriated for administrative costs of implementing this Act $25,000,000 for each of the first 5 fiscal years beginning after the date of the enactment of this Act.●

## JAMES L. BELZ

● Mr. DIXON. Mr. President, today I rise to pay tribute to and congratulate Mr. James L. Belz, the athletic director of Griffin High School in Springfield, IL, as he leaves to become a full-time scout of the St. Louis Cardinals.

On January 15, Jim Belz will be honored at a special dinner in Springfield for a tremendous 29 years of dedication and service, not only to Griffin

High School, but the entire community of Springfield, IL.

Jim was more than just an educator and successful coach. He was a man who gave of his energy, time, hopes, and dreams to the youth of our capitol city.

As a former major league baseball player, Jim learned firsthand the need for hard work and total commitment if one is to be successful in life. As a teacher and athletic director, he instilled this sense of pride and dedication to the many boys that passed through Griffin's halls.

Even though Jim is leaving Griffin High School, he will never be forgotten by the students, parents, and many friends he has made throughout the State of Illinois.●

## IN MEMORY OF ROBERT OSGOOD

● Mr. SARBANES. Mr. President, it is with great sorrow that I note the passing on December 28 of Robert E. Osgood, professor and former dean of the Johns Hopkins University School of Advanced International Studies here in Washington. Dr. Osgood was not only a highly respected political scientist; he was, as the New York Times commented so thoughtfully, a "humanist, professor, policy maker, original thinker, gentle man [who] left everyone he touched better off." His death will be a great loss to all of us.

I would like to extend my deepest sympathies to Dr. Osgood's family and loved ones, and ask that the following articles be reprinted in the RECORD.

The articles follow:

[From the New York Times, Dec. 31, 1986]

PASSION FOR RESTRAINT

Robert Osgood, who died Monday at 65, was a teacher to teachers and a guide to foreign-policy makers. Humanist, professor, policy maker, original thinker, gentle man, he left everyone he touched better off.

A theme he developed over the years was a passion for restraint, a suspicion of unguided power. In 1957, in a book entitled "Limited War," he defended President Truman's measured approach to the Korean War: "It is sheer bellicosity to regard the pursuit of total destruction in the name of universal principles as being on a higher moral plane than the deliberate restraint and control of force for moderate political ends."

Then, in 1962, he defended American participation in NATO with a call for the alliance both to develop a military posture to "defend free peoples without obliterating them" and to cultivate "a broader entanglement for the purpose of a protracted peace."

Two warnings stand out from his book "Ideals and Self-Interest in America's Foreign Relations." "Self-deception and self-righteousness," he wrote, "reign supreme in matters of international morality, and Americans are by no means immune." And "Thus under the stress of 'cold war' America's moral fervor could become little more than a thin rationalization of a self-defeating preoccupation with American security."

His professional colleagues and his cohorts from government service will miss his wise counsel on the limits of man and war.

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[From the Baltimore Sun, Dec. 31, 1986]

ROBERT E. OSGOOD DIES, WAS DEAN AT HOPKINS

Services for Robert E. Osgood, professor and former dean of the John Hopkins University School of Advanced International Studies, will be held at 11 a.m. Saturday at the Bethlehem Chapel of the Washington Episcopal Cathedral. Wisconsin and Massachusetts avenues, Washington.

Dr. Osgood, who was 65 and lived in Chevy Chase, died Sunday at Sibley Memorial Hospital following a heart attack.

Born in St. Louis, Dr. Osgood received his bachelor's degree in political science from Harvard University in 1943. He served in the U.S. Army during World War II and, after receiving his discharge in 1946, returned to Harvard for further study and earned a Ph.D. in political science in 1952.

He went to the University of Chicago in 1952 and conducted research on foreign policy issues and national security. In 1956, he began his teaching career, not only conducting classes at the University of Chicago, but also teaching at the Navy War College in 1955, the Salzburg Seminar in Austria during the winters of 1957 and 1961, and the Universtiy of Manchester in England in the spring of 1959.

In 1961, Dr. Osgood came to Johns Hopkins University as a research associate at the Center for Foreign Policy Research. Three years later, in 1964, he was appointed associate director. He became the director in 1965 and held the post for eight years, except for a brief leave of absence when he worked in the Nixon White House as a senior staff member of the National Security Council.

In 1973, Dr. Osgood was named dean of the School of Advanced International Studies and served in this capacity until 1979, when the returned to research and teaching American policy.

At the time of his death, Dr. Osgood was the co-director, of the school's Security Studies Program, which dealt mainly with U.S national security. Dr. Osgood was a member of the Council on Foreign Relations, the International Institute for Strategic Studies and the Atlantic Council of the United States. He was also the author of 12 books on U.S. foreign policy and national security.

He is survived by his wife of 40 years, the former Gretchen Anderson of Chevy Chase, and a sister, Eleanor Chessman of Granville, Ohio.

The family asks that memorial contributions be made to the Robert E. Osgood Fund, Johns Hopkins University, School of Advanced International Studies, 1740 Massachusetts Ave. N.W., Washington, D.C. 20036.

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[From the Washington Post, Dec. 30, 1986]

ROBERT OSGOOD, EXPERT ON FOREIGN POLICY, DIES

Robert E. Osgood, 65, a professor and former dean at the Johns Hopkins University's School of Advanced International Studies who served on the National Security Council staff from 1969 to 1970, died Dec. 28 at Sibley Memorial Hospital after a heart attack. He lived in Chevy Chase.

SAIS is a Johns Hopkins University graduate school in Washington where foreign policy questions and related issues are suited. Dr. Osgood had been Christian A. Herter Professor of American Foreign Policy at SAIS since joining the school in 1961 and was the school's dean from 1973 to 1979.

From 1965 to 1973, he was director of the Washington Center of Foreign Policy Research. He also was codirector of the university's security studies program.

An authority on the interrelation of arms and foreign policy, Dr. Osgood spent a year on the staff of the National Security Council under Henry A. Kissinger during the Nixon administration. He was director of the NSC Planning Group when he resigned in 1970.

Dr. Osgood was a member of the International Institute for Strategic Studies, the Council on Foreign Relations and the Atlantic Council of the United States. He had been a consultant and lecturer at the Naval War College in Newport, R.I., and he had been a NATO visiting professor at the University of Manchester in England. He was the author or coauthor of more than a dozen books.

Dr. Osgood was born in St. Louis. He served in the Army during World War II. He earned bachelor's and doctoral degrees at Harvard University. Before coming to Washington, he was a professor of political science at the University of Chicago, where he taught from 1956 to 1961.

Survivors include wife, Gretchen Anderson Osgood of Chevy Chase, and one sister, Eleanor Chessman of Granville, Ohio.●

## PUBLIC FUNDING OF ABORTION IS NOT ECONOMICALLY SOUND POLICY

● Mr. HUMPHREY. Mr. President, in a few short months Congress will have the opportunity to again retain the 11-year Hyde amendment restriction on the use of Federal Medicaid funds for abortion. I am confident that my colleagues will support the passage of the Hyde amendment and ensure that Federal moneys will not be used to destroy innocent prenatal human life.

A number of arguments are raised in opposition to the policy of denying Medicaid reimbursements for abortion costs. One such argument is that eliminating funding for abortion will cause our welfare rolls to swell, ultimately costing the American taxpayer more in public assistance than the abortion itself would cost.

I will avoid commenting on the crass and uncaring nature of this argument, and its reduction of an intensely debated moral issue to a simple issue of cost. But I ask to insert a convincing article by Jacqueline R. Kasun which appeared in the December 30, 1986, issue of the Wall Street Journal, and which concludes that in fact public funding of abortion is not economically sound policy.

The article follows:

CUTOFF OF ABORTION FUNDS DOESN'T DELIVER WELFARE BABIES

(By Jacqueline R. Kasun)

The abortion-funding debate is once more in the news, with referendums designed to end state funding of abortions defeated in

Massachusetts, Oregon and Arkansas. But as debaters well know, plausibility and truth are not synonymous.

Proponents of public funding may have aided themselves in carrying the day with the argument that abortion prevents the birth of children who would become dependent on public assistance, and they offer estimates of the alleged savings thus achieved. Unfortunately, public funding's champions do not present the whole picture. With funding cut off, abortions decrease, but births decrease as well:

OUTCOME OF 3-MO. PREGNANCIES, FEBRUARY TO JULY

| | 1977 | 1978 |
|---|---|---|
| OHIO | | |
| Number induced abortions | 3,958 | 2,591 |
| Number live births (August to January) | 6,156 | 5,932 |
| Estimated number of miscarriages | 543 | 523 |
| Total pregnancies | 10,657 | 9,046 |
| GEORGIA | | |
| Number induced abortions | 1,474 | 1,164 |
| Number live births (August to January) | 6,854 | 6,829 |
| Estimated number of miscarriages | 604 | 602 |
| Total pregnancies | 8,932 | 8,595 |

The figures above are gleaned from a careful study, published in the May, June 1980 issue of the Guttmacher Institute's Family Planning Perspectives, of what happened in three states after the passage of the Hyde Amendment, which eliminated most federal funding of abortion. One of the states, Michigan, continued to pay with state funds for poor women's abortions. The other two, Ohio and Georgia, did not. Birth and abortion records of Medicaid-eligible women for all three states were studied and compared for a six-month period of 1977 (before Hyde) and a comparable period of 1978 (after Hyde).

Indeed, there was a reduction in abortions in Ohio and Georgia, apparently resulting from the cutoff of public funds. So what is to account for the decrease in births? Conceptions decreased. The decrease amounted to 4% in Georgia and a hefty 15% in Ohio. Remember that these figures come from a careful counting of birth and abortion records kept for Medicaid-eligible women in both states.

The evidence would seem to be conclusive, but it is ignored or selectively cited. As a case in point, this year Oregon's secretary of state insisted that the anti-funding ballot also contain the message that the measure would cost the state $2.4 million a year, because each abortion not paid for by the state would be replaced by the live birth of a welfare-dependent child.

Prior to making this estimate, the secretary of state had received a memorandum from Planned Parenthood estimating that only 20% of the abortions not funded by the state would end up as live births and that the other 80% would be paid for by the women themselves. That number. too, was erroneous, but not as wide of the mark as the secretary of state's.

The Planned Parenthood estimate, while based on the study cited above, used only part of the study's data. As would be expected, there was little change between the six-month periods in 1977 and 1978 in the number of abortions performed on poor women in Michigan, where state support replaced federal funding. In Georgia and Ohio, where government funding ceased, the number of abortions performed on Medicaid-eligible women declined by 21% and 35%, respectively. On the basis of these figures, together with the number of live births, the authors of the study estimated that, if the same proportion of pregnancies had been aborted in 1978 as in 1977, there would have been about 20% more abortions in both states. The next small step might seem to be obvious—that is, to conclude that the unfunded 20% of abortions must have resulted in live births. Following this reasoning, a Guttmacher Institute study of the "Public Benefits and Costs of Government Funding for Abortion," published in the May/June 1986 issue of Family Planning Perspectives, did use this apparently reasonable assumption as the basis of its cost estimates, concluding that "for every tax dollar spent to pay for abortions for poor women, about four dollars is saved in public medical and welfare expenditures."

Planned Parenthood and its former affiliate, the Guttmacher Institute (both strong advocates of public funding), are correct: Federal abortions occur when public funding for abortions is cut off. But what the statements by these agencies omit is the most interesting and significant effect: Though abortions decline, births do not increase, and therefore public assistance cannot increase, because people take steps to reduce conceptions.

This fact, though contrary to certain stereotypes of human response enshrined by the social-welfare establishment, is in perfect harmony with elementary principles of economic behavior. Faced with a price for a formerly "free good," such as an abortion, consumers turn to a less costly substitute—in this case, apparently to the prevention of pregnancy. This substitution effect, familiar to economists, has shown up in other studies of abortion. In Denmark, after abortion became more liberally available, sales of contraceptives declined sharply as rates of abortion and pregnancy rose, while the birth rate rose briefly and then resumed its long-run decline.

In her studies of American women. Kristin Luker found that the knowledge that "I can always get an abortion" played an important role in the decision to risk getting pregnant. In Minnesota a law requiring parents to be notified of minors' abortions (another way of imposing a higher "price" for the service) was followed by dramatic reductions in pregnancies, abortions and births among teenagers.

The evidence blows apart the economic arguments for public funding of abortion. Government-funded abortion provides no "cost savings" to the public. Rather, the evidence shows that people respond to its availability at public expense by using it in place of other means of birth control and that they adapt to its non-availability at public expense by using other means of limiting births.●

## SOLIDARITY WITH UKRAINIAN POLITICAL PRISONERS

● Mr. LAUTENBERG. Mr. President, today Ukrainian communities in America will join together to show support for political prisoners in the Ukraine. Ukrainian Americans have set aside this day to honor these brave men and women forced to endure the hardships of Soviet prisons, labor camps, and internal exile for their commitment to human rights and personal freedoms. I join these communities in expressing solidarity with these courageous individuals.

It is fitting that January 12 has been observed as a day of solidarity with Ukrainian political prisoners. On this day in 1974, an imprisoned Ukrainian journalist, Vyacheslav Chernovil, embarked on a hunger strike to commemorate the 1972 mass arrests of more than 100 Ukrainian intellectuals. Since then, January 12 has evolved into a symbol of Ukrainians' pursuit of freedom. It has served as a reminder of Ukrainians' struggle for human, political, and religious freedoms, and of the courage and tenacity of those involved in the struggle.

Many Ukrainians have been locked in Soviet prisons for their participation in the Ukrainian Helsinki Monitoring Group. This group of private citizens, formed in 1976 when the Soviet Union signed the Helsinki Final Act, has continually sought to monitor Soviet compliance with that document. Members of the group have submitted documentation of human rights abuses to the Belgrade and Madrid Helsinki Review Conferences, and they have written letters, appeals, and statements to the Soviet Government, other governments, international organizations, and human rights groups protesting Soviet violations of the Helsinki accords. They have tirelessly sought to hold the Soviet Union responsible for the rights it guaranteed all Soviet citizens when they signed the Helsinki accords—fundamental rights like freedom of thought, conscience, religion, or belief, and the right to live with family and loved ones.

But the work of the Ukrainian Helsinki Monitoring Group has embarrassed the Soviets. And for this, the Soviets have sought to silence them and quell their pursuit of political, religious, and cultural freedoms. By locking them up in prison cells, the Soviets hope to break their spirit and kill their passion for and commitment to human rights.

For this unrelenting dedication, Ukrainian human rights activists languish in prison under deteriorating conditions. Four members have died in prison camp as a result of deliberate maltreatment since May 1984. And other members of the group continue to serve sentences under wretched conditions in prisons, labor camps, and internal exile—courageous individuals like Mykola Horabl, Vitallly Kalynychenko, Ivan Kandyba, Yaroslav Lesiv, Lev Lukianenko, Myroslav Marynovych, Mykola Matusevych, Mart Niklus, Vasyl Ovienko, Viktoras Petkus, Oksana Popovych, Mykola Rudenko, Yuri Shukhevych, Danylo Shmuk, Vasyl Striltsiv, and Yosyf Zisels.

But other Ukrainian citizens have suffered as well and have been singled out for severe treatment by Soviet authorities. Although Ukrainians ac-

count for only 20 percent of the Soviet population, they represent 40 percent of all political prisoners: of 837 known political prisoners in the Soviet Union, 254 are Ukrainians. More than half of these individuals are serving sentences of 15 years or more. Another 55 will not be released until 1999. And, more than 10 have already served some 25 to 40 years in prison to date.

The efforts of these individuals are part of an ongoing Ukrainian struggle for independence and self-determination. Ukrainians sought freedom from the Soviets in the 1920's, and they fought Nazi and Soviet domination during World War II. Still, some 40 million Ukrainians continue fighting for the fundamental human rights guaranteed in the Helsinki Final Act and other international agreements.

Today we join in solidarity with Ukrainian political prisoners, renewing our commitment to their valiant struggle for individual freedom and human dignity. We must continue to oppose Soviet violations of basic human rights today and every day. And we must work to ensure that the plight of Ukrainian political prisoners is known in every international community. We must tell the world what the Soviet Union will not allow these political prisoners to say. The Soviets have silenced Ukrainian political prisoners, but they cannot silence us. Our voice must be theirs, and their struggle must continue to be ours.●

## JESSE M. ALBER—WINNER OF NFO'S ANNUAL ESSAY CONTEST

● Mr. ZORINSKY. Mr. President, the future of American agriculture ultimately is in the hands of the young. And if Jesse Alber of Blue Hill, NE, is any indication, we need not worry about the next generation of farmers at all.

A 17-year-old senior at Blue Hill Public Schools, Jesse is the winner of the annual National Farmers Organization Partners in Agriculture essay contest. He is an articulate and thoughtful young man who has maintained a 3.5 grade average while holding several farm-related jobs and participating in numerous extracurricular activities. He is looking forward to attending the University of Nebraska next fall and majoring in an agriculture-related subject.

As winner of the NFO essay contest, Jesse received a $1,000 college scholarship at the group's 31st annual convention last month in Nashville. His essay looks at today's farm crisis and the hope for improvement offered by bargaining collectively for better prices.

"All farmers are caught in a flood today as they battle to survive the high waters of the agricultural crisis," he writes. He concludes that collective bargaining offers great promise but that it can only succeed with the active participation of individual farmers. "They must unite their efforts," he says "to preserve the backbone of America—The Family Farm."

Mr. President, that is what the National Farmers Organization is all about. For more than three decades, NFO has worked hard to unite farmers and bargain effectively on their behalf. The group deserves our thanks for its efforts, for holding its annual essay contest and for selecting Jesse Alber as its contest winner this year.

I commend Jesse's essay to my colleagues and ask that it be printed in the RECORD at this point.

The essay follows:

NECESSITY THE MOTHER OF INVENTION: WHY COLLECTIVE BARGAINING FOR AGRICULTURE?

(By Jesse M. Alber)

Once long ago, in a valley not so far away, there lived a farmer named Charles. One day the area was being evacuated because of a flood. The townspeople came in a bus, but the farmer declined to leave his home saying, "I'm a good Christian, the Lord will save me." The water continued to rise to the farmer's upstairs window and a boat came by to rescue the farmer. Again he declined, saying, "I'm a good Christian, the Lord will save me." As water was climbing up to the farmer's toes, as he was standing on the chimney, a helicopter came over and a voice on a loud speaker yelled, "Charlie, grab the rope!!" but again Charles declined. The farmer drowned and when he went to heaven he asked God why he had not saved him. The Lord simply replied: "I help those who help themselves. I sent you a bus, a boat and a helicopter and you would not get on. You refused the help I sent."

The moral of that story is that poor Charles wouldn't do anything to save himself. He could have helped himself by grabbing ahold and going forward to the solution. His solution was right there.

All farmers are caught in a flood today as they battle to survive the high waters of the agricultural crisis. But many are like our friend Charles, too stubborn to reach out and grab the solution that is within their grasp. Instead we see them as they grapple and say, "I'm a good farmer, the markets will spare me." These farmers, like Charles, also go under and end up asking, "Why wasn't I saved?" And we must give them the same simple answer. "You must help yourself."

Eight or ten thousand years ago man invented agriculture and by so doing he entered upon a more secure living. That first man, back somewhere behind the mist of prehistory, who consciously planted seed and nurtured the sprouts to harvest made the highest contribution to the future of his kind. Since that time man has continually improved nearly every aspect of agriculture. What he has neglected is marketing. For centuries the farmers most common phrase in the marketplace has been "What will you give me?" As necessity forced farmers to improve their mechanization, hybridization, conservation, livestock feeding and other aspects of agriculture it now forces them to improve their system of marketing.

In the past the marketing system of supply and demand worked because there was as much or more demand for the product as there was supply, so prices became favorable. But as farmers became more efficient in production they would sell only what they had to in order to pay their bills, while holding the rest, waiting for the price to rise. Their efficiency even produced a carryover for a short time in the early 70's. The buyers, needing the commodities which the farmers were holding for a better price came up with a way to manipulate the markets to control the prices of the farmers production. They lowered the price so that the farmer had to sell more to pay his bills; they labeled the farmers products "surplus." Currently there is no surplus, but buyers find it more profitable to label commodities as surplus and thereby keep prices low.

So again we come to the agricultural crisis and the necessity for an effective marketing invention. Besides being efficient managers, today's farmers need to become businessmen and promote a marketing system that gives a farmer a fair profit. Today's marketing system is no longer dependable. The buyers have joined together to control their side of the market and manipulate commodity prices. The only way to fight this is with collective bargaining.

Forward thinking farmers in 1922 recognized the necessity to collectively work together to provide them with muscle at the marketplace. The solution was invented in the Capper-Volstead Act. The rope thrown out to them was collective bargaining. Collective bargaining is an effective way for farmers to extract a fair price from buyers and processors of raw farm materials. Collective bargaining is based on the Capper-Volstead Act of 1922. The Act simply gives farmers the privilege of organizing for the purpose of pricing their products at the farm gate and the right to collectively withhold their products from the market if they are holding for a price and are willing to sell when that price is offered.

Agriculture is the biggest single industry in the world, yet in the aspect of collective bargaining the American farmer is the most unorganized group of businessmen ever to exist. The farmers' individual options to market his products have completely run out. They must organize to stop this needless downside in farm income. Organization of farm groups and individuals in the marketplace is the only long-range solution to this crisis in rural America.

The ag crisis continues to threaten the existence of family farms. Human nature, being what it is, man devotes himself most diligently to the developing of that which is his. Therefore, a farmer works harder on his own farm to make the family farm the most efficient of all farm commodity producers.

Harison Fairfax, a colonial Virginian farmer, compares the family farm with a corporate farm in these words translated from a Roman orator. "When you inspect the farm, look to see how many wine presses and storage vats there are. Where there are none of these, you can guess what the harvest is. On the other hand, it is not the number of farm implements but what is done with them that counts. Where you find few tools, it is not an expensive farm to operate but know that with a farmer, as with a man, however productive it may be, if it has the spending habit, not much will be left over." Corporate farms have the spending habit.

Who will own the land? Only the farmers who are on the land now can answer that. They will either protect private ownership by direct action, both economical and political, or they will forfeit private ownership to

corporate ownership by continuing to declare their independence and doing nothing.

During the times of America colonization many individuals immigrated from foreign countries in the hopes that they could get out from under a government or corporate controlled land ownership and have a chance to run their own farm on their own land. Thus the family farm became an American symbol and now must be defended in an American way. Each farmer is a capitalist working to improve himself and his conditions. With collective bargaining the farm economy becomes a democracy with individuals working to help the whole group receive a fair price in the marketplace.

Does such a group exist? The rope that was offered to Charles came from the helicopter. Where does collective bargaining come from? If Charles were to grab our rope of collective bargaining, he would find himself in the helicopter of the National Farmers Organization. The NFO was established in the late 50's under the ideas of collective bargaining and the Capper-Volstead Act. The NFO attempted to organize farmers and get them into a position to hold their products on the farm until the marketing system or food pipeline ran dry in a few days. Then the buyers would come to the farms to purchase commodities. At that point the farmers would refer the buyers to the headquarters of the NFO where bargaining agents would negotiate for all members. Before the sale would be final the contract would be subject to a vote of all affected members. Effective . . . Efficient . . . and Fair!!!

Today's NFO is more than collective bargaining at the marketplace. The NFO also works to join farmers emotionally and politically while dealing as a source of supply for agricultural commodities. They also work to contract commodities, offer assurance of payment to their membership, and influence prices by influencing the supply of commodities. In short, the NFO helps the farmers play the agricultural game which previously has been manipulated by buyers and speculators.

Collective bargaining is the solution but without an active membership it can accomplish nothing. So the plight of the farmer rests in his own hands.

Necessity: The Mother of Invention—Why Collective Bargaining for Agriculture? We have seen the necessity to improve our marketing, we have seen the solution to our problem, but we have not seen enough farmers accept the solution.

The final step remains the farmers. They must unite their efforts to preserve the backbone of America—The Family Farm. What will they do? What will You do? Are you like Charles? Will you go under?●

## THE TRADE DEFICIT

● Mr. SIMON. Mr. President, the other day I read a column by Don C. Becker, the president and publisher of the Journal of Commerce on the trade deficit.

No one I know wants to move toward a protectionist war. No one I know wants to deprive the genuinely poor nations of the world, like Bangladesh and Mauritania, of an opportunity to sell their products or giving those countries a special break.

But we do believe that we need more common sense in the whole trade area.

That's what Don Becker calls for in his column. Precisely how we handle the problems, I'm not sure. But I believe the problem must be addressed, and I believe under the leadership of Senator LLOYD BENTSEN, our colleague from Texas, that a sound proposal can emerge.

I urge my colleagues to read the Don Becker column, which I submit for the RECORD.

The material follows:

HOW TO SOLVE THE TRADE DEFICIT

(By Don C. Becker)

How do we solve the trade deficit?

The best, fairest suggestion I've heard of is for the United States to limit imports to a percentage of exports.

To illustrate, the formula could stipulate that if country "A" sells the United States $100 million worth of goods, they would have to buy $80 million in return. In the abstract, that seems reasonable and simple. In actual practice it no doubt would be exasperatingly complex to implement and a wrenching blow to certain of our trading partners.

For example, Japan this year is expected to sell $83 billion worth of goods to the United States while only buying $26 billion in return. Obviously, Japan, if it wanted to continue to export $83 billion in goods under the 80/100 proposal, would have to buy $66.4 billion in return, a gain in sales for the United States of $40 billion! And Japan would still have $17 billion trade advantage.

Clearly, to attain the 80/100 ratio, Japan would also have to reduce its exports to the United States.

The United States has tried jawboning and negotiating with the Japanese to open their markets throughout this decade and the bottom line indicates the Japanese have really done nothing. Never mind all the press releases to the contrary. The record is quite clear.

In 1980, Japan bought $20.8 billion in exports from the United States. Now, six years later, they are only buying at a $26 billion annual rate. If corrected for inflation, the 1986 number is smaller than 1980 and nearly $3 billion of the projected figure is gold. So much for opening Japanese markets!

Meanwhile, Japan's exports to the United States have exploded from $32 billion in 1980 to a projected $83 billion in 1986. It is not hard to understand why Lee Iacocca says this country has a "doormat trade policy."

Japan has been a good ally and we in return are by far their best customers. In fact, in terms of trade, Japan will only have a $20 billion trade surplus in 1986 with the rest of the world on a combined basis. Put another way, nearly 75% of Japan's estimated $80 billion trade surplus this year will be accounted for by the United States.

Frankly, I don't think that is fair and I don't think many Americans do either. Japan has got to realize it must take the responsibility for reducing its huge trade disparity with the United States. If it fails to do so, it could find itself getting clobbered by the Democratic-controlled Congress, which is expected to make the trade deficit a major issue next year. As a matter of fact, it may already be too late.

Obviously, Japan's economy would be thrown into a tailspin if we unilaterally established an 80/100 trade ratio. Perhaps the fairest way would be to phase the ratios in over five years. In that event, you can be sure of one thing, Japanese companies would be flocking here to set up manufacturing.

In fact, that process has already started. Current estimates are that Japanese companies will be manufacturing a million cars annually in the United States by the early 1990's. In any case, the result would be an improving trade picture for this country.

Gov. Bruce Babbitt of Arizona, a Democratic presidential hopeful, is sharply critical of the Reagan administration's trade policy.

"We can no longer do nothing and wait for things to even out in the end because they will not even out and there is no end," he said.

I agree with Gov. Babbitt that something has to be done. To allow current trends to continue is just plain silly. We need to act now.

A fair trade bill that leads to balanced trade around the world is going to be good for everyone in the long run. The key is shifting the responsibility to precisely those countries that are running up the largest surpluses.

Obviously, there is no one way to skin a cat and better schemes may exist. I'll be writing more on this complex issue of trade but in the meantime we welcome your thoughts.●

## ORTEGA MESSAGE TO ARAFAT

● Mr. McCAIN. Mr. President, for some time now we have been preoccupied with the question of the arms sale to Iran and the probable diversion of funds to the Contras. All kinds of questions have been raised about whether laws like the Boland amendment have been violated, which Swiss bank account the money passed through, why the Sultan of Brunei would be interested in sending money to the Contras, and so forth.

However, in all the confusion over this matter I think we are losing sight of what ought to be the real question: Who are the Sandinistas in Nicaragua and what are we going to do about them?

I have here an item that I think ought to bring us back to reality. It is the text of a cable from Commandante Daniel Ortega to PLO Chief Yasir Arafat, congratulating him on the 25th anniversary of the PLO's terrorist campaign against Israel. In the message, proudly broadcast over Nicaraguan radio on January 5, Ortega sends the terrorist Arafat his "sincere and fraternal embrace" and expresses the Sandinists' "solidarity and firm support" for the PLO. I ask that text of this message be printed in the RECORD.

The material follows:

ORTEGA SENDS SOLIDARITY LETTER TO PLO'S ARAFAT

[Letter sent by President Daniel Ortega to Yasir Arafat, chairman of the PLO Executive Committee; date and place not given]

DEAR COMMANDER ARAFAT: On the occasion of the celebration of the 25th anniversary of the creation of the Palestinian armed

forces for the struggle of national liberation, and on behalf of the FSLN, the people and the Government of Nicaragua, and myself, I send you our sincere and fraternal embrace.

Similarly, I am pleased to have a new opportunity to express our solidarity and firm support for the noble struggle of the Palestinian people, who fight for their legitimate and inalienable rights over the territories occupied by Israel.

On this occasion, we reiterate our most vigorous condemnation and rejection of the genocidal attacks carried out against Palestinian refugee camps in Lebanon as part of the policy of force and intimidation practiced by the Zionist regime of Israel and its regional allies.

On this memorable occasion, I take the opportunity to thank the Palestinian people's solidarity and to express our firm conviction that our peoples will defeat the unfair, illegal, and immoral aggression imposed on us because of our invincible determination to be free.

The people of Sandino send their fraternal greetings to the PLO, the legitimate representative of the Palestinian people.

Fraternally,

DANIEL ORTEGA SAAVEDRA.●

## LIVING THE DREAM: LET FREEDOM RING

● Mr. RIEGLE. Mr. President, 1987 marks the second year that we as a nation will acknowledge the contributions and achievements of Rev. Martin Luther King, Jr., by celebrating a national holiday in his honor on January 19. The theme for this year's holiday is "Living the Dream: Let Freedom Ring."

As a leader, Dr. King made vital contributions in the fight for freedom and equality. Everything Dr. King did in his life, from the Montgomery bus boycott to the final march in Memphis was designed to challenge and change existing laws, customs, and power. The means he chose—passive resistence and passionate oratory—transformed and elevated this struggle for civil rights to the forefront it deserved on the national agenda. It became a process of personal reconciliation, permanently changing the lives and attitudes of both blacks and whites in this country.

Although Dr. King did not live to see his dream come true, we as a nation must continue to keep his dream and commitment to equal opportunity alive. We have made historic strides since Rosa Parks refused to go to the back of the bus. But traces of bigotry still remain in the United States. So each year on Martin Luthur King Day, let us not only recall Dr. King, but rededicate ourselves to the commandments he believed in and sought to live every day. If all of us, young and old, Republicans and Democrats, do all we can to live up to those commandments, then we will see the day when Dr. King's dream comes true, and in his words,

All of God's children will be able to sing with new meaning, land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring.●

## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the Senate will shortly stand in recess until the hour of 5 p.m. today. There will be no rollcall votes today. As I indicated earlier, it had been my intention and hope that the Senate would proceed to the consideration of the clean water bill, which is on the Senate Calendar. As a result of discussion between the distinguished minority leader and myself, that action will be put over until tomorrow.

I had anticipated that the minority leader would be back by 5 p.m. today. I am told that that will not be the case. I also understand that the distinguished Republican leader will be in touch with me during the afternoon.

Mr. President, I shall have more to announce with respect to the schedule of tomorrow when the Senate resumes session at 5 p.m. today.

## RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Under the previous order, the morning hour having been concluded, the Senate stands in recess until the hour of 5 p.m.

Thereupon, at 1:29 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

## RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for another 10 minutes.

There being no objection, the Senate recessed until 5:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

## NEW CLEAN AIR ACT OF 1987

Mr. STAFFORD. Mr. President, I introduce today, on behalf of myself and Mr. KENNEDY, Mr. CHAFEE, Mr. CRANSTON, Mr. BAUCUS, Mr. KASTEN, Mr. WEICKER, Mr. MOYNIHAN, and Mr. LEAHY, the New Clean Air Act of 1987.

Mr. President, the time has come for the Congress to pass, and the President to sign, a new law to curb air pollution, especially acid rain.

For 6 years, polluting industries have managed to fight the Congress to a standstill despite an overwhelming body of evidence that lakes and streams are dying, and quite possibly our forests and crops as well. I will stop short of adding humans to that list, but there is ample new evidence that air pollution at present levels is doing damage that was never suspected until only a year or two ago. It is beyond dispute that levels of air pollution are so high in many areas of the United States that millions of Americans are breathing unhealthful air.

Despite this overwhelming body of evidence that air pollution must be reduced even further, the Congress has been fought to a standstill for the past 6 years. Powerful industries have spent millions, not in controlling air pollution, but in arguing that it is too expensive to do so.

Mr. President, I think this is the Congress when that will end. I believe we will enact a bill during the 100th Congress. The only question is whether it is one which will actually reduce pollution or one which merely holds the hope of reductions. The bill which I am introducing, modeled on S. 2203 of the last Congress, would guarantee pollution reductions. These reductions would be achieved within a range of years—probably 10 to 12—but more importantly, they will be retained well into the next century.

Rather than attempt to describe the details of the bill, I ask unanimous consent to include at the end of my statement a summary, together with a comparison of this proposal with S. 2203 of the last Congress. I also ask unanimous consent that the bill be printed in the RECORD at the conclusion of my statement.

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

(See exhibit No. 1.)

Mr. STAFFORD. Mr. President, I would like to make only one further comment about the approach in this bill: that is attempts to reduce the air pollutants which science tells us should be curbed to the limits which technology—today's technology, not tomorrow's—demonstrate can be achieved.

Many special interest groups criticized the bill's predecessor, saying for example, that the controls it would have required for oxides of nitrogen, were too stringent and expensive. Yet they are the same controls that the Germans are installing on their powerplants today and that the Japanese required over a decade earlier. Thus the oxides of nitrogen provision is the same in this bill as in S. 2203.

Critics also said the tailpipe standards in S. 2203 for autos were too strict, even though they were based on levels actually being achieved by a few cars tested by the Environmental Protection Agency for its certification program. In response to the criticism, the bill I am introducing relaxes tailpipe emission requirements from the levels in S. 2203 to levels where substantially more vehicles are already meeting the new standards.

It is true, Mr. President, that this bill will put American industry to the test. But the bill does not require an "A" for passing, or even a "B." At most, it demands a "C+". And, Mr. President, if we have reached the point in time where that is too tough, perhaps it goes a long way toward explaining many of this country's other problems.

Mr. President, I yield the floor.

EXHIBIT No. 1

STAFFORD BILL—MAJOR PROVISIONS

Covers 50 States.

Covers pollutants emitted by motor vehicles as well as powerplants.

Powerplants: Effective in 1991, the bill imposes differing emission limits depending on the future use of the powerplant.

Plants which are to operate for only a few more years (e.g. 10,000 operating hours, which is roughly equivalent to three years of peak loading) may continue to emit existing levels of air pollution;

Plants which are to be operated for several more years (e.g. 30,000 operating hours, which is roughly equivalent to ten years of peak loading) may emit moderate amounts of air pollution—1.5 pounds of sulfur per million Btu;

Plants which are to be operated more than 30,000 hours, but not indefinitely, must limit their pollution to moderate levels—0.9 pounds of sulfur per million Btu; and,

Plants which are to be operated indefinitely (e.g. past 30 years of age) must comply with the same emission requirements as newly-constructed facilities (the New Source Performance Standard, which is a sliding scale, depending on the type of coal being burned).

Also, plants must comply with the same emission limits for oxides of nitrogen that are now being imposed in West Germany, Japan and other members of OECD.

Motor Vehicles: Imposes new Federal emissions standards based on what vehicles are already meeting or are likely to be required to meet (e.g. by California, the only State allowed to set its own car and truck standards). For cars, the standards would be 0.4 grams per miles for oxides of nitrogen and .25 grams per mile for hydrocarbons.

Control systems on cars are required to last for 10 years or 100,000 miles (the current law requires that they last 5 years/50,000 miles).

New cars must be equipped with on-board canisters to capture gasoline vapor.

In areas where the smog standard is being violated, gasoline stations must install systems to recover gasoline vapors.

Gasoline volatility must be reduced (it has risen sharply in the last two years) by refiners in order to curb evaporation from cars and trucks.

Miscellaneous: Requires the negotiation of a U.S.-Canada-Mexico agreement for the control of air pollution in North America.

Requires the establishment of a network to monitor acid rain in the West.

Requires recommendations for the enactment of a system of tariffs to protect U.S. firms from foreign competitors not subject to pollution controls.

COMPARISON OF STAFFORD BILLS

| Item | S. 2203 | This bill |
|---|---|---|
| Stationary sources | | |
| No limit period | 3,000 hrs | 10,000 hrs. |
| 1st limit and rate | 10,000 hrs, 1.5 lbs/MBtu | 30,000 hrs, 1.5 lbs/MBtu. |
| 2d limit | 0.7 lbs/MBtu (annual average). | 0.9 lbs MBtu (monthly average). |
| Lifetime | 35 years | 30 years. |
| $NO_x$ controls | Based on OECD availability | Same. |
| Mobile sources | | |
| Autos: | | |
| HC | 0.16 g/m | 0.25 g/m (0.41 = current law). |
| CO | 1.3 | 3.4 (3.4). |
| $NO_x$ | 0.25 | 0.4 (1.0). |
| Particulate | 0.18 | 0.08 (0.2). |
| Heavy trucks (gas): | | |
| HC | 0.48 g/bhphr | existing std. |
| CO | 2.5 | Do. |
| $NO_x$ | 5.1 | 4.0 (5.0). |
| Heavy trucks (dsl): | | |
| HC | 0.54 | existing std. |
| CO | 1.7 | Do. |
| $NO_x$ | 5.1 | 4.0 in 1991; 1.7 in 1992 (5.0). |
| Particulate | 0.25 in 1991 | 0.1 in 1992 (0.1 in 1994). |
| buses only. | 0.1 in 1991 | 0.1 in 1991 (same). |
| Light trucks: | | |
| HC | 0.19 g/m | 0.5 g/m (0.8). |
| CO | 3.0 | 5.0 (10.0). |
| $NO_x$ | 0.5 | 0.5 (1.7). |
| Particulate | 0.18 | 0.08 (0.26). |
| Sulfur limit for diesel fuel. | 0.05 percent | 0.05 percent. |
| Warranty period | 10 yrs/10,000 miles | 10 yrs/10,000 miles. |
| Gasoline volatility limit. | No provision | 9 lbs/sq inch. |
| On board vapor recovery. | do | Required in 1989. |
| Gas station vapor recovery. | do | Required in nonattainment areas after 1988. |
| Miscellaneous | | |
| North American air pollution treaty. | Required | Required. |
| Acid rain monitoring in the West. | do | Do. |
| Environmental tariff. | do | Do. |

S. 300

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

SECTION 1. This Act may be cited as the "New Clean Air Act".

STATIONARY SOURCE CONTROLS

SEC. 2. (a) Section 111(a)(2) of the Clean Air Act is amended by adding the following new sentence: "The term 'new source' also includes any stationary source of emissions of sulfur or oxides of nitrogen within a category to which regulations under this section apply, on which such source construction has been completed for thirty years or more, beginning on January 1, 1991.".

(b) Part A of title I on the Clean Air Act is amended by adding the following new section:

"ACID DEPOSITION CONTROLS

"SEC. 129. (a) After December 31, 1990, each fossil-fuel-burning electric generating facility which is a major stationary source of emissions of sulphur dioxide shall operate for a total of not more than 10,000 hours, notwithstanding the remaining useful life of such source, except as follows:

"(1) in the case of any such source attaining an emission rate not exceeding 1.50 pounds of sulphur dioxide per million British thermal units of heat input (averaged on a monthly basis), such source may operate for a total of not more than 30,000 hours;

"(2) in the case of any such source attaining an emission rate not exceeding 0.90 pounds of sulphur dioxide per million British thermal units of heat input (averaged on a monthly basis), such source shall have no limit on hours of operation or other restrictions on operation in hours of peak demand under this subsection.

"(b) For purposes of determining compliance with subsection (a) and other provisions of this title, emission rates of fossil-fuel-burning electric generating facilities shall be based on measured concentrations of pollutants in post-combustion stack gases.

"(c) Not later than January 1, 1995, each major stationary source of emissions of oxides of nitrogen shall attain the degree of emission reduction attained by technology demonstrated to be available for application to existing sources, in any member country of the Organization for Economic Cooperation and Development. Not later than January 1, 1989, and no less often than every five years thereafter, the Administrator shall publish guidance documents identifying what degree of emission reduction has been demonstrated for various categories of sources.".

(d) Section 111 of the Clean Air Act is amended by adding the following new subsection:

"(k) Not later than January 1, 1989, the Administrator shall promulgate standards of performance for oil shale production and processing facilities, synthetic fuel production facilities, and other categories of major energy-production sources. Such standards of performance shall at a minimum control emissions of hydrocarbons, sulfur dioxide and oxides of nitrogen, and, notwithstanding subsection (a)(2), shall apply to any such facility on which construction or modification is commenced after January 1, 1986.".

(e) Section 111(a)(4) of the Clean Air Act is amended by inserting immediately after the phrase "method of operation" the following: "(including, but not limited to, a change in the method of combustion or primary fuel)".

MOBILE SOURCE-RELATED CONTROLS

SEC. 3. (a)(1) Part D of title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"SEC. 179. In every air quality control region that fails to attain the national primary ambient air quality standard for ozone by January 1, 1988, the Administrator shall require the use, within two years of such date, of systems for gasoline vapor recovery of hydrocarbon emissions emanating from the fueling of motor vehicles.".

(2) Section 324 of the Clean Air Act is amended by striking "50,000" each place it appears and inserting in lieu thereof "10,000"; by striking, in subsection (a), all after "gallons." through the end of the subsection; and by striking "324" in subsection (c) and inserting in lieu thereof "323".

(b) Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6) Not later than 6 months after the enactment of this paragraph, the Administrator shall promulgate regulations requiring the use of onboard hydrocarbon control technology by vehicles manufactured for any model year after model year 1988.".

(c) Section 202(b)(1)(A) of the Clean Air Act is amended by adding the following at the end thereof: "The regulations under subsection (a) applicable to emissions of hydrocarbons from light-duty vehicles and engines manufactured during and after model year 1992 shall contain standards which

provide that such emissions may not exceed 0.25 gram per vehicle mile.".

(d) Section 202(b)(1)(B) of the Clean Air Act is amended by adding at the end thereof the following new sentences: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during and after model year 1990 shall contain standards which provide that such emissions may not exceed 0.4 gram per vehicle mile.".

(e) Section 202(b)(1) of the Clean Air Act is amended by adding the following new subparagraph:

"(D) The Adminisrtrator shall promulgate regulations under subsection (a) applicable to emissions of particulates from light-duty vehicles and engines manufactured during and after model year 1991, and such regulations shall contain standards which provide that such emissions may not exceed 0.08 gram per vehicle mile.".

(f) Section 202(a)(3) of the Clean Air Act is amended by inserting after subparagraph (E) the following new subparagraphs and redesignating succeeding subparagraphs accordingly:

"(F) Regulations under paragraph (1) applicable to emissions of oxides of nitrogen from heavy duty vehicles and engines shall contain standards that provide that such emissions shall not exceed 4.0 grams per brake horsepower-hour for vehicles manufactured during and after model year 1991 and, for diesel vehicles and engines, that such emissions shall not exceed 1.7 grams per brake horsepower-hour for vehicles manufactured during and after model year 1995. Regulations applicable to emissions of particulates from heavy-duty diesel vehicles and engines shall require that such emissions may not exceed 0.1 gram per brake horsepower-hour, beginning in model year 1991 with respect to buses, and in model year 1992 with respect to other heavy-duty diesel vehicles and engines.

"(G) Regulations under paragraph (1) applicable to emissions from light-duty trucks and engines manufactured during and after model year 1990 shall contain standards which provide that such emissions may not exceed 0.5 gram per vehicle mile of oxides of nitrogen, 0.5 gram per vehicle mile of hydrocarbons, 0.08 gram per vehicle mile of particulates, and 5.0 grams per vehicle mile of carbon monoxide. For the purposes of this subparagraph, the terms 'light-duty truck' and 'light-duty truck and engine' mean any motor vehicle (including the engine thereof) with a gross vehicle weight (as determined under regulations promulgated by the Administrator) of 8,500 pound or less and a curb weight of 6,000 pounds or less (as determined under regulations promulgated by the Administrator) and which—

"(i) is designed primarily for purposes of transportation of property or is a derivation of such a vehicle,

"(ii) is designed primarily for transportation of persons and has a capacity of more than 12 persons, or

"(iii) has special features enabling off-street or offhighway operation and use.".

(f) Section 202(d)(l) of the Clean Air Act is amended by substituting for "five years or of fifty thousand" the following: "ten years or of one hundred thousand".

(g) Section 211 of the Clean Air Act is amended by adding the following new subsections:

"(h) The Administator shall promulgate regulations under this subsection requiring that the sulfur content of any motor vehicle diesel fuel shall not exceed 0.05 percent (by weight). After January 1, 1980, no manufacturer or importer of motor vehicle diesel fuel may sell, offer for sale, or introduce into commerce any fuel which does not comply with such regulations. In the case of a State standard which is more stringent than the standard under this subsection, section 211(c)(4)(A) shall not apply to regulations regarding the sulfur content of any motor vehicle diesel fuel.

"(i) The Administrator shall promulgate regulations under this subsection requiring that the Reid vapor pressure of gasoline shall not exceed 9.0 pounds per square inch. After January 1, 1989, no manufacturer or importer of gasoline may sell, offer for sale, or introduce into commerce any fuel which does not comply with such regulations.".

(h)(1) Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a) or (f) or the regulations prescribed under subsection (c), (h) or (i) or who fails to furnish any information required by the Administrator under subsection (b) shall be subject to a civil penalty of not more than $10,000 for each and every day of such violation. Such civil penalty shall be assessed by the Administrator by an order made on the record after opportunity for a hearing. In connection with any proceeding under this section the presiding officer may issue subpoenas for the attendance and testimony of witnesses and the production of papers, books, and documents.

"(2) In determining the amount of a civil penalty, the Administrator shall take into account the gravity of the violation, the size of the violator's business, the violator's history of compliance, action taken to remedy the violation, and the effect of the penalty on the violator's ability to continue in business.

"(3) If a person fails to pay a civil penalty assessed under this subsection—

"(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with section 307, or

"(B) after a court in any action brought for judicial review has entered a final judgment in favor of the Administrator or the action has otherwise been terminated if such person has filed a petition for review under section 307, the Attorney General shall recover the amount assessed (plus interest from the date of the expiration of sixty days from the date of the order, or from the date of such final judgment, as the case may be) in an action brought in any appropriate district court for the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(2) Section 211(c) is amended by adding a new paragraph as follows:

"(5) Regulations under this subsection shall prohibit any person from introducing, or causing or allowing the introduction, of a regulated fuel or fuel additive into a motor vehicle not designed for such fuel or fuel additive.".

(i) After January 1, 1989, a vehicle emission control inspection and maintenance program required by section 172(b)(11)(B) of the Clean Air Act or, in areas where there is no such program operating, an inspection program required by applicable vehicle safety laws of a State, shall require emissions testing or direct inspection of components of vehicle emissions control systems (including inspection for evidence of misfueling) and where such components have been rendered inoperative, the replacement or repair of such components for systems or components related to the control of emissions of oxides of nitrogen.

MISCELLANEOUS PROVISIONS

SEC. 4. (a) Section 114 of the Clean Air Act is amended by adding the following new subsection:

"(e) Not later than July 1, 1988, the Administrator shall implement (1) a system for monitoring dry deposition of acidic pollutants, including, in particular, monitoring in the Rocky Mountain region and other Western States, and (2) a system for monitoring lake chemistry and biological and chemical factors of watersheds, soils, and forests in portions of the Rocky Mountain region and other Western States likely to be sensitive to acid deposition.".

(b) (1) Section 126 of the Clean Air Act is amended by adding the following new subsection:

"(d) For the purpose of this section, it shall be deemed to be a violation of the prohibition of section 110(a)(2)(E)(i) if emissions of any air pollutant causes or contributes to a violation of a water quality standard established by a State under section 303 of the Clean Water Act.".

(2) Section 115 of the Clean Air Act is amended by adding the following new subsection:

"(e) For the purpose of this section, emissions of an air pollutant shall be deemed to cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country if such emission causes or contributes to a violation of a water quality standard or requirement established by such foreign country.".

(c)(1) Not later than January 1, 1988, the President shall institute negotiations with Canada and Mexico for the purpose of concluding a tripartite agreement—

(A) to minimize projected and existing levels of air pollution;

(B) to create an institutional framework to control sources of transboundary air polution;

(C) to establish a North American air quality monitoring network;

(D) to encourage increased research and dissemination of information on air pollution control strategies; and

(E) to develop uniform minimum levels of protection for public health and the environment.

(2) The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the emissions of air pollutants. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums.

(d) Not later than January 1, 1989, the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Environment and Public Works and the Committee on Finance of the United States Senate and the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Ways and Means of the United States House of Representatives, a study, together with appropriate legislative proposals, on a system of tariffs on emissions adequate to encourage reductions

in emissions of precursors of acid deposition and other forms of environmental pollution.

Mr. DURENBERGER. Mr. President, I am pleased to join with Senator STAFFORD and other Members of the Senate to introduce S. 300, the New Clean Air Act of 1987. Later in the week I will be cosponsoring an acid rain control measure to be introduced by Senator MITCHELL. And early next week, I will be introducing a bill of my own to control the emission and deposition of the air pollutants which cause acid rain.

There will be many similarities in these three bills. There will also be important differences. And these bills will share features with, but also be different from, acid rain control bills which I have supported in previous years. I am confident that we will be enacting an acid rain control program in this Congress—we will have just one bill by October 1988—but at this point in the long national debate there are still several issues yet to resolve.

Mr. President, rather than focus on the specific elements of each bill with these brief comments today, I will instead mention a few principles which I believe should be satisfied by any program that we may eventually enact. Some of these principles are satisfied by the Stafford bill. Some not. The bill to be introduced by Senator MITCHELL also meets many, but not all, of these objectives. I will endeavor to incorporate all these principles in the bill that I will introduce next week, but other Members, will no doubt, see these same objectives best reached in other ways.

My nine principles for acid rain legislation are as follows, Mr. President:

First, the acid rain control program should be national in scope rather than limited to a particular region or portion of the Nation.

Second, the legislation should provide flexibility in meeting the objectives so that the States and the operators of the sources of pollution causing acid rain can achieve the necessary reductions in loadings at the least possible cost.

Third, the cost of controls should be borne by those who own and operate, or benefit from the energy generated, by the sources of pollution causing the acid rain problem.

Fourth, those who have already taken significant steps to reduce emissions of acid rain precursors should get credit for their efforts and should not be forced to pay for pollution control requirements assigned to others who have made few or no reductions to date.

Fifth, the bill should include significant reductions in nitrogen oxides as well as sulfur dioxide.

Sixth, compliance with reduction requirements should be enforceable and in place by specific deadlines leaving the least possible opportunity for litigation and delay by those who do not wish to comply with a national program.

Seventh, the reduction should be at least 10 million tons for sulfur dioxide with a cap on future growth that brings the level of sulfur emissions permanently below the 1980 base year by at least that amount. In the alternative, the initial goal for reductions should be 12 million tons of sulfur dioxide reductions.

Eighth, the distinction between new sources and existing sources, as currently contained in the Clean Air Act and with respect to stationary sources of sulfur dioxide from steam generating units, should be phased out as each existing source reaches the end of its useful life.

And ninth, the program should be implemented in phases to take advantage of low-cost control steps that can secure significant reductions in the near-term while at the same time providing for a period of further research on clean coal technologies which offer the promise of reducing the cost for a much larger rollback of emissions in the future.

As I indicated a moment ago, Mr. President, the bill we are introducing today does not meet all of these objectives. In particular, the bill does not allow any trading or bubbling of targeted emissions reductions to assure that we achieve the goal for the least possible cost. Indeed, it was the cost of the approach reflected in this bill which was most frequently heard as a criticism in the hearings held on this bill last year. The sponsors of the bill were sensitive to those views and many of the provisions have been modified to reduce the cost of compliance.

The principal advantage in this bill is the certainty that the required steps will be taken to reduce emissions. The program outlined here is enforceable in a way that many other bills are not. The source-by-source emissions limitations applying to each facility can be monitored and those facilities not in compliance can be identified and dealt with as the Clean Air Act provides. One of the major problems with bills we have considered and reported in previous years, is the uncertain nature of the intergovernmental and regulatory process that would translate national goals into enforceable requirements for specific plants.

Another advantage in this legislation is that it compensates for the distinction between existing sources and new sources as contained in the current Clean Air Act. It is said by many that the Clean Air Act is working. That it is reducing the emissions of acid rain precursors in the United States. Indeed, sulfur dioxide emissions were reduced significantly between 1970 when the clean air law was first adopted and the most recent inventory of sulfur dioxide emissions. And those reductions came even during a period when coal use was expanded significantly.

But the Clean Air Act might have accomplished much more, if existing sources, particularly electric powerplants, had been retired on a schedule more closely reflecting the useful life expected for these plants when they were first constructed. Instead, many aged powerplants have been kept online to avoid the new source pollution control provisions that would be required for their replacements. The Stafford bill fixes this problem by converting existing facilities to "new sources" for purposes of the Clean Air Act 30 years after construction was completed. This should be an especially attractive provision for those who argue that we can solve the acid rain problem by letting the Clean Air Act work.

Mr. President, I would like to express reservations with respect to two minor provisions of this bill. First, the bill sets a fuel volatility standard for gasoline fuels of 9 psi. This standard, if implemented without variance or exception, would virtually eliminate ethanol-mixed fuels like gasohol from the marketplace. Volatility is related to hydrocarbon emissions. Hydrocarbons are of concern as precursors of ozone. And ozone is a problem in many urban areas of the United States which will not be in compliance with the ambient standard as required by the end of this year. There is also a regional ozone problem which may be affecting the productivity of croplands and forests which we will need to look at during the course of hearings this year, but I am not prepared to say at this time that a fuel volatility standard at this level and without exception is a necessary and significant part of an ozone control strategy.

The second minor reservation I have with respect to this bill is also an ozone issue. The bill requires both onboard canisters and vapor recovery systems at the pump to reduce hydrocarbon emissions during refueling. My understanding is that these control systems—and even when operating at full efficiency—can only make a minor contribution to reducing hydrocarbon emissions and only at great expense. It may be that we will be forced to mandate several dozens of small steps to further reduce ozone pollution, but until we see what other elements of an ozone strategy may be available, I am not ready to mandate vapor recovery systems at the pump, even if only in nonattainment areas.

Mr. President, I am looking forward to an ambitious effort to reauthorize and renew the Clean Air Act during this Congress. The Stafford and Mitchell bills give us a good foundation for a national acid rain control program. And it is our plan to look

beyond acid rain to other Clean Air Act issues including nonattainment, ozone depletion and hazardous air pollutants for other amendments which are needed to strengthen the law. As we have so many times in the past, we must again commend the Senator from Vermont, Mr. STAFFORD, for his leadership in these areas and thank him for bringing us together on important, new efforts to protect the environmental resources of this Nation.

Thank you, Mr. President.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

## THE IRAN-CONTRA AFFAIR

Mr. ARMSTRONG. Mr. President, today's newspapers are filled with trivia, and in fact often I find as I read today's newspapers that I see things in there which I wonder why they bother to print. But every now and again one encounters in the daily press an article which is just so sensible, which is so evidently on target, which sums up so well the essence of something that needs to be said that it makes you sort of stand up across the breakfast table and want to cheer.

I sort of felt that way about an item which appeared in yesterday's New York Times by one David Bar-Ilan. I do not know exactly who he is. But, Mr. President, he is described in the article as a person who writes frequently about the Middle East, and is executive director of the Jonathan Institute, a private foundation for the study of terrorism.

In any case, in his article yesterday in the Times he talks about the media uproar over the investigations and the public soul-searching occasioned by the Iran-Contra affair. He draws the conclusion which I share that the response is entirely disproportionate to what has actually occurred or even what is alleged to have occurred.

Mr. President, in a moment I will ask unanimous consent to insert the entire article in the RECORD, but I want to quote briefly from it and to associate myself at least in part with the conclusion which he so skillfully and forcefully draws.

The author, Mr. Bar-Ilan, makes the point that if the President "* * * wishes to act in secret, as he sometimes has to, particularly in the sievelike atmosphere of Washington, he must ultimately trust his feeling that he is doing the right thing and take his chances with the electorate when the inevitable revelation of his deeds occurs. There are, after all, only three major avenues for conducting foreign policy—diplomacy, covert action and war. With fiercely hostile regimes, diplomacy is often useless; and hobbling Presidential discretion in covert operations would so limit his options that he might feel reduced to choosing between war and surrender."

Then, in considering all that has happened in this Contra investigation and in the revelations about the sale of arms to the Iranians and whether or not moneys were or were not diverted to the Contras, I just want to make a couple of observations before I continue to quote from this thoughtful article.

The first is it appears to me that the President received not some very good advice but indeed some terrible advice and that he followed it. I personally think that the concept of selling arms to the Iranians for any reason is foolhardy. It is really a great mistake. But it is a reasonable judgment for the President to make even though it is one I happen to disagree with.

So far as the Contra question, I support the Contras. I think the freedom fighters as they are more properly called deserve the support of thoughtful Americans including the Congress of the United States, and indeed the Congress has reached that decision. Long after President Reagan advocated support for those patriots in Nicaragua it was the decision of the Congress of the United States after much debate, after indeed a full and exhaustive debate, to send aid to the Contras.

So for my part, I think aid to the Contras is good although there is some doubt about the means by which this aid may have been channeled. If laws have been broken, I am sure no Senator would condone such a thing, least of all would I, nor I am sure would the President of the United States which brings me to the last point I want to quote from this interesting article in the New York Times.

Mr. David Bar-Ilan says:

This is not to say that Presidential transgressions, or even mere mistakes, should go unpunished. But the punishment must fit the offense. The leaders of America's major allies, President François Mitterrand and Prime Minister Jacques Chirac of France, Prime Minister Margaret Thatcher of Britain and Chancellor Helmut Kohl of West Germany have all been directly implicated in scandals far more serious, ethically, morally and legally, than anything the President may have had knowledge of. And they all suffered substantial, though not irreparable, political damage. But none had to endure a protracted, relentless media onslaught, a torturous parliamentary investigation, an endless diversion of legislative and executive energies and a virtual paralysis of government functions.

Mr. President, that is my great fear, not so much whether or not Mr. Reagan is being fairly or unfairly handled by his critics. My great fear is that if we become so preoccupied, so focused, indeed so obsessed, with the who knew what and when, that we will not get down to the main business, which is to legislate for the future of our country, not to conduct these endless investigations.

So, Mr. President, I commend this article to the attention of my colleagues and I send it to the desk and ask unanimous consent that the entire text of this article from the New York Times be printed in the RECORD at this point.

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

[From the New York Times, Jan. 11, 1987]

THE IRAN-CONTRA UPROAR: A TRAVESTY

(By David Bar-Ilan)

The media uproar, the investigations and the public soul-searching occasioned by the Iran-contra affair are being touted as an indication of how well the American system works. I submit that they are a painful demonstration of how it sometimes does not work. Even if, at worst, an illegal act has been committed—still an open question—the disproportion between the alleged infraction and the response is a travesty of the American trust in checks and balances.

Like many, I take exception to much of what the Administration had done. In dealing with Iran, it betrayed an inexcusable naiveté and woeful inexperience, falling for one of the oldest Middle Eastern ruses—the "moderate" vs. "radical" good-cop bad-cop charade. It was unseemly and downright dangerous for the Administration to compromise its principles and credibility by dealing with a terrorist state after piously advocating the opposite. And it was incomprehensive that this Administration—so aware of the nature of police states and the pitfalls of appeasement—should agree to any deal with sponsors of a group that was holding American hostages while they were still in captivity.

These are serious mistakes, and the fact that the very critics who once excoriated the President's refusal to deal with terrorists are now condemning his softness and inconsistency does not diminish the severity of the error. Nor should the glaring political motives of those who savage the contra connection in order to defeat a pro-contra policy discourage legitimate questions about propriety and legality. But if Americans deny the President the right to make mistakes, if they seek not a penalty but his destruction whenever his actions are unwise or even improper, they shall undermine the office of the Presidency itself and the very foundations of their Government.

The President must have primacy in conducting foreign policy—and he must have a wide berth in pursuing it. Some of the greatest Presidents interpreted the limits of their prerogatives much more liberally than President Reagan is said to have done. Abraham Lincoln suspended habeas corpus during the Civil War. Franklin D. Roosevelt circumvented the Neutrality Act by sending 50 destroyers to Britain, and John F. Kennedy supported (albeit inadequately) an invasion, sponsored by the Central Intelligence Agency, of a country not at war with us. History exonerated such Presidential initiatives as necessary in an emergency. In the case of the aid to the contras, Congress did not wait for history to pass judgment; it endorsed the President's policy within a year.

Unlike criminal law, laws passed by Congress to delinate policy abound in gray areas. Determining where stretching ends and transgression begins is well-nigh impossible. Many, for example, believed the Boland Amendment, which prohibited aid

to any group trying to overthrow the Nicaraguan Government, was unconstitutional, but there is no way for the President to get an "advisory" on such matters from the Supreme Court unless a case involving the policy comes before the Court.

What's more, if he wishes to act in secret, as he sometimes has to, particularly in the sieve-like atmosphere of Washington, he must ultimately trust his feeling that he is doing the right thing and take his chances with the electorate when the inevitable revelation of his deeds occurs. There are, after all, only three major avenues for conducting foreign policy—diplomacy, covert action and war. With fiercely hostile regimes, diplomacy is often useless; and hobbling Presidential discretion in covert operations would so limit his options that he might feel reduced to choosing between war and surrender.

This is not to say that Presidential transgressions, or even mere mistakes, should go unpunished. But the punishment must fit the offense. The leaders of America's major allies, President Francois Mitterrand and Prime Minister Jacques Chirac of France, Prime Minister Margaret Thatcher of Britain and Chancellor Helmut Kohl of West Germany have all been directly implicated in scandals far more serious, ethically, morally and legally, than anything the President may have had knowledge of. And they all suffered substantial, though not irreparable, political damage. But none had to endure a protracted, relentless media onslaught, a torturous parliamentary investigation, an endless diversion of legislative and executive energies and a virtual paralysis of government functions.

It is difficult to understand the American national penchant for self-flagellation. Perhaps it is a residue of the crisis of credibility caused by the traumas of Vietnam and Watergate. Perhaps it reflects a tendency to so idealize popular Presidents that we feel betrayed on discovering their human frailties. But the underlying problem is the innocence with which Americans view the world.

If the world were a tidy, peaceful place, where adversaries could settle disputes with calm cordiality, with a handshake and a smile, Americans would have the right to expect that all the Queensbury rules be meticulously observed. But in fact the world is infested with totalitarian regimes, vicious police states and medieval tyrannies, whose fondest wish is to see America crumble. As far as they are concerned, there is a permanent state of war, a dirty, undeclared but unrelenting war, often including terrorist attacks, between them and the free world. If Americans greet every misguided and improper Presidential response to this war with an orgy of self-recrimination, they shall not buttress their system but help their worst enemies achieve their goals.

## THE PRESIDENT'S FISCAL YEAR 1988 BUDGET PROPOSAL

Mr. ARMSTRONG. Now, Mr. President, this is the traditional time of year at which the President of the United States sends his budget message to the Congress and the Congress immediately dismisses it. We are told in some years that the budget is dead upon arrival. In some years we have been told it was dead before transmittal. On many occasions we are told that it is irrelevant to the whole process and there ensues generally about this time each year a round of President bashing, budget bashing, and general trashing of the executive initiative in trying to set up some kind of a budget for the future of the United States.

I am indeed quite tempted to join in this because indeed having taken a little time to look into the President's budget, I find much in there with which I am concerned, in fact some things with which I thoroughly disagree. But I recall, Mr. President, as the session ended last year, that the Congress, the Senate, managed to meet the Gramm-Rudman budgetary targets not head on but in a way which really is a travesty.

We decided that the only way we could get to the $144 billion deficit target which we had set for ourselves was through the subterfuge of selling off assets. We sold off some of the loans in our portfolio and did some other things, not unworthy in themselves. In fact, there are a lot of Federal assets that I would sell and some that I would truly give away, if the facts were known.

To say that that is fiscal sense or the correct way to meet the Gramm-Rudman-Hollings budget reduction target seems to me to be illogical. But that is what we did. That is how we got a budget resolution and implementing legislation to get us to the target of $144 billion.

Senators may recall when this was under consideration I engaged the Senator from New Mexico, chairman of the Budget Committee, Mr. DOMENICI, in a colloquy in which I asked if it was compliance or lipservice. He readily admitted with his characteristic candor that we really were not going to reach the target, that we were in technical compliance but soon there would be reestimates which would show we were completely out of kilter and far from having a budget deficit of only $144 billion in the fiscal year and we would be lucky if it were not $170 billion or $180 billion.

Indeed, Mr. President, the latest revised estimates are that we will have a deficit in the current fiscal year of $173.2 billion.

That is the background or setting in which the President has sent up his budget.

Once again, I confide I do not approve of everything in the President's budget. Far from it. I note that his proposal meets the Gramm-Rudman-Hollings deficit reduction target, but does so by means which, while expedient, are not within the spirit of what we are trying to do here, to match Federal spending with the revenues which are coming in. Again, it is a case of selling off a bunch of assets and one thing and another, some of which may be desirable but which, in my opinion, do not constitute sound budgeting.

Moreover, there are a number of places where I wish the President had set different priorities. There are a lot of reasons why I could jump on the bandwagon and criticize President Reagan's budget. Indeed, I may do so. Before we reach that point, however, it seems to me incumbent upon Senators to decide what they will do.

Mr. President, I will make this prediction: I will predict that with regard to many of the Senators who are clearly excoriating the budget, who are announcing his budget dead upon arrival—I will be surprised if there is one of them who has a budget which will be as good in setting priorities, which will come as close to the mark in trying to terminate or scale down some of the extravagant and wasteful programs which have grown like Topsy than does the budget of Mr. Reagan.

For example, I will point out that Mr. Reagan's budget, for whatever other failings it may have, does provide $164 billion in deficit reduction over 3 years and over $334 billion in a 5-year period.

It reduces budget outlays by $18.7 billion in 1988 and $92 billion over a 3-year period. It does so without proposing reductions in Social Security and, in fact, in the face of a projected increase in Social Security outlays of $15 billion.

In addition, Mr. Reagan's budget proposes a 3-percent real growth for defense over 1987, an increase of $19 billion in budget authority to $312 billion, and $15 billion in outlays to $298 billion.

Some people will think this is too much of an increase. I do not share that viewpoint. I think it is about right. Indeed, I think it is modest by the standards of the threat and the needs which the Defense Department faces. And it meets these targets not in a way that is entirely satisfactory to me but in a way that avoids a major tax increase on American workers, proposing some revenue increases but mostly through spending restraint and then through some of these what might be termed golden gimmicks, the privatization of some functions and the sale of assets.

Just to keep this matter in perspective, Mr. President, I would like to submit for the RECORD a brief summary of the President's budget because I agree with the distinguished journalist David Broder who over the weekend wrote an article urging caution on the part of those who are so eager to criticize the President's budget.

In fact, he said those who are criticizing may not have read it. It contains a lot of things that are worth thinking about.

That is exactly the way I feel.

So while the budget document itself is a very formidable kind of thing, much too heavy reading for most of us, I have asked my staff to prepare a brief summary, just a few hundred

words, which puts into perspective where the proposed cuts will come in Mr. Reagan's budget, where he proposes major spending increases, primarily in the area of defense, Social Security, foreign assistance, basic technology, biomedical research, coal technology, AIDS research, and a number of other areas, and where it is he proposes to make savings, in many cases by phasing out or abolishing programs which have outlived their usefullness, such as Amtrak, Conrail, UDAG, and some of those.

I hope my colleagues will take a moment to consider these.

Mr. President, I ask unanimous consent that that information be published in the RECORD in full, along with a historical perspective table which shows, by budget classification, that is, by function, the expenditures of the Federal Government for 1960, 1970, and each of the years from 1980 through the present, using actual figures, and under Mr. Reagan's proposed budget for the future through 1992. I ask unanimous consent that that information appear in the RECORD.

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

THE PRESIDENT'S FISCAL YEAR 1988 BUDGET PROPOSAL

MAJOR FEATURES IN PRESIDENT'S PROPOSAL

Meets the fiscal year 1988 Gramm-Rudman-Hollings maximum deficit target of $108 billion.

Proposes $164.1 billion in deficit reduction over three years and $334.6 billion over five years.

Reduces budget outlays by $18.7 billion in fsical year 1988 and $92.1 billion over three years.

Proposes no reductions in Social Security benefits. Social Security outlays will increase by $15 billion.

Proposes 3% real growth for defense over fiscal year 1987 appropriated level—an increase of $19 billion in BA to $312 billion and $15 billion in outlays to $298 billion.

Rejects major tax increases on American workers. Proposes revenue increases totaling $22.4 billion in fiscal year 1988 through the privatization of Federal assets, the sale of Federal loans, user fees, credit budget reforms, and smaller tax increases.

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BUDGET TABLES—THE PRESIDENT'S BUDGET AT A GLANCE

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 |
|---|---|---|---|---|---|---|
| Outlays | 1,015.6 | 1,024.3 | 1,069.0 | 1,107.8 | 1,144.4 | 1,191.2 |
| Revenues | 842.4 | 916.6 | 976.2 | 1,048.3 | 1,123.2 | 1,191.2 |
| Deficit | −173.2 | −107.8 | −92.8 | −59.5 | −21.3 | +12.3 |
| GRH target | −144.0 | −108.0 | −72.0 | −36.0 | | |

DEFICIT REDUCTION PROPOSED BY THE PRESIDENT

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 |
|---|---|---|---|---|---|---|
| Baseline deficit | −174.5 | −150.1 | −146.9 | −125.7 | −101.2 | −78.3 |
| Spending cuts | −0.9 | −18.7 | −30.8 | −40.8 | −49.1 | −55.1 |
| Total revenue increases | +0.4 | +22.4 | +20.1 | +19.5 | +21.5 | +21.2 |
| Privatization | | +5.4 | +3.7 | +3.8 | +6.5 | +5.3 |
| Loan asset sales | | +4.2 | +1.7 | +0.8 | +0.3 | |
| User fees | +0.3 | +3.2 | +3.5 | +3.6 | +3.7 | +3.8 |
| Tax receipts | +0.1 | +6.1 | +8.0 | +8.6 | +8.8 | +8.9 |
| Other revenue | | +3.5 | +3.2 | +2.7 | +2.2 | +3.2 |
| Debt service savings | | −1.3 | −3.2 | −6.0 | −9.3 | −14.3 |
| Total deficit reduction | −1.3 | −42.4 | −54.2 | −66.2 | −79.9 | −90.6 |
| Proposed deficit | −173.2 | −107.8 | −92.8 | −59.5 | −21.3 | +12.3 |

MAJOR PROPOSED SPENDING INCREASES

Proposes 3% real growth for defense over FY87 appropriated level—an increase of $19 billion in BA to $312 billion and $15 billion in outlays to $298 billion. SDI increases from $3.6 billion to $5.9 billion.

$11 billion increase in Social Security outlays.

$2.4 billion increase in FY87-88 in foreign assistance.

$1.6 billion increase in basic biomedical research over two years.

$1.1 billion increase in major medical programs.

$1 billion for clean coal technology over six years to prevent acid rain.

$534 million increase in AIDS research.

$636 million increase in job training for dislocated workers.

$300 million to implement immigration reform legislation.

$200 million increase for compensatory education for disadvantaged youth.

$500 million increase for FAA programs including purchase of doppler radar.

$85 million increase for child health care.

$24 million increase for WIC with funding level at $1.7 billion.

22% increase in NASA basic research.

18% increase in National Science Foundation research.

20% increase in adult literacy programs.

MAJOR PROPOSED SPENDING REDUCTION/ PROGRAM TERMINATIONS

Terminate UDAG, ARC, EDA, EPA Sewage Treatment Grants, Agriculture Extension Service Direct Grants, Health Profession Subsidies, Interstate Commerce Commission, Legal Services Corporation, Federal Crop Insurance, Postal Subsidies, Mass Transit Discretionary Grants, Community Services Block Grants, Justice Assistance Grants.

Sell Amtrak, Naval Petroleum Reserve, Power Marketing Administrations with receipts of $4.1 billion in FY88 and $10.6 billion over three years.

Sell $11.2 billion in Federal loan assets for projected receipt of $5.3 billion.

Sell excess Federal property for receipts of $800 million in FY88.

Reduce Medicare outlays by $4.6 billion in FY88 and $13.7 billion over three years by including radiologists, anethesiologists, and pathologists (RAPs) under prospective payments system, including hospital capital costs under PPS, and increasing the premium for physician reimbursement to 35% of program costs.

Reduce farm price supports by $9 billion over three years and $23 billion over five years in part by limiting single payments to $50,000 and reducing target price supports by 10%.

Reduce guaranteed student loan subsidies by $10 billion over three years but provide unlimited unsubsidized loans.

Target child nutrition subsidies to low income families below 180% of poverty saving $800 million in FY88.

Reduce rural electrification and telephone subsidies by $5.7 billion over three years.

Reduce HUD and rural housing outlays by $11.7 billion over three years. Provide 102,000 vouchers in FY88.

Cut SPRO fill rate by 40,000 barrels per day saving $225 million per year.

Establish or increase user fees for Coast Guard services, park entrances, travel and tourism agency costs, credit agency services (Ginnie Mae, FHA).

Limit government contribution to Federal Employees Health Benefits to the average premium for all FEHBP plans saving $500 million in FY88 and $1.8 billion over three years.

Limit Civil Service Retirement COLA to CPI—1%.

Withhold Food Stamp grants to States with error rates in excess of 5% saving $800 million over three years.

Phase out EPA sewage treatment grants by 1992 saving $700 million over three years.

Reduce low income energy assistance by $600 million to account for availability of oil overcharge funds.

Eliminate Federal contribution to state vocational education programs saving $1.9 billion over three years.

MAJOR TAX INCREASE PROPOSALS

Increase IRS funding by $700 million to collect additional $2.4 billion in taxes.

Extend Medicare tax to all uncovered state and local employees raising $1.6 billion in FY 88.

Repeal exemptions from gasoline and highway taxes ($800 million).

Increase coal excise tax ($400 million).

Increase contributions to rail pension fund ($300 million).

TECHNICAL NOTES

OMB projects the FY 88 baseline deficit to be $150.1 billion. CBO projects the FY 88 deficit at $169 billion. This major difference is accounted for as follows:

(1) OMB has 3.5% real growth assumption. CBO's assumption is 3%. ($10 billion).

(2) OMB does not assume the expenditure of $4 billion in advanced farm deficiency payments in FY 88.

(3) OMB and CBO disagree on projected expenditures for Medicare ($5 billion).

In December, CBO projected the current year (FY 87) deficit to be $150.1 billion. CBO and OMB now report the FY 87 deficit will be in excess of $170 billion. The GRH target for FY 87 is $144 billion. The cause of the excess is as follows:

(1) Lower revenues than expected: $11.8 billion.

(2) Greater expenditures than expected for:

FDIC: $4.8 billion.

Farm Price Supports: $2.9 billion.

Medicare/aid: $3.0 billion.

Unemployment Compensation: $1.3 billion.

Foreign Military Sales: $900 million.

Welfare/SSI Payments: $600 million.

Defense: $300 million.

HISTORICAL BUDGET DATA: PRESIDENT REAGAN'S FISCAL YEAR 1988 BUDGET PROPOSAL

[In billions of dollars]

| Federal outlays | Actual | | | | | | | | Actual—President Reagan's proposal | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1970 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 |
| National Defense | 45.2 | 78.6 | 134.0 | 157.5 | 185.3 | 209.9 | 227.4 | 252.7 | 273.4 | 282.2 | 297.6 | 312.2 | 330.0 | 349.5 | 370.9 |
| International affairs | 3.0 | 4.3 | 12.7 | 13.1 | 12.3 | 11.8 | 13.9 | 16.2 | 14.2 | 14.6 | 15.2 | 18.1 | 17.9 | 18.0 | 17.7 |
| Space and technology | 0.6 | 4.5 | 5.8 | 6.5 | 7.2 | 7.9 | 8.3 | 8.6 | 9.0 | 9.5 | 11.4 | 13.2 | 13.5 | 13.8 | 14.3 |
| Energy | 0.5 | 1.0 | 10.2 | 15.2 | 13.5 | 9.4 | 7.1 | 5.7 | 4.7 | 3.8 | 3.3 | 2.9 | 3.2 | 2.9 | 3.1 |
| Natural resources | 1.6 | 3.1 | 13.9 | 13.6 | 12.0 | 12.7 | 12.6 | 13.4 | 13.6 | 13.9 | 14.2 | 15.2 | 15.3 | 14.9 | 14.5 |
| Agriculture | 2.6 | 5.2 | 8.8 | 11.3 | 15.9 | 22.9 | 13.6 | 25.6 | 31.4 | 31.1 | 26.3 | 21.8 | 18.2 | 14.7 | 13.0 |
| Commerce and housing credit | 1.6 | 2.1 | 9.4 | 8.2 | 6.3 | 6.7 | 6.9 | 4.2 | 4.4 | 9.3 | 2.5 | 0.7 | 1.4 | 0.2 | −1.6 |
| Transportation | 4.1 | 7.0 | 21.3 | 23.4 | 20.6 | 21.3 | 22.7 | 25.8 | 28.1 | 27.0 | 25.5 | 26.7 | 26.4 | 25.8 | 26.2 |
| Community development | 0.2 | 2.4 | 11.3 | 10.6 | 8.3 | 7.6 | 7.7 | 7.7 | 7.2 | 6.2 | 5.5 | 4.4 | 4.0 | 4.2 | 4.2 |
| Education/social services | 1.0 | 8.6 | 31.8 | 33.7 | 27.0 | 26.6 | 27.6 | 29.3 | 30.6 | 29.8 | 28.4 | 28.9 | 28.0 | 27.5 | 26.5 |
| Health | 0.8 | 13.1 | 23.2 | 26.9 | 27.4 | 28.6 | 30.4 | 33.5 | 35.9 | 39.7 | 38.9 | 40.4 | 42.2 | 43.9 | 45.6 |
| Medicare | | 6.0 | 32.0 | 42.0 | 46.6 | 52.6 | 57.5 | 65.8 | 70.2 | 71.6 | 73.0 | 81.1 | 87.9 | 95.9 | 104.4 |
| Income security | 18.8 | 48.1 | 86.5 | 99.7 | 107.7 | 122.6 | 112.7 | 128.2 | 119.8 | 124.9 | 124.8 | 128.7 | 133.5 | 138.9 | 143.6 |
| Social security | 11.4 | 30.0 | 119.0 | 139.6 | 156.0 | 170.7 | 178.2 | 188.6 | 198.8 | 207.9 | 219.4 | 232.5 | 246.8 | 261.5 | 275.5 |
| Veterans | 5.4 | 8.7 | 21.2 | 23.0 | 24.0 | 24.8 | 25.6 | 26.4 | 26.4 | 26.7 | 27.2 | 27.6 | 28.0 | 28.6 | 29.0 |
| Justice | 0.4 | 1.0 | 4.6 | 4.8 | 4.7 | 5.1 | 5.7 | 6.3 | 6.6 | 8.3 | 9.2 | 8.9 | 8.8 | 8.9 | 9.1 |
| General Government | 1.0 | 1.9 | 4.4 | 4.6 | 4.5 | 4.8 | 5.1 | 5.2 | 6.1 | 6.8 | 7.5 | 7.9 | 7.9 | 7.9 | 7.8 |
| General purpose funds | 0.2 | 0.5 | 8.6 | 6.9 | 6.4 | 6.5 | 6.8 | 6.4 | 6.4 | 1.9 | 1.5 | 1.5 | 1.6 | 1.7 | 1.7 |
| Interest | 8.3 | 18.3 | 52.5 | 68.7 | 85.0 | 89.8 | 111.1 | 129.4 | 136.0 | 137.5 | 139.0 | 141.5 | 139.0 | 134.8 | 122.1 |
| Allowances | | | | | | | | | | | −0.8 | 0.5 | 2.8 | 4.9 | 7.1 |
| Offsetting receipts | −2.5 | −6.6 | −19.9 | −28.0 | −26.1 | −34.0 | −32.0 | −32.8 | −33.0 | −37.1 | −45.4 | −45.8 | −48.5 | −54.0 | 55.6 |
| Total outlays | 92.2 | 196.6 | 590.9 | 678.2 | 745.7 | 808.3 | 851.8 | 946.3 | 989.8 | 1,015.6 | 1,024.3 | 1,069.0 | 1,107.8 | 1,144.4 | 1,178.9 |
| Total receipts | 92.5 | 193.7 | 520.0 | 599.3 | 617.8 | 600.6 | 666.5 | 734.0 | 769.1 | 842.4 | 916.6 | 976.2 | 1,048.3 | 1,123.2 | 1,191.2 |
| Surplus/deficit | +0.3 | −2.8 | −73.8 | −78.9 | −127.9 | −207.8 | −185.3 | −212.3 | −220.7 | −173.2 | −107.8 | −92.8 | −59.5 | −21.3 | +12.3 |
| Gramm-Rudman targets | | | | | | | | | 171.0 | 144.0 | 108.0 | 72.0 | 36.0 | 0 | |
| Federal public debt | 237.2 | 284.8 | 715.1 | 794.4 | 929.4 | 1,141.7 | 1,312.6 | 1,509.9 | 1,746.1 | 1,910.7 | 2,018.2 | 2,110.5 | 2,169.6 | 2,190.5 | 2,177.8 |

Source: Office of Management and Budget, January 5, 1987.

HISTORICAL BUDGET DATA: PRESIDENT REAGAN'S FISCAL YEAR 1988 BUDGET PROPOSAL

[In billions of dollars]

| Economic assumptions | 1960–69 | 1970–79 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | OMB 1986 | OMB 1987 | OMB 1988 | OMB 1989 | OMB 1990 | OMB 1991 | OMB 1992 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Real GNP Growth | 3.9 | 3.5 | −0.4 | −1.9 | −0.9 | 5.5 | 6.8 | 2.7 | 2.7 | 3.1 | 3.5 | 3.6 | 3.6 | 3.5 | 3.4 |
| Unemployment | 4.8 | 6.2 | 7.0 | 7.5 | 9.5 | 9.9 | 7.5 | 7.2 | 6.9 | 6.7 | 6.3 | 6.0 | 5.8 | 5.6 | 5.5 |
| Interest Rate (T-bill) | 3.4 | 6.3 | 11.5 | 14.1 | 10.7 | 8.6 | 9.6 | 7.5 | 6.0 | 5.4 | 5.6 | 5.3 | 4.7 | 4.2 | 3.6 |
| Inflation (GNP Deflator) | 2.3 | 7.1 | 13.5 | 10.4 | 5.9 | 4.6 | 3.4 | 3.5 | 2.6 | 3.6 | 3.5 | 3.5 | 3.0 | 2.7 | 2.0 |

Source: Office of Management and Budget, January 5, 1987.

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

RECESS UNTIL 5:38 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in recess for 10 minutes.

There being no objection, the Senate, at 5:28 p.m., recessed until 5:38 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

## ORDER OF BUSINESS

Mr. BYRD. Mr. President, the distinguished Republican leader called me today to state that there had been a death of a friend in the State of Kansas and the Republican leader felt that he could not be back this evening as he had indicated on last Tuesday was his intention. Naturally, this was an unforeseen circumstance. So he cannot be back today. He will not be able to return to Washington until 9 p.m. tomorrow.

He could, of course, have returned today, but that would have caused him, then, to have to fly back out to Kansas tomorrow.

So, in the light of that unusual and unforeseen extenuating circumstance, I am going to make the following unanimous-consent request, which I have discussed with the distinguished Republican leader and, in greater detail, with the distinguished acting Republican leader [Mr. SIMPSON].

I believe it will be agreed to. Nevertheless, Mr. SIMPSON is on the floor and may reserve the right to object and ask any questions he wishes. Of course, the matter of objecting or agreeing to the request is in his hands.

Mr. President, it is not my desire, under the circumstances, to inconvenience the distinguished leader on the other side of the aisle, and so there will be no effort to go to the House bill, H.R. 1, on tomorrow. Mr. DOLE will be back in town tomorrow evening, and I would hope that we could go to the House bill on Wednesday.

So, Mr. President, I make the following unanimous-consent request. I ask unanimous consent that the majority leader may at any time on Wednesday during the session of the Senate be authorized to have laid before the Senate the bill H.R. 1, and that it be made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object—I certainly do not believe that I will—first let me thank the majority leader for his accommodation of the Republican leader. That, indeed, was a situation which arose for the Senator; a dear friend passed on. He was there for the inauguration of his Governor today and then will stay for those services tomorrow, in the morning, returning here tomorrow evening, and I, indeed, appreciate the accommodation of the majority leader.

Also, since this is my first opportunity since the beginning of this session, I congratulate the majority leader on his position. I did not take that opportunity at the opening ceremonies and I do so now. I deeply appreciate the assistance and good counsel and help he gave me in my role as assistant majority leader. I look forward to that same relationship as assistant Republican leader.

I could ask what time the majority leader might intend to convene on Wednesday. We have an important caucus at 10 a.m., with very important business to conduct, and I hope there would be no business until after noon and express that to the majority leader.

Mr. BYRD. Yes. Mr. President, I can assure the distinguished acting Republican leader that if this unanimous-consent request is granted, there will be no rollcall vote on the clean water bill prior to 2 p.m. on that day or on any motion in relation thereto. And there would, of course, be no rollcall votes on that matter tomorrow.

Let me say further so that the distinguished acting Republican leader will have no concerns, on tomorrow it would be my intention to come in at 2 o'clock. Following an adjournment today over to tomorrow, I would have no intention to make any nondebatable motion on tomorrow. I will get consent later, if this consent is granted, that no motions or resolutions over under the rule come over tomorrow and that there be no call of the calendar under rule VIII on tomorrow.

I would adjourn over until tomorrow, let Senators come in and introduce bills and resolutions, and transact routine morning business.

I cannot say there will not be a rollcall vote tomorrow because, who knows, we may have to get the Sergeant at Arms to request or compel the attendance of absent Senators, but I see nothing at this time that would require a rollcall vote tomorrow. As to Wednesday I cannot say at this moment what time I would have the Senate come in.

Will the Senator repeat his question under his reservation again as to what time we could come in?

Mr. SIMPSON. Noon on Wednesday, Mr. President, because of this important caucus we have at 10 a.m.

Mr. BYRD. Yes. Mr. President, it would be my intention not to come in before the hour of noon on Wednesday, and I might not even come in at noon, because it is my desire to give committees the opportunity to meet without interruption as much as possible at this point in the session so that they can advance legislation to the calendar expeditiously.

If this request is granted, I have no intention of coming in on Wednesday before noon and it might even be 1 o'clock or 2 o'clock.

Mr. SIMPSON. Mr. President, I thank the majority leader and would ask inclusion within the unanimous-consent request "after consultation with the minority leader" as that unanimous-consent request was proposed.

Mr. BYRD. Yes. Mr. President, I ask unanimous consent that on Wednesday next the majority leader be authorized to call up at any time during the session of the Senate, H.R. 1, after consultation with the distinguished Republican leader or his designee, and that that bill, H.R. 1, be made the pending business before the Senate at that time.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I understand we have one Member on our side of the aisle who may have an objection. I think that will dissipate, but in order to protect his rights I would ask just a bit of delay, not just but a few minutes I think, to assure that we have that completed.

Mr. BYRD. Very well. Mr. President, then if the distinguished Republican leader does not wish recognition at this time, I will suggest the absence of a quorum.

Mr. SIMPSON. That is perfectly appropriate.

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

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

Mr. BYRD. Mr. President, I believe the distinguished Senator from Wyoming, the acting Republican leader, has reserved the right to object to my unanimous-consent request.

Mr. SIMPSON. Mr. President, it came to our attention that on this Monday it is difficult to contact approximately 14 Members. We contacted many. But we have two or three who are not prepared to go forward with this unanimous-consent request.

Let me share with the majority leader that I feel quite certain we will arrive at it. We will have our policy lunch tomorrow at noon and be ready at that time, I think, to act very favorably on the unanimous-consent request and in the context as the majority leader has just expressed, but I would respectfully at this time request perhaps that the unanimous consent be withdrawn and reproposed tomorrow at a time when we have completed our policy luncheon.

Mr. BYRD. Mr. President, I will be happy to honor the request of the distinguished acting Republican leader.

I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

## ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2 p.m. tomorrow.

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

RESOLUTIONS AND MOTIONS, UNDER THE RULE

Mr. BYRD. Mr. President, in view of the fact that the distinguished Republican leader is of necessity obliged to be absent on tomorrow until 9 p.m., I ask unanimous consent, that no resolutions or motions over, under the rule, come over tomorrow.

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

NO CALL OF THE CALENDAR UNDER RULE VIII

Mr. BYRD. Mr. President, I ask unanimous consent that there be no call of the calendar tomorrow under rule VIII.

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

RECOGNITION OF SENATOR PROXMIRE AND SENATOR QUAYLE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the prayer and the recognition of the two leaders under the standing order, Mr. PROXMIRE be recognized for not to exceed 5 minutes, to be followed by Mr. QUAYLE for not to exceed 5 minutes.

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

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there then be a period for the transaction of routine morning business tomorrow not to extend beyond the hour of 4 p.m., in view of the fact that I have stated that I will take no action on tomorrow with respect to the water bill because of the Republican leader's absence.

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

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the rule, Senators may be permitted to speak during morning business on tomorrow but not to exceed 5 minutes each.

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

## ADJOURNMENT UNTIL 2 P.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until tomorrow afternoon at 2 o'clock.

The motion was agreed to; and, at 6:11 p.m., the Senate adjourned until Tuesday, January 13, 1987, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate January 12, 1987:

IN THE COAST GUARD

The following officers of the United States Coast Guard for promotion to the grade of rear admiral (lower half):

Capt. Paul A. Welling, USCG
Capt. Walter T. Leland, USCG
Capt. Robert E. Kramek, USCG

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain.

Sylvester G. Payne
Gordon K. Swain
Ronald E. Arbuckle
Ronald R. Reaume
Frederick C.G. Scheer
Forrest S. Bauman
Terence McCabe
Ronald A. Hassell
Anthony D. Castberg
Robert M. Hopkins
Fentress H. Munden
Charles W. Gower
Michael T. Bohlman
Howard R. North
Ronald C. Mers
Wilrose M. Duquette
George W. Direchel
Peter F. Major
Clayton L. Johnson
William H. Prather, Jr.
Thomas L. Wade III
Roger D. Batt
Samuel G. Ashdown, Jr.

The following Regular and Reserve officers of the United States Coast Guard for promotion to the grade of commander:

Daniel L. Carney
Gilbert O. Montoya
Richard F. Carlson
William R. Schleich
Frederick F. Lieder, Jr.
Edward J. Park
John G. Witherspoon
James R. Nagle II
John D. Lindgren
Dennis C. Bosso
Michael A. Wade
Gregg W. Sutton
Michael W. Mastenbrook
Joseph T. Kuchin
Norman S. Porter
David F. Wallace
Michael B. Slack
William A. Dickerson III
James L. McClinton
Mark E. Charbonneau
Gaetano Martini
Bruce I. Merchant
William A. Cassels
Russel J. Lutz
Bruce M. Wallisch
Malcolm D. Stevens
Jack L. Buri
Roger T. Argalas
Edward G. Rosenberg
Laird H. Hall
Dennis G. Beck
Benjamin J. Stoppe, Jr.
Gary L. Frago
David A. Rogers
Winston S. Jones
Richard A. Knee
James W. Norton
William R. Armstong
Thomas H. Gilmour
Arthur E. Crostick
Arthur R. Butler
Dennis D. Rome
Robert J. Wells, Jr.
James W. Gormanson
Joseph M. Kyle, Jr.
Thomas J. Meyers
Klaus Adie
Bruce W. Platz, Jr.
David B. Pascoe
Perry W. Campbell
William T. Horan
Joseph H. Thompson, Jr.
Alvin A. Sarra, Jr.
Kenneth I. Johnson
Scott H. Smith
Raymond E. Mattson
Gregory N. Yaroch
Paul C. Golden
Dennis M. Maguire
Timothy J. Flanagan
Leon D. Howell, Jr.
Robert M. Letourneau
Terry L. Lott
James H. Williams
Michael J. Haucke
Bernard P. O'Brien, Jr.
Robert A. Taylor
William R. Miller
Robert G. Vorthman, Jr.
Richard T. Bartlett
Leonard F. Bosma
William S. Davis
Stephen V. Hughes III
Larry A. Doyle
Brian G. Basel
John J.A. Murray, Jr.
Steven C. Borloz
Richard R. Mead
Dennis M. Egan
Bienvenido Abiles
Thomas P. Dolan
Stephen R. Osmer
Bruce E. Melnick
Edward J. Peak
William H. Wissman
Joseph A. Stimatz
Norman B. Henslee
Edmond P. Thompson
Terry W. Newell
John C. Malmrose
Ronald C. Gonski
Thomas G. Landvogt

The following Regular officers of the United States Coast Guard for promotion to the grade of lieutenant commander:

George R. Matthews, Jr.
Philip B. Dyer
Alan H. Moore, Sr.
Edward J. Toscano
Richard R. Kelly
Glenn W. Anderson
Steven E. Johnson
Frederik A. Nyhuis, Jr.
Loren P. Tschohl
Theodore F. Lagergren
John E. Carroll
Albert R. Stiles, Jr.
John J. Jaskot
Thomas A. Nies
Surran D. Dilks
John M. Krupa
Geoffrey L. Abbott
Ross L. Tuxhorn
Stephen M. Jacob
Wayne R. Buchanan
Glenn A. Wiltshire
David M. Keen
Stephen J. Krupa
Joel D. Fujiwara
James W. Decker
Glenn R. Gunn
Thomas G. Falkenstein
Scott E. Davis
James T. Quinn
Jay E. Hess
Douglas S. Taggart
Glenn E. Gately
Ivan T. Luke, Jr.
Marshall S. Reichenbaugh
Theodore P.A. Haenlein
Michael K. Grimes
James R. Mongold
David J. Visneski
Timothy S. Winslow
Gregory J. MacGarva
Jeffrey A. McDannold
William L. Bryant
James W. Stark
Eric R. Ness
Kim R. Wilhelm
James P. Harmon
John Astley III
Stephen T. Ciccalone
Geoffrey D. Powers
Timothy W. Goldsmith
Robert D. Williamson
Lawrence J. Bowling
Gary S. Scheer
James D. Chambers
Gary L. Jacobsen
Theodore L. Mar
Thomas R. Reilly
Michael D. Anderson
Robert W. McGarry
John A. Gentile
Gerald L. Timpe
Terrence C. Julich
John C. Miller
James S. Thomas, Jr.
Joseph A. Halsch
Scot A. Addis
Peter L. Randall
Mark S. Kern
James E. Evans
Richard D. Poore
James E. Bussey III
Brian B. Tousley
William W. Peterson, Jr.
John H. Olthuis
Brian P. Cost
Mark H. Johnson
Patrick E. Flanagan
Milton H. Ennis
James F. Murray
David G. Wilder II
Arthur H. Hanson, Jr.
David L. Kuzanek
John R. Thacker
Steven P. Wolf
Grover N. Lipe, Jr.
Thomas E. Haase
James R. Lachowicz
James M. Hasselbalch
Arn M. Heggers
Thomas J. Vanak
James D. Williamson
Michael J. Quigley
Edward A. Lane
Christopher J. Gregus
William D. Morris
Stanford W. Deno
Carl A. Crampton
Shawn M. Smith
Melvin L. Bouboulis
Dennis E. Williams
Robert W. Prior
Bryan J. Norman
Kevin L. Marshall
Raymond H. Smoyer, Jr.
Paul A. Langlois
John F. Schmied
Theodore G. Roberge
Peter A. Verrault
Daniel B. Lloyd
William F. O'Neill
Eric A. Nicolaus
Jeffry G. Way
Gilbert J. Kanazawa
Scott J. Glover
Page J. Shaw
Richard F. Viera
Thomas E. Gledhill
Anthony Barcellos
John A. Kress
Stanley A Zdun, Jr.
James O. Jaczinski
Alan D. Sine
Dennis J. Sobeck
Burton E. Carr
John P. Currier
Wayne E. Justice
William R. Webster

The following Regular officers of the United States Coast Guard for promotion to the grade of lieutenant:

Roderick E. Walker
William L. Michaels
Brian C. Conroy
Thomas O. Graham
Michael L. Thorne
Samuel E. Jeffries, Jr.
Robert R. O'Brien, Jr.
David M. Rishar
Drew R. Wojtanik
Richard W. Kuhl
Armando E. Mangahas
Larry E. Smith
Kent R. Youel
Mark A. Johnson
John R. Ochs
Ronald D. Hassler
Charles E. Booth
Kenneth D. Forslund
Robert O. MacMillan
Scott C. Schleiffer
Elmo L. Alexander II
Lewis J. Corcoran
Mark A. Rose
Timothy M. Close
William T. Devereaux
Matthew J. Glomb
Stephan A. Billian
Peter S. Simons
Gregory W. Buie
Kristin J. Arnold
Daniel P. Lynch
Jonathan C. Russell
Patricia A. Hammar
David C. Watkins
Michael A. Alfultis
Kurt B. Hinrichs
James F. Brown
John S. Welch
John S. Hurlburt
Paul H. Tingley
Michael C. Cosenza
Daniel J. McClellan
Michael R. Kelley
David A. Durham
Michael N. Parks
Douglas G. Russell
Steven D. Tarantino
Matthew L. Thomas
George P. Hannifin
Kevin M. O'Day
Bruce R. Gaudette
Morris B. Stewart
Brian D. Kelley
Michael F. Flanagan
Joseph P. Seebald
Kirk J. Beasley
Terrence W. Swanson
John W. Yager, Jr.
Dennis D. Blackall
David W. Neal
James S. Wadsworth
Andres L. Bolinaga, Jr.
Charles J. Albano, Jr.
Ekundayo G. Faux
Adolph E. Galonski
Ricki G. Benson
Raymond S. Cross
Melesio Gonzalez
Richard A. Currier
Joseph S. Martin
Timothy J. Dellot
John E. Hautala
Tomas D. Zapata
Stephen G. Kinner, Jr.
Rickey W. George
Scott H. Evans
John J. Cook
John F. Kaplan
Pamela A. Russell
Steven A. Munson
David C. Ely
Mark E. Butt
Thaddeus G. Sliwinski
Steven P. Corporon
William J. Reicks
Stephen E. Flynn
Raymond C. Engel
James Y. Poyer
Vince S. Sedwick
Peter S. Marsh
Eugene F. Cunningham
Joseph E. Mihelic
Louise A. Stewart
Steven E. Carlson
Samuel R. Watkins
Raymond J. Petow
Arthur C. Walsh
John A. Watson
Leonard Radziwanowicz
Craig A. Bennett
Gary P. Beam
Katrina D. Trexler
Thomas R. Hale
James L. McDonald, Jr.
William J. Diehl
Terry A. Bickham
Edmund H. Tupay
Thomas F. Atkin
Joseph A. Servidio
Lyman D. Smith
Edward W. Greiner
Marc L. Deacon
John M. Weber
David A. Culver
Kathleen French
George R. Feid
Robert S. Campbell
Jeffrey C. Good
Christopher A. Mebane
Jeffrey S. Griffin
Charles A. Mathieu
Mark A. Williams
John D. Delaune
Mark A. Vazquez
George P. Cummings
Fred T. White
Kimberly J. Daisher
Vincent B. Atkins
Thomas A. Abbate
Frank L. McNiff
Jeffrey S. Hammond
Charley L. Diaz
Fred M. Midgette
Ross E. Bryant
Ciaran M. Schoenauer
Mark J. Dandrea
Maureen M. Steinhouse
Drew A. Rambo
William M. Randall
Steven A. Saepoff
Evan Q. Kahler
Sandra L. Stosz
Richard L. Arnold
John M. Mahoney
Andrew J. Berghorn
Stephen P. Metruck
Thomas S. Morrison
Orlando N. Cavallo

The following cadets of the United States Coast Guard Academy for appointment to the grade of ensign:

Anita K. Abbott
Donald E. Amadee
Kyle G. Anderson
John J. Arenstam
Ronald J. Bald
George P. Benish
Mark D. Berkeley
Brian R. Bezio
Bryon L. Black
Melvin W. Bouboulis
William B. Brewer
Jeffrey S. Case
Joanna M. Collins
Caleb Corson
Matthew K. Creelman
James A. Cullinan
John T. Davis
David E. Dickey
Dana G. Doherty
Kevin P. Durand
Christian C. Fahy
Craig O. Fowler
Peter W. Gautier
Anthony R. Gentilellia
John Godek
Marvin L. Grier
Jeffrey R. Guyon
John E. Harding
Gregory P. Hitchen
Bryon T. Inagaki
Jason B. Johnson
Kirk D. Johnson
Cynthia L. Joyner
Gwen L. Killey
Andrew P. Kimos
Theodore E. Kozikowski
Karen A. Kusanke
Laura H. Lee
Gregory S. Lingle
Kevin E. Lunday
Christine L. MacMillian
Kevin F. Manalili
Dwight T. Mathers
Kevin J. McKenna
Stuart M. Merrill
Jonathan P. Milkey
Thomas J. Morgan
Christopher E. Alexander
Carlos S. Amponin
Leigh A. Archbold
Stephen V. Avallone
Edward D. Bass
Donna J. Bergeson
Melissa Bert
David R. Bird
Phyllis E. Blanton
John L. Bragaw
Christopher P. Calhoun

James M. Cash
Pauline F. Cook
Daniel S. Cramer
Donald E. Culkin
Markus D. Dausses
Scott N. Decker
John R. Disbennett
Ellyn V. Donovan
Charles E. Elias
John M. Fitzgerald
John K. Friederich
Glenn L. Gebele
Verne B. Gifford
Marc A. Gray
Edward Grzesik
Jeffrey C. Hagan
Christopher J. Hildebrand
Laurie Holmes
Gregory W. Johnson
Jennifer A. Johnson
Eric C. Jones
William G. Kelly
Han Kim
Christopher A. Kleiman
William J. Kupchin
Russell C. Laboda
William J. Lewis
Ian T. Liu
John R. Lussier
Sean M. Mahoney
Ramoncito R. Mariano
Robert J. McCaffrey
Scott A. Memmott
John J. Metcalf
Kevin S. Mirise
Matthew L. Murtha
Marc H. Nguyen
Andrew C. Palmiotto
John J. Plunkett
Raymond W. Pulver
Steven J. Reynolds
Matthew T. Ruckert
Michael S. Sabellico
Richard A. Sandoval
Donald R. Scopel
Joseph Segalla
Christopher M. Smith
Lance W. Stoddart
Tamara Suwalow
Matthew J. Szigety
Brian J. Tetreault
John J. Turner
Joseph E. Vorbach
Charles S. Webb
Robert J. Wiles
George F. Young
Patrick P. O'Shaughnessy
George E. Pellissier
Anthony Popiel
Richard J. Raksnis
Christopher M. Rodriguez
Robert C. Rupert
Richard W. Sanders
Emily M. Schnorrbusch
James W. Sebastian
Maria A. Simmons
Mary A. Spakowski
Graham S. Stowe
Craig S. Swirbliss
Robert J. Tarantino
Jonathan E. Thomas
Anthony J. Vogt
Susan K. Vukovich
James L. Weber
David A. Yarborough

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

*To be Vice Chairman, Joint Chiefs of Staff*

Gen. Robert T. Herres [redacted] FR, U.S. Air Force.

*In the Air Force*

The following-named officer, under the provisions, of title 10, United States Code, section 8034, to be Vice Chief of Staff, United States Air Force.

*To be Vice Chief of Staff, U.S. Air Force*

Lt. Gen. Monroe T. Hatch, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be general*

Lt. Gen. James A. Abrahamson, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be general*

Gen. John L. Piotrowski [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. James P. McCarthy, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. Kenneth L. Peek, Jr., [redacted] FR, U.S. Air Force.

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

*To be major general*

Brig. Gen. Joseph W. Ashy, [redacted] FR, Regular Air Force.
Brig. Gen. Thomas P. Ball, Jr., [redacted] FR, Regular Air Force.
Brig. Gen. Charles G. Boyd, [redacted] FR, Regular Air Force.
Brig. Gen. Edward R. Bracken, [redacted] FR, Regular Air Force.
Brig. Gen. George L. Butler, [redacted] FR, Regular Air Force.
Brig. Gen. Harold N. Campbell, [redacted] FR, Regular Air Force.
Brig. Gen. Vernon Chong, [redacted] FR, Regular Air Force.
Brig. Gen. Gaylord W. Clark, [redacted] FR, Regular Air Force.
Brig. Gen. Hugh L. Cox III, [redacted] FR, Regular Air Force.
Brig. Gen. John R. Farrington, [redacted] FR, Regular Air Force.
Brig. Gen. Ronald R. Fogleman, [redacted] FR, Regular Air Force.
Brig. Gen. Larry D. Fortner, [redacted] FR, Regular Air Force.
Brig. Gen. David M. Goodrich, [redacted] FR, Regular Air Force.
Brig. Gen. William J. Grove, Jr., [redacted] FR, Regular Air Force.
Brig. Gen. Trevor A. Hammond, [redacted] FR, Regular Air Force.
Brig. Gen. Paul A. Harvey, [redacted] FR, Regular Air Force.
Brig. Gen. Frank B. Horton III, [redacted] FR, Regular Air Force.
Brig. Gen. John E. Jaquish, [redacted] FR, Regular Air Force.
Brig. Gen. James D. Kellim, [redacted] FR, Regular Air Force.
Brig. Gen. Michael C. Kerby, [redacted] FR, Regular Air Force.
Brig. Gen. Albert L. Logan, [redacted] FR, Regular Air Force.
Brig. Gen. Thomas S. Moorman, Jr., [redacted] FR, Regular Air Force.
Brig. Gen. Eric B. Nelson, [redacted] FR, Regular Air Force.
Brig. Gen. Fred R. Nelson, [redacted] FR, Regular Air Force.
Brig. Gen. Robert R. Rankine, Jr., [redacted] FR, Regular Air Force.
Brig. Gen. Richard D. Smith, [redacted] FR, Regular Air Force.
Brig. Gen. Donald Snyder, [redacted] FR, Regular Air Force.
Brig. Gen. David J. Teal [redacted] FR, Regular Air Force.
Brig. Gen. Henry Viccellio, Jr., [redacted] FR, Regular Air Force.
Brig. Gen. Charles N. Wood, [redacted] FR, Regular Air Force.

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, Title 10, United States Code:

*To be major general*

Brig. Gen. John A. Almquist, Jr, [redacted] FG, Air National Guard of the United States.
Brig. Gen. Harold R. Hall, [redacted] FG, Air National Guard of the United States.
Brig. Gen. Francis E. Hazard, [redacted] FG, Air National Guard of the United States.
Brig. Gen. Darrell V. Manning, [redacted] FG, Air National Guard of the United States.

*To be brigadier general*

Col. John Anderson, Jr. [redacted] FG, Air National Guard of the United States.
Col. Ralph W. Applegate, [redacted] FG, Air National Guard of the United States.
Col. Robert E. Dastin, [redacted] FG, Air National Guard of the United States.
Col. Sam F. DeLitta, [redacted] FG, Air National Guard of the United States.
Col. James S. Forrester [redacted] FG, Air National Guard of the United States.
Col. Theodore F. Lowe, Jr., [redacted] FG, Air National Guard of the United States.
Col. Charles A. Machemehl, Jr., [redacted] FG, Air National Guard of the United States.
Col. Thomas N. McLean, [redacted] FG, Air National Guard of the United States.
Col. Frederick J. Rittershaus, 503-28-2811FG, Air National Guard of the United States.
Col. Fred D. Womack, [redacted] FG, Air National Guard of the United States.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. James M. Rockwell, [redacted] (age 58), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. Robert J. Donahue, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. Colin L. Powell, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. John W. Woodmansee, [redacted] U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

*To be vice admiral*

Vice Adm. Albert J. Baciocco, Jr., [redacted]/1220, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

*To be vice admiral*

Vice Adm. Robert F. Schoultz, xxx-xx-xxxx xxx-.../1310, U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Larry Bruce Franklin.
Jimmie Wayne Seeley.
William Paul O'Donnell, Jr.
Wilson Falor Flagg.

ENGINEERING DUTY OFFICER

Brian Talbot Sheehan.

SPECIAL DUTY OFFICER (INTELLIGENCE)

Gene Parvon Dickey.

MEDICAL CORPS OFFICER

Paul Thomas Kayye.

SUPPLY CORPS OFFICER

Vance Hewitt Fry.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. Stephen G. Olmstead, xxx-xx-x... xxx-... U.S. Marine Corps.

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, under title 10, United States Code, section 624:

Edmund P. Looney, Jr.
Michael K. Sheridan.
Orlo K. Steele.
Hollis E. Davison.
James M. Mead.
Robert F. Milligan.
Gene A. Deegan.
Joseph P. Hoar.
Royal N. Moore, Jr.
Donald E.P. Miller.

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, under title 10, United States Code, section 624:

William P. Eshelman.
Lloyd G. Pool.
Donald R. Gardner.
Harry W. Jenkins, Jr.
Michael P. Mulqueen.
John P. Brickley.
Michael P. Downs.
Duane A. Wills.
Richard L. Phillips.
Robert B. Johnston.
Peter J. Rowe,
Clyde L. Vermilyea.
Francis X. Hamilton, Jr.

IN THE AIR FORCE

The following Air Force officer for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

Hughes, Richard L., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10 of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code. (Effective dates in parentheses.)

LINE OF THE AIR FORCE

*To be colonel*

Wiley R. Ashley, Jr., xxx-xx-xxxx (8/15/86)
Shellie M. Bailey, Jr., xxx-xx-xxxx (6/20/86)
William S. Bailey, xxx-xx-xxxx (6/30/86)
Donald E. Berge, xxx-xx-xxxx (6/27/86)
Robert H. Boehringer, xxx-xx-xxxx (3/26/86)
Willie J. Cook, xxx-xx-xxxx (6/7/86)
Matt L. Crooks, Jr., xxx-xx-xxxx (6/19/86)
Paul H. Deaderick, xxx-xx-xxxx (6/6/86)
Richard L. Drinen, xxx-xx-xxxx (6/8/86)
Noel H. Duncan, xxx-xx-xxxx (6/21/86)
Fred E. Ellis, xxx-xx-xxxx (1/6/86)
John F. Flanagan, Jr., xxx-xx-xxxx (6/27/86)
Ralph E. Fowble, Jr., xxx-xx-xxxx (7/25/86)
James M. Fredregill, xxx-xx-xxxx (6/8/86)
Walter W. Grant, xxx-xx-xxxx (6/30/86)
James R. Griffin, xxx-xx-xxxx (6/16/86)
John T. Halsey, xxx-xx-xxxx (6/23/86)
Larry G. Harrison, xxx-xx-xxxx (11/1/86)
George E. Higginson, xxx-xx-xxxx (6/30/86)
Walter L. Hodgen, xxx-xx-xxxx (6/30/86)
David E. Hudson, xxx-xx-xxxx (4/12/86)
Jimmy W. Jones, xxx-xx-xxxx (6/8/86)
Gerald S. Kean, xxx-xx-xxxx (6/19/86)
Frederick R. Keith, Jr., xxx-xx-xxxx (4/5/86)
Harry M. Lesley, xxx-xx-xxxx (5/15/86)
Gregory J. Maciolek, xxx-xx-xxxx (6/13/86)
Donald A. Martin, xxx-xx-xxxx (6/30/86)
Joseph L. McLaughlin, Jr., xxx-xx-xxxx (6/7/86)
Melvin C. Morris, xxx-xx-xxxx (6/10/86)
Hobbie L. Sealy, xxx-xx-xxxx (6/30/86)
Harold C. Shead, Jr., xxx-xx-xxxx (4/19/86)
Donald B. Solwold, xxx-xx-xxxx (6/5/86)
Gerald W. Sorenson, xxx-xx-xxxx (6/21/86)
David C. Stephenson, xxx-xx-xxxx (6/30/86)
Kenneth M. Taylor, Jr., xxx-xx-xxxx (6/19/86)
Alfred Westerger, Jr., xxx-xx-xxxx (6/22/86)

JUDGE ADVOCATE

*To be colonel*

Stephen E. Cicilline, xxx-xx-xxxx (6/7/86)

MEDICAL CORPS

*To be colonel*

John P. Allen, xxx-xx-xxxx (6/7/86)
John S. Burrell, xxx-xx-xxxx (6/12/86)
Claudius R. Klimt, xxx-xx-xxxx (6/7/86)
Hugh E. McGee, Jr., xxx-xx-xxxx (6/30/86)
Robert L. Smith, xxx-xx-xxxx (6/8/86)
James E. Whinnery, xxx-xx-xxxx (6/23/86)

MEDICAL SERVICE CORPS

*To be colonel*

Leonard D. Dileo, xxx-xx-xxxx (5/8/86)

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

MEDICAL CORPS

*To be colonel*

Marshall, Douglas W., xxx-xx-xxxx
McDermott, David W., xxx-xx-xxxx

*To be lieutenant colonel*

Bautista, Efigenio L., xxx-xx-xxxx
Campana, Paul F., xxx-xx-xxxx
Carleton, Thomas B., xxx-xx-xxxx
Comeau, Jean C., xxx-xx-xxxx
Hall, Gary W., xxx-xx-xxxx

*To be major*

Accinelli, Diana M., xxx-xx-xxxx
Chastain, David O., xxx-xx-xxxx
Clark, William R., xxx-xx-xxxx
Fiore, Fabio F., xxx-xx-xxxx
Nelson, Danny A., xxx-xx-xxxx
Petty, Albert M., xxx-xx-xxxx
Strollo, Diane C., xxx-xx-xxxx
Viser, Timothy A., xxx-xx-xxxx
Wilson, Lawrence W., xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Dixon, Dennis C., xxx-xx-xxxx
Messersmith, Robert P., xxx-xx-xxxx

*To be major*

Apps, Richard P., Jr., xxx-xx-xxxx
Dixon, Dennis C., xxx-xx-xxxx
Hanson, Joseph M., xxx-xx-xxxx
Hornbeck, Delvin D., xxx-xx-xxxx
Langston, Gregory G., xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

CHAPLAIN

*To be colonel*

Bienvenu, Kenneth A., xxx-xx-xxxx

NURSE CORPS

*To be major*

Zayas, Janet E., xxx-xx-xxxx

The following-named officers for promotion in the Air Force Reserve, under the provisions of sections 593, 8362, and 8371, title 10, United States Code.

LINE OF THE AIR FORCE

*To be colonel*

Alves, Daniel F., Jr., xxx-xx-xxxx
Apgar, Henry E., Jr., xxx-xx-xxxx
Bailey, Thomas E., xxx-xx-xxxx
Bakos, Thomas M., xxx-xx-xxxx
Barcomb, Earl H., xxx-xx-xxxx
Bates, Thomas M., xxx-xx-xxxx
Bauer, Raymond M., xxx-xx-xxxx
Bell, Raymond L., Jr., xxx-xx-xxxx
Birkenstock, Jesse, xxx-xx-xxxx
Bowman, Richard L., xxx-xx-xxxx
Brickey, Robert E., xxx-xx-xxxx
Bridges, Jerry G., xxx-xx-xxxx
Callaway, Patrick W., xxx-xx-xxxx
Carle, Edward R., xxx-xx-xxxx
Cater, Thomas J., xxx-xx-xxxx
Claunch, Jon E., xxx-xx-xxxx
Cly, Robert P., xxx-xx-xxxx
Colombo, John A., II., xxx-xx-xxxx
Cooley, James V., Jr., xxx-xx-xxxx
Coronado, Jose, xxx-xx-xxxx
Crawford, Timothy S., xxx-xx-xxxx
Dandridge, Robert E., xxx-xx-xxxx
Dawson, Charles N., xxx-xx-xxxx
Degolia, Ronald J., xxx-xx-xxxx
Dix, Thomas J., xxx-xx-xxxx
Dodd, Donald B., xxx-xx-xxxx
Edwards, Norman B., xxx-xx-xxxx
Efferson, Bobby L., xxx-xx-xxxx
Ennis, William C., xxx-xx-xxxx
Fabry, John M., xxx-xx-xxxx
Ferraro, Louis C., Jr., xxx-xx-xxxx
Foster, Carl H., Jr., xxx-xx-xxxx
Francis, Ralph L., xxx-xx-xxxx
Frucht, Walter M., xxx-xx-xxxx
Garrison, Douglas L., xxx-xx-xxxx
Gassner, John F., xxx-xx-xxxx
Giermanski, James R., xxx-xx-xxxx
Gilbert, Lowell A., xxx-xx-xxxx
Gray, Marvin J., Jr., xxx-xx-xxxx
Haber, William F., xxx-xx-xxxx
Hall, David M., xxx-xx-xxxx
Hammock, Paul G., xxx-xx-xxxx

Hartnagel, Richard L., xxx-xx-xxxx
Hatton, Roger L., xxx-xx-xxxx
Hayes, Norman L., xxx-xx-xxxx
Heineck, David L., xxx-xx-xxxx
Heiney, Otto K., xxx-xx-xxxx
Henrie, Bernard G., xxx-xx-xxxx
Hinkle, Richard E., xxx-xx-xxxx
Hoffer, Leland H., xxx-xx-xxxx
Holliday, Jimmy C., xxx-xx-xxxx
Hollingshead, Craig A., xxx-xx-xxxx
Hood, David J., xxx-xx-xxxx
Hopkins, Thomas E., xxx-xx-xxxx
Houston, John L., xxx-xx-xxxx
Justice, Chester R., xxx-xx-xxxx
Kabel, Douglas E., xxx-xx-xxxx
Kenna, Thomas C., xxx-xx-xxxx
Kerns, Waldon R., xxx-xx-xxxx
Kiehle, James H., xxx-xx-xxxx
Laflin, Philip E., xxx-xx-xxxx
Langston, Morgan H., Jr., xxx-xx-xxxx
Leary, Richard A., xxx-xx-xxxx
Levisky, Joseph A., xxx-xx-xxxx
Lightsey, Leon G., xxx-xx-xxxx
Londergan, James P., Jr., xxx-xx-xxxx
Lovfald, Lorin O., xxx-xx-xxxx
Lucas, James H., xxx-xx-xxxx
Madden, Larry W., xxx-xx-xxxx
Malbasa, Joseph, xxx-xx-xxxx
McGill, Richard M., xxx-xx-xxxx
McKellar, George W., xxx-xx-xxxx
Miles, Richard P., xxx-xx-xxxx
Miller, Larry L., xxx-xx-xxxx
Milliman, Lloyd E., Jr., xxx-xx-xxxx
Moseley, Harry A., Jr., xxx-xx-xxxx
Nelson, Gerald A., xxx-xx-xxxx
Norris, Terry D., xxx-xx-xxxx
Nutt, Keith L., xxx-xx-xxxx
Oates, Ralph H., xxx-xx-xxxx
Owen, Kent W., xxx-xx-xxxx
Papa, Henry W., xxx-xx-xxxx
Patterson, David L., xxx-xx-xxxx
Patz, Daniel L., xxx-xx-xxxx
Peterschmidt, James J., xxx-xx-xxxx
Poellet, Heinz F., xxx-xx-xxxx
Pritchard, Cannon H., xxx-xx-xxxx
Renton, John B., xxx-xx-xxxx
Reynolds, Philip C., xxx-xx-xxxx
Ritzer, Allan E., xxx-xx-xxxx
Robichaux, Hubert R., xxx-xx-xxxx
Rooker, James L., xxx-xx-xxxx
Rymsza, Mark, T., xxx-xx-xxxx
Saline, Joseph P., Jr., xxx-xx-xxxx
Sallee, Robert J., xxx-xx-xxxx
Sansbury, Chester E., xxx-xx-xxxx
Sawyer, Alec K., xxx-xx-xxxx
Schorr, Robert W., xxx-xx-xxxx
Schredl, Michael G., xxx-xx-xxxx
Schreiber, Hal R., xxx-xx-xxxx
Schrier, Nicholas H., xxx-xx-xxxx
Schrock, Derel, D., xxx-xx-xxxx
Shanks, Theodore E., xxx-xx-xxxx
Sheridan, Paul R., xxx-xx-xxxx
Skaneski, John E., xxx-xx-xxxx
Skypeck, Thomas J., xxx-xx-xxxx
Stadheim, John, L., xxx-xx-xxxx
Sule, Robert J., xxx-xx-xxxx
Sullivan, Patricia A., xxx-xx-xxxx
Summers, Allen W., xxx-xx-xxxx
Thompson, Dennis W., xxx-xx-xxxx
Turner, Pierce D., xxx-xx-xxxx
Vonkolnitz, George F., IV, xxx-xx-xxxx
Ward, Wayne E., xxx-xx-xxxx
Wasley, Austin L. Jr., xxx-xx-xxxx
Weyler, Kenneth L., xxx-xx-xxxx
White, Edward R., III, xxx-xx-xxxx
Wiese, Richard R., xxx-xx-xxxx
Woodman, Donald K., xxx-xx-xxxx
Youngblood, John S., xxx-xx-xxxx
Ziegler, Wilfred E., xxx-xx-xxxx

CHAPLAIN CORPS

Endel, Thomas J., xxx-xx-xxxx
Lee, Paul A., xxx-xx-xxxx
Perrault, Arthur J., xxx-xx-xxxx

DENTAL CORPS

Benenati, Fred W., xxx-xx-xxxx
Goodman, John T., xxx-xx-xxxx
Leclair, Joseph A. R., xxx-xx-xxxx
Spelios, George L., xxx-xx-xxxx

JUDGE ADVOCATE

Gales, Robert R., xxx-xx-xxxx
Gray, Dennis M., xxx-xx-xxxx
Hamner, Reginald T., xxx-xx-xxxx
Hebinck, Bernard L., xxx-xx-xxxx
Hoffman, William T., III, xxx-xx-xxxx
Lester, John R., xxx-xx-xxxx
Luzzatto, Ernesto V., xxx-xx-xxxx
Marston, Michael V., xxx-xx-xxxx
Schaefer, Gene E., xxx-xx-xxxx
Smith, William R., xxx-xx-xxxx
Van Doren, Emerson B., xxx-xx-xxxx
Walsh, Robert A., xxx-xx-xxxx

MEDICAL CORPS

Abernathy, George T., xxx-xx-xxxx
Albelda, Louis, xxx-xx-xxxx
Brada, Donald R., xxx-xx-xxxx
Brewer, Schiele A., xxx-xx-xxxx
Callan, John P., xxx-xx-xxxx
Campbell, James M., xxx-xx-xxxx
Campbell, Robert L., xxx-xx-xxxx
Ellis, Leland R., xxx-xx-xxxx
Evens, Marvin A., xxx-xx-xxxx
Garretson, Richard H., xxx-xx-xxxx
Gilstad, Dennis W., xxx-xx-xxxx
Grosbach, Alan B., xxx-xx-xxxx
Houck, Richard J., xxx-xx-xxxx
Jahsman, David P., xxx-xx-xxxx
James, Vernon L., xxx-xx-xxxx
Jansen, George A., xxx-xx-xxxx
Joneslukacs, Elizabeth L., xxx-xx-xxxx
Lower, Dennis L., xxx-xx-xxxx
Nash, Peter R., xxx-xx-xxxx
Nave, Paul L., xxx-xx-xxxx
Nell, Patricia A., xxx-xx-xxxx
Nellis, Noel, xxx-xx-xxxx
Noltimier, Louis A., xxx-xx-xxxx
Plainer, Truman D., xxx-xx-xxxx
Radomski, Theodore J., xxx-xx-xxxx
Sutliff, Lourell E., xxx-xx-xxxx
Sweeney, Donal F., xxx-xx-xxxx
Swerdlow, Arnold B., xxx-xx-xxxx

NURSE CORPS

Bardley, Eileen C., xxx-xx-xxxx
Fontes, Shirley J., xxx-xx-xxxx
Holdys, Delores J., xxx-xx-xxxx
Lafrance, Mary S., xxx-xx-xxxx
Mceachern, Mary C., xxx-xx-xxxx
Rafai, Elizabeth H., xxx-xx-xxxx
Richter, Betty J. xxx-xx-xxxx
Sams, Elaine S., xxx-xx-xxxx
Sanborn, Clara B., xxx-xx-xxxx
Wearshing, Jane D., xxx-xx-xxxx
Whittemore, Kathleen, xxx-xx-xxxx
Wolf, Josephine L., xxx-xx-xxxx
Zauner, Alice A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Alexander, William K., xxx-xx-xxxx
Brown, Lesh N., xxx-xx-xxxx
Carroll, Robert G., xxx-xx-xxxx
Lerdon, Wesley E., xxx-xx-xxxx
Reents, Ronald R., xxx-xx-xxxx
Smith, Richard H., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Butterweck, Joseph S., xxx-xx-xxxx
Kasselder, Charles W., xxx-xx-xxxx
Logsdon, Donald F., Jr., xxx-xx-xxxx
Thomas, Manuel A., Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10 of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code. (Effective dates in parentheses.)

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Maj. Ramon D. Ardizzone, xxx-xx-xxxx (8/16/86)
Maj. Laurence V. Beall, xxx-xx-xxxx (8/14/86)
Maj. Ralph A. Clary, Sr., xxx-xx-xxxx (9/7/86)
Maj. Duane W. Clawson, xxx-xx-xxxx (9/4/86)
Maj. Fredric F. Francisco, xxx-xx-xxxx (7/12/86)
Maj. Harold M. Hobart, Jr., xxx-xx-xxxx (7/25/86)
Maj. Joe E. Lyle, xxx-xx-xxxx (8/15/86)
Maj. James W. McKinney, xxx-xx-xxxx (8/5/86)
Maj. Lawrence A. Millben, xxx-xx-xxxx (8/18/86)
Maj. Robert W. Miller, xxx-xx-xxxx (9/13/86)
Maj. John R. Pearl, xxx-xx-xxxx (8/10/86)
Maj. David D. Pettyjohn, xxx-xx-xxxx (9/13/86)
Maj. Robert A. Rose, xxx-xx-xxxx (8/17/86)
Maj. William R. Smith, Jr., xxx-xx-xxxx (9/16/86)
Maj. Philip A. Tennant, xxx-xx-xxxx (8/26/86)
Maj. Thomas J. Verso, xxx-xx-xxxx (9/17/86)
Maj. Larry R. Warren, xxx-xx-xxxx (9/7/86)
Maj. John E. Wozny, xxx-xx-xxxx (8/14/86)

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Maj. William K. Maxwell, xxx-xx-xxxx (8/16/86)

MEDICAL CORPS

*To be lieutenant colonel*

Maj. Robert W. Hollenhorst, Jr., xxx-xx-xxxx (9/13/86)
Maj. William H. Vaughan, Jr., xxx-xx-xxxx (9/6/86)

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Fowler, Arthur F., xxx-xx-xxxx
Shull, Walter B., xxx-xx-xxxx

*To be major*

Marbury, Randal L., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10 of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code. (Effective dates in parentheses)

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Maj. Verne P. Burque, xxx-xx-xxxx (7/19/86)
Maj. Charles R. Burton, xxx-xx-xxxx (8/9/86)
Maj. Robert A. Cox, xxx-xx-xxxx (7/12/86)
Maj. Ira L. Dewitt, xxx-xx-xxxx (7/12/86)

Maj. Delbert L. Goodman, xxx-xx-xxxx (7/18/86)
Maj. Paul F. Haskell, xxx-xx-xxxx (8/25/86)
Maj. David N. Hipp, xxx-xx-xxxx (8/2/86)
Maj. Peter K. Hocknell, xxx-xx-xxxx (7/21/86)
Maj. Herbert R. Horne, Jr., xxx-xx-xxxx (8/20/86)
Maj. James L. Johnson, xxx-xx-xxxx (8/3/86)
Maj. James H. Koivisto, xxx-xx-xxxx (7/12/86)
Maj. Denis A. Lueders, xxx-xx-xxxx (7/19/86)
Maj. Leonard N. Masiello, xxx-xx-xxxx (8/15/86)
Maj. James D. McGeorge, xxx-xx-xxxx (7/23/86)
Maj. Terry W. McKinsey, xxx-xx-xxxx (7/20/86)
Maj. Dennis A. Naue, xxx-xx-xxxx (7/24/86)
Maj. Paul W. Nibur, xxx-xx-xxxx (6/27/86)
Maj. Thomas W. Pape, xxx-xx-xxxx (7/23/86)
Maj. Lonnie W. Parrish III, xxx-xx-xxxx (7/19/86)
Maj. Laurence E. Perkins, xxx-xx-xxxx (8/18/86)
Maj. Wayne A. Rosenthal, xxx-xx-xxxx (7/11/86)
Maj. Milton C. Ross, xxx-xx-xxxx (7/19/86)
Maj. Rex W. Tanberg, Jr., xxx-xx-xxxx (8/15/86)
Maj. James F. Thomasson, Jr., xxx-xx-xxxx (6/24/86)
Maj. Jerome T. Tisler, Jr., xxx-xx-xxxx (6/22/86)
Maj. Vincent R. Vairo, xxx-xx-xxxx (6/8/86)
Maj. Richard A. Way, xxx-xx-xxxx (6/13/86)
Maj. Van P. Williams, Jr. xxx-xx-xxxx (8/8/86)
Maj. Paul N. Woodward, xxx-xx-xxxx (8/2/86)

LEGAL

*To be lieutenant colonel*

Maj. John W. Dwyer, xxx-xx-xxxx (8/13/86)
Maj. Laurence S. Fedak, xxx-xx-xxxx (7/12/86)

MEDICAL CORPS

*To be lieutenant colonel*

Maj. Richard F. Dietrick, xxx-xx-xxxx (7/19/86)
Maj. Stephen J. Frushour, xxx-xx-xxxx (8/9/86)
Maj. Gerald E. Harmon, xxx-xx-xxxx (7/23/86)

NURSE CORPS

*To be lieutenant colonel*

Maj. Laura L. Willers, xxx-xx-xxxx (6/27/86)

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

LINE OF THE AIR FORCE

McLain, Ralph J. Jr., xxx-xx-xxxx
Vuk, Melvin M., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

CHAPLAIN

Malnar, Matthew G., xxx-xx-xxxx
Wuerffel, Theodore L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Spinks, Gary J., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Abner, Howard C., xxx-xx-xxxx
Abravaya, Ralph I., xxx-xx-xxxx
Adams, Alan L., xxx-xx-xxxx
Adamski, John, xxx-xx-xxxx
Agrella, William, xxx-xx-xxxx
Aguirre, Ralph G., xxx-xx-xxxx
Ahlquist, John A., xxx-xx-xxxx
Ahrenholz, Gary C., xxx-xx-xxxx
Aiken, Richard W., xxx-xx-xxxx
Akana, Chang K., xxx-xx-xxxx
Albers, Alan K., xxx-xx-xxxx
Albertazzie, Thomas E., xxx-xx-xxxx
Albright, Robert E., xxx-xx-xxxx
Alchian, Allen A., xxx-xx-xxxx
Alford, William L., xxx-xx-xxxx
Allen, David E., xxx-xx-xxxx
Allen, Michael D., xxx-xx-xxxx
Allgood, James E., xxx-xx-xxxx
Allison, Clinton D., xxx-xx-xxxx
Allison, Kenneth L., xxx-xx-xxxx
Allison, Lavoin K., xxx-xx-xxxx
Almond, Daniel L., xxx-xx-xxxx
Alston, Howard R., Jr., xxx-xx-xxxx
Alt, John J., xxx-xx-xxxx
Anderl, Robert S., xxx-xx-xxxx
Anderson, Leslie C., xxx-xx-xxxx
Andersen, Paul C., xxx-xx-xxxx
Anderson, Donald C., xxx-xx-xxxx
Anderson, Emery D., xxx-xx-xxxx
Anderson, Herbert K., Jr., xxx-xx-xxxx
Anderson, Kenneth C., xxx-xx-xxxx
Anderson, Stanley K., xxx-xx-xxxx
Anderson, Wayne J., xxx-xx-xxxx
Andrus, James C., xxx-xx-xxxx
Anna, John W., xxx-xx-xxxx
Archer, Michael D., xxx-xx-xxxx
Armbrust, Gregory N., xxx-xx-xxxx
Armstrong, Ernie R., xxx-xx-xxxx
Armstrong, George A., III, xxx-xx-xxxx
Armstrong, John M., xxx-xx-xxxx
Arndt, Linda J., xxx-xx-xxxx
Arnold, Brian A., xxx-xx-xxxx
Arnold, Eugene F., xxx-xx-xxxx
Asher, Charles R., xxx-xx-xxxx
Ashley, Charles W., xxx-xx-xxxx
Ashton, David J., xxx-xx-xxxx
Aslakson, Thomas L., xxx-xx-xxxx
Atkinson, Delbert B., xxx-xx-xxxx
Atkinson, John M., xxx-xx-xxxx
Aufderheide, Edward H., xxx-xx-xxxx
Augustine, Charles D., xxx-xx-xxxx
Averitt, Donald W., xxx-xx-xxxx
Babbitt, Harold L., xxx-xx-xxxx
Backman, Stephen M., xxx-xx-xxxx
Backstrom, David W., xxx-xx-xxxx
Baethge, Jonathan D., xxx-xx-xxxx
Bagley, Hollis R., xxx-xx-xxxx
Bailey, Burnell W., xxx-xx-xxxx
Bailey, Larry A., xxx-xx-xxxx
Bailey, Michael L., xxx-xx-xxxx
Bain, Keith E., xxx-xx-xxxx
Baker, Donald L., xxx-xx-xxxx
Baker, Francis J., Jr., xxx-xx-xxxx
Baker, Glenn F., xxx-xx-xxxx
Baker, Robert D., xxx-xx-xxxx
Baker, Rodney W., xxx-xx-xxxx
Baker, William P., xxx-xx-xxxx
Baldwin, Margaret K., xxx-xx-xxxx
Ball, George J., xxx-xx-xxxx
Ballard, John A., xxx-xx-xxxx
Ballard, Robert L., xxx-xx-xxxx
Bangs, Daniel P., xxx-xx-xxxx
Banister, John H., Jr., xxx-xx-xxxx
Bankhead, James M., xxx-xx-xxxx
Banner, Clifden A., xxx-xx-xxxx
Bannon, Michael T., xxx-xx-xxxx
Barber, Gary N., xxx-xx-xxxx
Bard, Nathan R., Jr., xxx-xx-xxxx
Barfield, James S., xxx-xx-xxxx
Barnes, Gary I., xxx-xx-xxxx
Barnes, Michael R., xxx-xx-xxxx
Barnett, William H., Jr., xxx-xx-xxxx
Barrett, Ronald R., xxx-xx-xxxx
Barry, John L., xxx-xx-xxxx
Bartol, Thomas J., xxx-xx-xxxx
Barton, Harold H., Jr., xxx-xx-xxxx
Barton, Joseph S., xxx-xx-xxxx
Barton, William H. Jr., xxx-xx-xxxx
Bartsch, Thomas M., xxx-xx-xxxx
Bassett, Kenneth R., xxx-xx-xxxx
Bates, Rodney L., xxx-xx-xxxx
Bath, Thomas A., xxx-xx-xxxx
Batten, Albert L., xxx-xx-xxxx
Bauman, John V., xxx-xx-xxxx
Bauman, Richard A., xxx-xx-xxxx
Baxter, Tommy J., xxx-xx-xxxx
Beal, Thomas L., xxx-xx-xxxx
Beard, Richard E., Jr., xxx-xx-xxxx
Beat, Anthony M., xxx-xx-xxxx
Beavers, Jessie K., xxx-xx-xxxx
Bechtol, David A., xxx-xx-xxxx
Beck, Norman M., Jr., xxx-xx-xxxx
Becker, Donald J., xxx-xx-xxxx
Beckett, Mason H., Jr., xxx-xx-xxxx
Beckett, Richard A., xxx-xx-xxxx
Bedford, William A., xxx-xx-xxxx
Beil, Thomas I., xxx-xx-xxxx
Belisle, Thomas M., xxx-xx-xxxx
Bell, Dennis R., xxx-xx-xxxx
Belote, Frank L., Jr., xxx-xx-xxxx
Bender, Donald C., xxx-xx-xxxx
Bender, Richard L., xxx-xx-xxxx
Bennett, Robert B., xxx-xx-xxxx
Benzel, Douglas A., xxx-xx-xxxx
Berecek, Emil M., III., xxx-xx-xxxx
Berg, Harold E., xxx-xx-xxxx
Berg, Thomas R., xxx-xx-xxxx
Berkshire, Ronald A., xxx-xx-xxxx
Berland, William L., xxx-xx-xxxx
Berlin, Rodney J., xxx-xx-xxxx
Bernard, John E., xxx-xx-xxxx
Berry, Thomas J., Jr., xxx-xx-xxxx
Bethel, Harry E., xxx-xx-xxxx
Bettencourt, Manuel J., xxx-xx-xxxx
Beulke, Linda M., xxx-xx-xxxx
Bevins, Barbara J., xxx-xx-xxxx
Bickel, Larry E., xxx-xx-xxxx
Bienstock, Steven A., xxx-xx-xxxx
Bienvenue, Robert C., xxx-xx-xxxx
Bierie, John M., xxx-xx-xxxx
Bieryla, Joseph P., xxx-xx-xxxx
Biggs, Michael N., xxx-xx-xxxx
Bigum, Randall K., xxx-xx-xxxx
Bina, David A., xxx-xx-xxxx
Binder, Gregory A., xxx-xx-xxxx
Binnebose, James P., xxx-xx-xxxx
Birchak, Paul K., xxx-xx-xxxx
Bird, Donald M., xxx-xx-xxxx
Bishop, Richard H., xxx-xx-xxxx
Black, Donald L., xxx-xx-xxxx
Blackwell, Jimmie A., xxx-xx-xxxx
Blair, Susan M., xxx-xx-xxxx
Blakelock, Ralph A., Jr., xxx-xx-xxxx
Blalock, Lamberth W., Jr. xxx-xx-xxxx
Blameuser, Lawrence F., Jr., xxx-xx-xxxx
Blandin, Robert R., xxx-xx-xxxx
Blank, Richard A., xxx-xx-xxxx
Blanton, Hoy M., xxx-xx-xxxx
Blatt, Ronald W., xxx-xx-xxxx
Blauw, Craig R., xxx-xx-xxxx
Blind, John A., xxx-xx-xxxx
Blodgett, Dennis R., xxx-xx-xxxx
Bloomer, Raymond H., Jr., xxx-xx-xxxx
Blum, Gary R., xxx-xx-xxxx
Boatright, Rodney L., xxx-xx-xxxx
Boatwright, James E., III, xxx-xx-xxxx

Boblitt, David W., xxx-xx-xxxx
Beorum, Kenneth R., xxx-xx-xxxx
Boettcher, Jon H., xxx-xx-xxxx
Bogenrief, James D., xxx-xx-xxxx
Bohlin, Daniel J., xxx-xx-xxxx
Boissonneault, Paul A., xxx-xx-xxxx
Bolick, Thomas R., xxx-xx-xxxx
Bolinger, Robert E., xxx-xx-xxxx
Bollich, William P., xxx-xx-xxxx
Bontly, William A., xxx-xx-xxxx
Bordelon, Vernon P., Jr., xxx-xx-xxxx
Boss, William D., xxx-xx-xxxx
Bourdon, Donald J., xxx-xx-xxxx
Bouris, Harry L., xxx-xx-xxxx
Bovey, Edward M., xxx-xx-xxxx
Bowden, Joseph A., xxx-xx-xxxx
Bowen, Craig S., xxx-xx-xxxx
Bowman, Gene S., xxx-xx-xxxx
Bowman, Steven C., xxx-xx-xxxx
Boyce, Charles W., Jr., xxx-xx-xxxx
Boyd, George E., xxx-xx-xxxx
Boyer, Stephen P., xxx-xx-xxxx
Boyle, James B., xxx-xx-xxxx
Boyle, Patrick M., xxx-xx-xxxx
Boyle, Robert E., Jr., xxx-xx-xxxx
Brach, David S., xxx-xx-xxxx
Braddock, Harry L., xxx-xx-xxxx
Bradham, Gary C., xxx-xx-xxxx
Brady, Robert B., xxx-xx-xxxx
Brainerd, Helen A., xxx-xx-xxxx
Brammeier, Charles L., Jr., xxx-xx-xxxx
Branch, Milton E., Jr., xxx-xx-xxxx
Brandon, John D., xxx-xx-xxxx
Brandt, Martin C., xxx-xx-xxxx
Braselman, William W.R., Jr., xxx-xx-xxxx
Brazelton, Glenn A., xxx-xx-xxxx
Brazie, Tommy L., xxx-xx-xxxx
Brennan, Gerald M., xxx-xx-xxxx
Bresett, Don, E., xxx-xx-xxxx
Brewer, Rommie G., xxx-xx-xxxx
Brewer, William F., xxx-xx-xxxx
Briding, Alan J., xxx-xx-xxxx
Briganti, Joseph F., xxx-xx-xxxx
Bright, Duane E., xxx-xx-xxxx
Briski, David F., xxx-xx-xxxx
Brock, John R., Jr., xxx-xx-xxxx
Brodel, Robert S., xxx-xx-xxxx
Brown, David J., xxx-xx-xxxx
Brown, Gerald L., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brown, Paul E., xxx-xx-xxxx
Brown, Richard B., xxx-xx-xxxx
Brown, Robert C., Jr., xxx-xx-xxxx
Brown, Robert M., xxx-xx-xxxx
Browne, Michael J., xxx-xx-xxxx
Browning, James D., xxx-xx-xxxx
Browning, Ronald K., xxx-xx-xxxx
Broyhill, Ted K., xxx-xx-xxxx
Broyles, Danny R., xxx-xx-xxxx
Bruckner, Linda G., xxx-xx-xxxx
Bruening, William S., xxx-xx-xxxx
Brumm, Terry L., xxx-xx-xxxx
Brunelle, Francis R., xxx-xx-xxxx
Brungess, James R., xxx-xx-xxxx
Brunn, Herbert L., xxx-xx-xxxx
Brust, Terry J., xxx-xx-xxxx
Bryant, Henry A., xxx-xx-xxxx
Bryant, Leonard W., xxx-xx-xxxx
Bryant, William R., xxx-xx-xxxx
Buckley, Raynor L., III, xxx-xx-xxxx
Buckner, Louis W., xxx-xx-xxxx
Buckwalter, David T., xxx-xx-xxxx
Buffalo, Edith B., xxx-xx-xxxx
Bugner, John R., xxx-xx-xxxx
Bukevicz, Ronald E., xxx-xx-xxxx
Bullock, Joan G., xxx-xx-xxxx
Bundy, Gary J., xxx-xx-xxxx
Burho, James F., xxx-xx-xxxx
Burk, Donna L., xxx-xx-xxxx
Burke, Bryant N., Jr., xxx-xx-xxxx
Burkhart, John S., xxx-xx-xxxx
Burklund, Bernard B., Jr., xxx-xx-xxxx
Burnett, Stephen A., xxx-xx-xxxx
Burnette, Bennie H., Jr., xxx-xx-xxxx
Burns, Daniel L., xxx-xx-xxxx
Burns, Patrick C., xxx-xx-xxxx
Burns, Robert D., xxx-xx-xxxx
Burns, Robert, III, xxx-xx-xxxx
Burnside, Robert M., xxx-xx-xxxx
Busby, Stephen M., xxx-xx-xxxx
Bush, Stephen J., xxx-xx-xxxx
Butson, Gary J., xxx-xx-xxxx
Butts, James N., xxx-xx-xxxx
Byrd, Michael C., xxx-xx-xxxx
Caffall, William E., xxx-xx-xxxx
Cafiero, Mario S., xxx-xx-xxxx
Caisse, Eugene J., xxx-xx-xxxx
Calcutt, Harry M., Jr., xxx-xx-xxxx
Calderon, Robert, xxx-xx-xxxx
Caldwell, John P., xxx-xx-xxxx
Callen, Monte H., Jr., xxx-xx-xxxx
Callen, Thomas R., xxx-xx-xxxx
Camblin, Mary E., xxx-xx-xxxx
Campbell, Charles K., xxx-xx-xxxx
Campbell, Donald W., xxx-xx-xxxx
Campbell, John H., xxx-xx-xxxx
Campbell, Walter B., III, xxx-xx-xxxx
Cannon, James P., xxx-xx-xxxx
Caramanica, Nicholas G., xxx-xx-xxxx
Cardinal, Lawrence D., xxx-xx-xxxx
Carleton, Jon R., xxx-xx-xxxx
Carmichall, Steven, xxx-xx-xxxx
Carpen, Thaddeus R., Jr., xxx-xx-xxxx
Carpenter, Donald J., xxx-xx-xxxx
Carpenter, John R., xxx-xx-xxxx
Carpenter, Richard F., xxx-xx-xxxx
Carrier, Rick T., xxx-xx-xxxx
Carroll, Stephan R., xxx-xx-xxxx
Carter, Raymond N., xxx-xx-xxxx
Carter, Ronald D., xxx-xx-xxxx
Carter, Ted J., xxx-xx-xxxx
Carver, William A., xxx-xx-xxxx
Case, Versel T., xxx-xx-xxxx
Casey, Ronald C., xxx-xx-xxxx
Cashero, Gary A., xxx-xx-xxxx
Caspers, Joseph R., xxx-xx-xxxx
Caton, Marilyn J., xxx-xx-xxxx
Caudle, Keith H., xxx-xx-xxxx
Caulfield, John B., xxx-xx-xxxx
Caulfield, Michael D., xxx-xx-xxxx
Cavendish, Ronald L., xxx-xx-xxxx
Cella, George L., xxx-xx-xxxx
Ceroni, Andrew J., Jr., xxx-xx-xxxx
Chabot, Guy A., xxx-xx-xxxx
Caffin, David E., xxx-xx-xxxx
Chamberlain, Robert A., xxx-xx-xxxx
Chapman, Frederick W., Jr., xxx-xx-xxxx
Chapman, John C., xxx-xx-xxxx
Chapuran, Robert C., xxx-xx-xxxx
Chase, Gregory M., xxx-xx-xxxx
Chase, John S., xxx-xx-xxxx
Chase, Joseph D., xxx-xx-xxxx
Chealander, Steven R., xxx-xx-xxxx
Chedister, Robert W., xxx-xx-xxxx
Chester, Thomas M., xxx-xx-xxxx
Childress, Robert E., Jr., xxx-xx-xxxx
Chisholm, Robert K., xxx-xx-xxxx
Chmiola, Stephen J., xxx-xx-xxxx
Christensen, Thomas W., xxx-xx-xxxx
Christian, Bobby G., xxx-xx-xxxx
Christy, Earl B., Jr., xxx-xx-xxxx
Cilento, John W., xxx-xx-xxxx
Cimino, Michael B., xxx-xx-xxxx
Clark, Kenneth B., xxx-xx-xxxx
Clark, Peter H., xxx-xx-xxxx
Clark, Richard B., Jr., xxx-xx-xxxx
Clauson, Dale W., xxx-xx-xxxx
Clemons, Larry, xxx-xx-xxxx
Cleveland, John Y., xxx-xx-xxxx
Clovis, Samuel H., Jr., xxx-xx-xxxx
Coats, Robert L., xxx-xx-xxxx
Cobb, John C., xxx-xx-xxxx
Coffey, Gregory D., xxx-xx-xxxx
Coffin, Robert C., xxx-xx-xxxx
Cole, Lawrence M., xxx-xx-xxxx
Cole, William S., Jr., xxx-xx-xxxx
Coleman, Cranston R., Jr., xxx-xx-xxxx
Coleman, Marvin G., xxx-xx-xxxx
Collier, Joe L., xxx-xx-xxxx
Colmer, William J., xxx-xx-xxxx
Conkle, Larry G., xxx-xx-xxxx
Conley, Michael G., xxx-xx-xxxx
Conlin, John C., III, xxx-xx-xxxx
Connor, Gary W., xxx-xx-xxxx
Conrad, Charles W., xxx-xx-xxxx
Contos, Christopher, xxx-xx-xxxx
Cook, Dale J., xxx-xx-xxxx
Cook, Harry F., xxx-xx-xxxx
Cook, Richard J., xxx-xx-xxxx
Cook, Sharla J., xxx-xx-xxxx
Coombs, Robert S., xxx-xx-xxxx
Cooning, Craig R., xxx-xx-xxxx
Cooper, Rhett T., xxx-xx-xxxx
Cooper, Stanley J., xxx-xx-xxxx
Cooper, William J., xxx-xx-xxxx
Coppock, Kelvin R., xxx-xx-xxxx
Copps, Richard D., xxx-xx-xxxx
Corbitt, Thomas R., xxx-xx-xxxx
Carradi, Michael E., xxx-xx-xxxx
Corsi, Robert E., Jr., xxx-xx-xxxx
Costello, John S., xxx-xx-xxxx
Cote, Richard W., III, xxx-xx-xxxx
Cotten, James M., xxx-xx-xxxx
Courtheyn, Terry L., xxx-xx-xxxx
Coury, Thomas R., xxx-xx-xxxx
Coverdale, Scott C., xxx-xx-xxxx
Cowan, Stetson R., xxx-xx-xxxx
Cox, Leland D., xxx-xx-xxxx
Cox, Luther E., Jr., xxx-xx-xxxx
Cox, Michael H., xxx-xx-xxxx
Cox, Robert L., Jr., xxx-xx-xxxx
Cox, Timothy A., xxx-xx-xxxx
Craig, William R., xxx-xx-xxxx
Crandall, Walter M., III, xxx-xx-xxxx
Crandall, Wayne O., xxx-xx-xxxx
Crane, Royce I., xxx-xx-xxxx
Craton, Allen G., xxx-xx-xxxx
Craw, Charles A., Jr., xxx-xx-xxxx
Craw, Marshall W., xxx-xx-xxxx
Crawford, David A., xxx-xx-xxxx
Crawford, Walter T., xxx-xx-xxxx
Crim, Colin J., xxx-xx-xxxx
Crimin, Bruce E., xxx-xx-xxxx
Crook, Thomas E., xxx-xx-xxxx
Croom, Charles E., Jr., xxx-xx-xxxx
Crossey, Terrence G., xxx-xx-xxxx
Crotty, Patrick H., xxx-xx-xxxx
Crowe, William E., Jr., xxx-xx-xxxx
Crozat, Roger P., xxx-xx-xxxx
Crump, Gary G., xxx-xx-xxxx
Cucuel, Bruce R., xxx-xx-xxxx
Cultice, William W., xxx-xx-xxxx
Cummings, Michael A., xxx-xx-xxxx
Cunningham, Jerald L., xxx-xx-xxxx
Cunningham, Robert I., xxx-xx-xxxx
Cuoio, Michael A., xxx-xx-xxxx
Curry, John R., xxx-xx-xxxx
Curry, Thomas F., xxx-xx-xxxx
Curtis, Thiery G., xxx-xx-xxxx
Custer, Scott S., xxx-xx-xxxx
Cusumano, Thomas J., xxx-xx-xxxx
Cutter, Robert F., xxx-xx-xxxx
Czajkowski, Kenneth R., xxx-xx-xxxx
Dalby, Jan F., xxx-xx-xxxx
Daley, Daniel C., xxx-xx-xxxx
Dalrymple, Stephen H., xxx-xx-xxxx
Damron, Robert A., xxx-xx-xxxx
Danahy, Edward M., xxx-xx-xxxx
Daniel, Larry D., xxx-xx-xxxx
Daniel, Ronald E., xxx-xx-xxxx
Danielle, Michael G., xxx-xx-xxxx
Danielsen, Stanley R., xxx-xx-xxxx
Dansro, Daniel A., xxx-xx-xxxx
Daugherty, Ronald H., xxx-xx-xxxx
Dauria, Michael J., xxx-xx-xxxx
Davidson, Nolan R., xxx-xx-xxxx
Davis, Charles E., Jr., xxx-xx-xxxx
Davis, Gary W., xxx-xx-xxxx
Davis, Harry F., xxx-xx-xxxx
Davis, James P., xxx-xx-xxxx
Davis, John S., xxx-xx-xxxx
Davis, Lance R., Jr., xxx-xx-xxxx

Davis, Louis E., xxx-xx-xxxx
Davis, Robert C., xxx-xx-xxxx
Davis, Thomas M., xxx-xx-xxxx
Davis, William R., xxx-xx-xxxx
Dawley, Raymond A., Jr., xxx-xx-xxxx
Dawson, Derek L., xxx-xx-xxxx
Day, Michael D., xxx-xx-xxxx
Deabler, Douglas D., xxx-xx-xxxx
Dean, James N., xxx-xx-xxxx
Dean, Thomas R., xxx-xx-xxxx
Debban, Alan W., xxx-xx-xxxx
Debellis, David A., xxx-xx-xxxx
Dedona, Daniel B., xxx-xx-xxxx
Dee, Bernard E. Jr., xxx-xx-xxxx
Dehaven, Steven J., xxx-xx-xxxx
Deich, Kenton P., xxx-xx-xxxx
Deloach, Don A. M., xxx-xx-xxxx
Deloughry, James P., xxx-xx-xxxx
Demetrio, James J., xxx-xx-xxxx
Demmel, Robert J., xxx-xx-xxxx
Demuth, Robert L., xxx-xx-xxxx
Denton, Rosemary A., xxx-xx-xxxx
Deponte, Manuel, Jr., xxx-xx-xxxx
Derego, Gerald H., xxx-xx-xxxx
Derosa, August I., xxx-xx-xxxx
Derrington, William T., xxx-xx-xxxx
Desplinter, Richard D., xxx-xx-xxxx
Destefano, Anthony L., xxx-xx-xxxx
Dewilder, James F., xxx-xx-xxxx
Dickinson, Jack R, Jr., xxx-xx-xxxx
Dietz, Ronald E., xxx-xx-xxxx
Dijak, Jerome T., xxx-xx-xxxx
Dilda, James H., xxx-xx-xxxx
Dill, Charles D., xxx-xx-xxxx
Dill, Randall C., xxx-xx-xxxx
Dillard, Charles D., xxx-xx-xxxx
Dills, Gary D., xxx-xx-xxxx
Dimattina, Vincent J., xxx-xx-xxxx
Denerstein, Marc J., xxx-xx-xxxx
Dinwoodie, William J., xxx-xx-xxxx
Dipiero, John R., xxx-xx-xxxx
Dise, David, xxx-xx-xxxx
Dixon, Donald R., xxx-xx-xxxx
Dominguezyrodas, Gerardo, xxx-xx-xxxx
Dominick, John C. Jr., xxx-xx-xxxx
Donald, Thomas L., xxx-xx-xxxx
Donegan, Walter J., xxx-xx-xxxx
Dooley, Thomas, xxx-xx-xxxx
Dorczuk, Joseph P., xxx-xx-xxxx
Dorger, David L., xxx-xx-xxxx
Dorough, Robert E., xxx-xx-xxxx
Doty, Robert G., xxx-xx-xxxx
Dougherty, William B., xxx-xx-xxxx
Downing, Douglas A., xxx-xx-xxxx
Downs, James W., xxx-xx-xxxx
Drake, Ronald J., xxx-xx-xxxx
Drake, Thomas E., xxx-xx-xxxx
Drake, William J., xxx-xx-xxxx
Drasky, William, J., xxx-xx-xxxx
Drew, Samuel N., xxx-xx-xxxx
Dreyer, Robert P., xxx-xx-xxxx
Driesbach, Frederick J., xxx-xx-xxxx
Driggs, Charles H., xxx-xx-xxxx
Driggs, Dan G., xxx-xx-xxxx
Drollinger, Donald M., xxx-xx-xxxx
Drowley, Robert D., xxx-xx-xxxx
Drury, John M., xxx-xx-xxxx
Dubcak, Arnold C., Jr., xxx-xx-xxxx
Dudley, Garry A., xxx-xx-xxxx
Dudley, William H., xxx-xx-xxxx
Duffee, Michael J., xxx-xx-xxxx
Duffey, Daniel K., xxx-xx-xxxx
Duke, Paul L., xxx-xx-xxxx
Dumke, Melvin A., xxx-xx-xxxx
Dunbar, Ralph E., Jr., xxx-xx-xxxx
Dunlop, Roy W., xxx-xx-xxxx
Dunning, Stephen J., xxx-xx-xxxx
Duringer, Pierre R., xxx-xx-xxxx
Dutcher, John W., III, xxx-xx-xxxx
Dutton, Jeffrey L., xxx-xx-xxxx
Duval, Philip R., xxx-xx-xxxx
Dwyer, Barney W., xxx-xx-xxxx
Dwyer, James P., xxx-xx-xxxx
Dziedzic, Michael J., xxx-xx-xxxx
Dziuban, Stephen T., xxx-xx-xxxx
Eadon, Edward J., xxx-xx-xxxx
Earls, Garry W., xxx-xx-xxxx
Eastman, Kenneth D., xxx-xx-xxxx
Ebensperger, Gregory A., xxx-xx-xxxx
Ebinger, John H., xxx-xx-xxxx
Edie, Halson K., xxx-xx-xxxx
Edmund, Robert F., xxx-xx-xxxx
Edwards, Joseph L., xxx-xx-xxxx
Edwards, Louis M., Jr., xxx-xx-xxxx
Edwards, Ronald A., xxx-xx-xxxx
Edwards, William T., xxx-xx-xxxx
Ehler, Lynn G., xxx-xx-xxxx
Ekstrom, Robert H., xxx-xx-xxxx
Elder, Robert J., Jr., xxx-xx-xxxx
Eldredge, Francis S., xxx-xx-xxxx
Eller, Barry A., xxx-xx-xxxx
Elliot, Roger D., xxx-xx-xxxx
Ellis, David J., xxx-xx-xxxx
Elton, Terry J., xxx-xx-xxxx
Emrich, Paul D., xxx-xx-xxxx
Endersby, Gary P., xxx-xx-xxxx
Engelbrecht, Joseph A., Jr., xxx-xx-xxxx
Enzweiler, Louis E., xxx-xx-xxxx
Epperson, Lewis M., Jr., xxx-xx-xxxx
Erickson, Alan P., xxx-xx-xxxx
Ertle, Kenneth A., xxx-xx-xxxx
Escarzaga, Alexander, xxx-xx-xxxx
Estep, Terry L., xxx-xx-xxxx
Evanchik, Michael A., xxx-xx-xxxx
Evans, Arthur D., xxx-xx-xxxx
Evans, Brinson, xxx-xx-xxxx
Evans, Lewis V., IV, xxx-xx-xxxx
Evans, Patrick J., xxx-xx-xxxx
Evers, Kenneth R., xxx-xx-xxxx
Ewell, Robert N., xxx-xx-xxxx
Ewing, William B., Jr., xxx-xx-xxxx
Exum, Donnell R., xxx-xx-xxxx
Faas, Wayne M., xxx-xx-xxxx
Fagan, Charles J., III, xxx-xx-xxxx
Fagan, Dan, Jr., xxx-xx-xxxx
Falcione, Albert A., xxx-xx-xxxx
Fallis, Jerre D., xxx-xx-xxxx
Fanning, Arthur E., xxx-xx-xxxx
Farley, Allison J., xxx-xx-xxxx
Farnell, Lawrence C., xxx-xx-xxxx
Farson, Michael T., xxx-xx-xxxx
Fast, Dwight W., xxx-xx-xxxx
Faubion, Ernest R., xxx-xx-xxxx
Fauss, Gary E., xxx-xx-xxxx
Fehd, Dale F., xxx-xx-xxxx
Feldbauer, Gary R., xxx-xx-xxxx
Feldkamp, Alan C., xxx-xx-xxxx
Feldman, James K., xxx-xx-xxxx
Fender, Jeffrey N., xxx-xx-xxxx
Ferguson, Charles L., xxx-xx-xxxx
Fier, William J., xxx-xx-xxxx
Finan, Gregory K., xxx-xx-xxxx
Fink, Joseph E., xxx-xx-xxxx
Finnan, Brian G., xxx-xx-xxxx
Fisher, Bruce D., xxx-xx-xxxx
Fitzgerald, David J., xxx-xx-xxxx
Fitzgerald, Thomas A., xxx-xx-xxxx
Flack, Dick P., xxx-xx-xxxx
Flaherty, Edward J., Jr., xxx-xx-xxxx
Fletcher, Paul J., xxx-xx-xxxx
Fleury, Robert D., xxx-xx-xxxx
Flynn, Michael D., xxx-xx-xxxx
Foglesong, Ivan E., xxx-xx-xxxx
Foley, John M., xxx-xx-xxxx
Foley, Louise A., xxx-xx-xxxx
Foley, Richard P., xxx-xx-xxxx
Foley, Richard S., xxx-xx-xxxx
Fondren, James W., Jr., xxx-xx-xxxx
Forbes, Robert C., Jr., xxx-xx-xxxx
Forgiel, Stephen C., xxx-xx-xxxx
Forman, James L., xxx-xx-xxxx
Forman, Wesley W., Jr., xxx-xx-xxxx
Forsyth, Merlyn C., xxx-xx-xxxx
Foster, Brady C., xxx-xx-xxxx
Foster, Roger A., xxx-xx-xxxx
Fountain, Randall M., xxx-xx-xxxx
Fountain, Roger S., II, xxx-xx-xxxx
Fouts, Jerry L., xxx-xx-xxxx
Fowler, Danny R., xxx-xx-xxxx
Fowler, James M., xxx-xx-xxxx
Fox, Mary S., xxx-xx-xxxx
Foxworthy, Paul T., xxx-xx-xxxx
Francis, Robert W., xxx-xx-xxxx
Francis, Vernon E., xxx-xx-xxxx
Franks, Larry C., xxx-xx-xxxx
Fraser, William M., III, xxx-xx-xxxx
Frazelle, David R., xxx-xx-xxxx
Frazier, Alfred H., Jr., xxx-xx-xxxx
Fred, Steven J., xxx-xx-xxxx
Fredericksen, Marian F., xxx-xx-xxxx
Freedman, Jay, xxx-xx-xxxx
Freeman, Larry E., xxx-xx-xxxx
Freeman, Michael C., xxx-xx-xxxx
Frescholtz, George F., xxx-xx-xxxx
Fretzs, Robert G., xxx-xx-xxxx
Frichtl, Paul J., xxx-xx-xxxx
Fried, Bruce A., xxx-xx-xxxx
Friers, Thomas R., xxx-xx-xxxx
Froebe, Charles F., xxx-xx-xxxx
Frye, Donald E., Jr., xxx-xx-xxxx
Frye, Robert A., xxx-xx-xxxx
Fryman, Kenneth W., xxx-xx-xxxx
Fulps, John W., III, xxx-xx-xxxx
Fulton, Phil A., xxx-xx-xxxx
Funk, Craig S., xxx-xx-xxxx
Gaertner, Stephen J., xxx-xx-xxxx
Gage, Mark D., xxx-xx-xxxx
Gahr, Allan A., xxx-xx-xxxx
Gahr, William F., Jr., xxx-xx-xxxx
Gale, Jimmy D., xxx-xx-xxxx
Gallop, Wesley W., xxx-xx-xxxx
Galloway, Samuel E., xxx-xx-xxxx
Gannon, Michael R., xxx-xx-xxxx
Garber, Garold L., xxx-xx-xxxx
Gardner, John L., Jr., xxx-xx-xxxx
Gare, Lars E., xxx-xx-xxxx
Garland, Gary D., xxx-xx-xxxx
Garlington, Jerry L., xxx-xx-xxxx
Garner, David D., xxx-xx-xxxx
Garrigan, Kevin J., xxx-xx-xxxx
Garst, Winfred J., Jr., xxx-xx-xxxx
Garvin, Honi J., xxx-xx-xxxx
Gaseor, Randal A., xxx-xx-xxxx
Gaston, Harold R., xxx-xx-xxxx
Gates, Thomas E., xxx-xx-xxxx
Gaumer, William F., xxx-xx-xxxx
Gausmann, Richard E., xxx-xx-xxxx
Geary, Glenn S., xxx-xx-xxxx
Gebhardt, Michael E., xxx-xx-xxxx
Gee, Robert M., xxx-xx-xxxx
Gehri, Suzanne B., xxx-xx-xxxx
Gelwix, Randall C., xxx-xx-xxxx
Genaille, Richard A., Jr., xxx-xx-xxxx
Geneczko, Joseph C., xxx-xx-xxxx
Gentile, Joseph xxx-xx-xxxx
Georg, Elden M., xxx-xx-xxxx
George, William M., xxx-xx-xxxx
Geraldson, David A., xxx-xx-xxxx
Gerard, Donald F., xxx-xx-xxxx
Gerhart, Scott E., xxx-xx-xxxx
Germano, Geoffrey D., xxx-xx-xxxx
Gerner, John C., xxx-xx-xxxx
Gervais, Frederick B., xxx-xx-xxxx
Gesch, Wolfgang E. K., xxx-xx-xxxx
Getchell, Ralph W., III, xxx-xx-xxxx
Geyer, George J., xxx-xx-xxxx
Gibson, Rodney E., xxx-xx-xxxx
Geiger, William L. Jr., xxx-xx-xxxx
Giesecke, Gary F., xxx-xx-xxxx
Gilbert, Bruce A., xxx-xx-xxxx
Gilbert, Charles H., xxx-xx-xxxx
Gilbert, Danny R., xxx-xx-xxxx
Gilbert, Russell L., xxx-xx-xxxx
Gilbertson, Keith G., xxx-xx-xxxx
Gillaspie, Danny L., xxx-xx-xxxx
Girtman, Larry J., xxx-xx-xxxx
Givens, Glen D., xxx-xx-xxxx
Glasgow, David A., xxx-xx-xxxx
Glaze, Orville B. Jr., xxx-xx-xxxx
Glickman, Barry S., xxx-xx-xxxx
Glinka, Ronald R., xxx-xx-xxxx
Godby, John R., xxx-xx-xxxx

Goelz, Francis C., xxx-xx-xxxx
Goetz, Robert E. Jr., xxx-xx-xxxx
Goodin, James A., xxx-xx-xxxx
Goodwin, Richard C., xxx-xx-xxxx
Gorczyca, Edward C., xxx-xx-xxxx
Gorczyca, John A., xxx-xx-xxxx
Gordon, Grant D., III, xxx-xx-xxxx
Gordon, Steven C., xxx-xx-xxxx
Gore, Larry R., xxx-xx-xxxx
Gorman, John J., Jr., xxx-xx-xxxx
Gorman, William J., Jr., xxx-xx-xxxx
Gosline, Robert M., xxx-xx-xxxx
Gothard, David H., xxx-xx-xxxx
Gower, Terry N., xxx-xx-xxxx
Graber, Glenn H., xxx-xx-xxxx
Graham, Edward L., xxx-xx-xxxx
Graham, Freddie L., xxx-xx-xxxx
Graves, Roger B., xxx-xx-xxxx
Gray, Edward xxx-xx-xxxx
Gray, James R., xxx-xx-xxxx
Grayson, Anthony S., xxx-xx-xxxx
Graziano, Paul E., xxx-xx-xxxx
Green, Dennis C., xxx-xx-xxxx
Green, James C., xxx-xx-xxxx
Greenberg, Harvey R., xxx-xx-xxxx
Greider, James E., xxx-xx-xxxx
Grier, Samuel L., Jr., xxx-xx-xxxx
Griess, Wayne D., xxx-xx-xxxx
Griffin, Charles W., xxx-xx-xxxx
Griffith, Thomas M., xxx-xx-xxxx
Grimes, Stephen L., xxx-xx-xxxx
Groff, Steven D., xxx-xx-xxxx
Grogan, George C., xxx-xx-xxxx
Gross, Bryant E., xxx-xx-xxxx
Gross, Thomas H., xxx-xx-xxxx
Grubb, Jane A., xxx-xx-xxxx
Guebard, Jerry R., xxx-xx-xxxx
Guinn, Larry L., xxx-xx-xxxx
Gunterman, Raymond J., xxx-xx-xxxx
Gurganus, Horace D., xxx-xx-xxxx
Guttman, Paul M., xxx-xx-xxxx
Guy, Homer L., xxx-xx-xxxx
Guyette, Kenneth C., xxx-xx-xxxx
Guzman, Dexon B., xxx-xx-xxxx
Gwyn, Rodney T., xxx-xx-xxxx
Haas, Kenneth M., xxx-xx-xxxx
Haenchen, Michael J., xxx-xx-xxxx
Haesecke, Mark H., xxx-xx-xxxx
Hafner, Steven C., xxx-xx-xxxx
Hager, Gilbert J., xxx-xx-xxxx
Haldeman, Georgia L., xxx-xx-xxxx
Hale, Charles H., xxx-xx-xxxx
Hales, Michael D., xxx-xx-xxxx
Halik, Edwin J., Jr., xxx-xx-xxxx
Hall, Charles R., xxx-xx-xxxx
Hall, Thomas H., xxx-xx-xxxx
Halverson, Gregory A., xxx-xx-xxxx
Halvorsen, Lee W., xxx-xx-xxxx
Hamilton, Kelly S.C., xxx-xx-xxxx
Hamlin, Mary B., xxx-xx-xxxx
Hamme, Dennis L., xxx-xx-xxxx
Hammond, Gregory E., xxx-xx-xxxx
Hammond, Steven L., xxx-xx-xxxx
Hancock, Anthony W., xxx-xx-xxxx
Handley, David L., xxx-xx-xxxx
Hange, Richard H., Jr., xxx-xx-xxxx
Hannah, Michael D., xxx-xx-xxxx
Hannah, Stephen J., xxx-xx-xxxx
Hanner, Charles K., III, xxx-xx-xxxx
Hansen, Michael A., xxx-xx-xxxx
Hansen, Warren A., xxx-xx-xxxx
Hanson, Earl L., xxx-xx-xxxx
Harden, Ronald M., xxx-xx-xxxx
Hardin, James G., xxx-xx-xxxx
Haritos, George K., xxx-xx-xxxx
Harmon, Gary R., xxx-xx-xxxx
Harmon, John P., xxx-xx-xxxx
Harper, Michael S., xxx-xx-xxxx
Harrington, Richard G., xxx-xx-xxxx
Harris, Douglas E., xxx-xx-xxxx
Harris, Frank C., xxx-xx-xxxx
Harris, Gerald H., xxx-xx-xxxx
Harris, Larry H., xxx-xx-xxxx
Harrison, Robert W., xxx-xx-xxxx
Harrop, Alfred xxx-xx-xxxx
Hartmann, David H., xxx-xx-xxxx
Hartranft, Thomas J. xxx-xx-xxxx
Harvell, Donald J., xxx-xx-xxxx
Harvey, Francis M., xxx-xx-xxxx
Harvey, James L., xxx-xx-xxxx
Hasen, Gerald A., xxx-xx-xxxx
Hastings, Harold L., xxx-xx-xxxx
Hauck, Louis F., xxx-xx-xxxx
Hauk, Richard S., xxx-xx-xxxx
Haverkamp, Donald L., xxx-xx-xxxx
Havron, Stephen L., xxx-xx-xxxx
Hawk, John R., Jr., xxx-xx-xxxx
Hawkins, James A., xxx-xx-xxxx
Hawkins, Kenneth L., xxx-xx-xxxx
Hawthorne, Robert C., xxx-xx-xxxx
Hay, Daniel G., xxx-xx-xxxx
Hayes, Darrell C., xxx-xx-xxxx
Hayes, Gary A., xxx-xx-xxxx
Hayes, Ian J., xxx-xx-xxxx
Hayes, Richard A., xxx-xx-xxxx
Hayes, Richard T., xxx-xx-xxxx
Hayes, Timothy W., xxx-xx-xxxx
Haynes, John C., xxx-xx-xxxx
Hays, Larry W., xxx-xx-xxxx
Head, Elbert B., xxx-xx-xxxx
Heaton, Kent N., xxx-xx-xxxx
Hedges, David K., xxx-xx-xxxx
Hedgpeth, Harding B., xxx-xx-xxxx
Heidenreich, Wesley J., xxx-xx-xxxx
Heinemeyer, Michael L., xxx-xx-xxxx
Heiser, John L., xxx-xx-xxxx
Heit, Edward E., xxx-xx-xxxx
Heitzig, William J., xxx-xx-xxxx
Hemm, Robert V., Jr., xxx-xx-xxxx
Hemmerly, Richard M., xxx-xx-xxxx
Henderson, Rodney S., xxx-xx-xxxx
Henley, Ronald K., xxx-xx-xxxx
Hennessey, Peter J., xxx-xx-xxxx
Hennings, Gregory L., xxx-xx-xxxx
Hensz, Robert L., xxx-xx-xxxx
Herbert, William H., xxx-xx-xxxx
Herre, Ronald W., xxx-xx-xxxx
Herrick, David M., xxx-xx-xxxx
Herrington, David E., xxx-xx-xxxx
Herron, Robert L., xxx-xx-xxxx
Heslep, Billy E., xxx-xx-xxxx
Heydenburk, William B., xxx-xx-xxxx
Hickman, Gene R., xxx-xx-xxxx
Higbie, Benjamin G., Jr., xxx-xx-xxxx
Higginbotham, Bradley K., xxx-xx-xxxx
Higgins, John N., xxx-xx-xxxx
Hill, Robert L., xxx-xx-xxxx
Hillard, Randal J., xxx-xx-xxxx
Hillmer, Robert S., xxx-xx-xxxx
Hindle, Eugene P., xxx-xx-xxxx
Hinze, Lloyd H., xxx-xx-xxxx
Hirshouer, Edgar H., III, xxx-xx-xxxx
Hitz, Gary L., xxx-xx-xxxx
Hoag, David M., xxx-xx-xxxx
Hogan, James P., xxx-xx-xxxx
Hoggard, Douglas A., xxx-xx-xxxx
Hogrebe, John W., xxx-xx-xxxx
Holcomb, Omer K., xxx-xx-xxxx
Holdcraft, Michael D., xxx-xx-xxxx
Holingsworth, David M., xxx-xx-xxxx
Holmes, Dave B., xxx-xx-xxxx
Holmes, Mark K., xxx-xx-xxxx
Holmes, Timmie D., xxx-xx-xxxx
Holve, Bradford D., xxx-xx-xxxx
Hongo, Gary K., xxx-xx-xxxx
Hooker, Gary L., xxx-xx-xxxx
Hopewell, William E., xxx-xx-xxxx
Horne, Stephen L., xxx-xx-xxxx
Horton, Henry W., xxx-xx-xxxx
Houle, Edward H., xxx-xx-xxxx
Houle, Georges N., xxx-xx-xxxx
House, Dan E., xxx-xx-xxxx
House, Robert T., xxx-xx-xxxx
Howell, George W., xxx-xx-xxxx
Huber, John E., xxx-xx-xxxx
Hudson, Ralph E., xxx-xx-xxxx
Huebner, Kent L., xxx-xx-xxxx
Huey, Lawrence R., xxx-xx-xxxx
Huffman, Jacob M., III, xxx-xx-xxxx
Hughes, Lee H., xxx-xx-xxxx
Hughes, Michael J., xxx-xx-xxxx
Hughston, Thomas E., xxx-xx-xxxx
Hugo, Vane, III, xxx-xx-xxxx
Humphrey, James E., xxx-xx-xxxx
Humphries, John E., xxx-xx-xxxx
Huneycutt, Carroll R., xxx-xx-xxxx
Hungerford, Howard L., xxx-xx-xxxx
Hunt, Douglas C., xxx-xx-xxxx
Hunter, Michael L., xxx-xx-xxxx
Huntley, Lee W., Jr., xxx-xx-xxxx
Hurt, Kenneth W., xxx-xx-xxxx
Hutchinson, C.L. Rufus, xxx-xx-xxxx
Hutton, John R., xxx-xx-xxxx
Hutton, Danny R., xxx-xx-xxxx
Hutzler, Michael J., xxx-xx-xxxx
Hylton, Robert M., xxx-xx-xxxx
Hymel, Robert J., xxx-xx-xxxx
Ilardi, Richard C., xxx-xx-xxxx
Iltis, Charles B., xxx-xx-xxxx
Ingermanson, Leonard A., xxx-xx-xxxx
Inglis, John C., xxx-xx-xxxx
Irick, William R., xxx-xx-xxxx
Irvin, Dale E., xxx-xx-xxxx
Irving, Gugy A., III xxx-xx-xxxx
Irwin , Don L., xxx-xx-xxxx
Isaacs, Larry K., xxx-xx-xxxx
Isaia, Raymond B., xxx-xx-xxxx
Isaman, Robery J., xxx-xx-xxxx
Ivaniszek, Robert J., xxx-xx-xxxx
Iverstine, Emile C., xxx-xx-xxxx
Jack, James E., xxx-xx-xxxx
Jackson, John S., xxx-xx-xxxx
Jackson, Julius A., Jr., xxx-xx-xxxx
Jackson, Nokomis, Jr., xxx-xx-xxxx
Jacobs, John R., xxx-xx-xxxx
Jacoby, Daniel H., xxx-xx-xxxx
Jantz, Gordon F., xxx-xx-xxxx
Jarnagin, Jonny D., xxx-xx-xxxx
Jasper, John N., xxx-xx-xxxx
Jauquet, David R., xxx-xx-xxxx
Jeffcoat, George C., Jr., xxx-xx-xxxx
Jenkins, Jesse F., Jr., xxx-xx-xxxx
Jenkins, Richard W., xxx-xx-xxxx
Jensen, Chris L., xxx-xx-xxxx
Jensen, Gary P., xxx-xx-xxxx
Jermain, Clark A., xxx-xx-xxxx
Jewell, Albert T., xxx-xx-xxxx
Jiggens, James M., xxx-xx-xxxx
Jistel, Arthur A., xxx-xx-xxxx
Johnsen, Kevin N., xxx-xx-xxxx
Johnson, Brian C., xxx-xx-xxxx
Johnson, Damon T., xxx-xx-xxxx
Johnson, David R., xxx-xx-xxxx
Johnson, Deborah L., xxx-xx-xxxx
Johnson, Donald L., xxx-xx-xxxx
Johnson, Donald R., xxx-xx-xxxx
Johnson, Duane C., xxx-xx-xxxx
Johnson, John H., xxx-xx-xxxx
Johnson, Neal L., xxx-xx-xxxx
Johnson, Oscar W., xxx-xx-xxxx
Johnson, Pharris D., xxx-xx-xxxx
Johnson, Richard S., xxx-xx-xxxx
Johnson, Robert B., xxx-xx-xxxx
Jolda, Joseph G., xxx-xx-xxxx
Jones, Brian W., xxx-xx-xxxx
Jones, Charles E., xxx-xx-xxxx
Jones, David K., xxx-xx-xxxx
Jones, Donald R., xxx-xx-xxxx
Jones, Douglas W., xxx-xx-xxxx
Jones, Francis S., xxx-xx-xxxx
Jones, Gregory L., xxx-xx-xxxx
Jones, James A., xxx-xx-xxxx
Jones, Michael L., xxx-xx-xxxx
Jones, Steven R., xxx-xx-xxxx
Jones, Walter I., xxx-xx-xxxx
Jordon, Jonathan G. xxx-xx-xxxx
Joseph, Daryl J., xxx-xx-xxxx
Jost, Alan C., xxx-xx-xxxx
Jungk, Robert E., xxx-xx-xxxx
Kacena, Neil G., xxx-xx-xxxx
Kaess, Robert C., xxx-xx-xxxx
Kage, Gordon D., II, xxx-xx-xxxx

Kahao, Martin J., III, xxx-xx-xxxx
Kaiser, Henry D., xxx-xx-xxxx
Kaminsky, David P., xxx-xx-xxxx
Kanny, Otto, III, xxx-xx-xxxx
Kaplan, Leonard E., xxx-xx-xxxx
Karasek, James F., xxx-xx-xxxx
Karnazes, Nikolaos A., xxx-xx-xxxx
Karraker, Perry N., xxx-xx-xxxx
Kasten, Gerald L., xxx-xx-xxxx
Kathman, Dennis J., xxx-xx-xxxx
Kayuha, Robert J., xxx-xx-xxxx
Kearsley, Richard I., xxx-xx-xxxx
Keck, Vincent W., xxx-xx-xxxx
Keeney, Robert L., xxx-xx-xxxx
Keith, David W., xxx-xx-xxxx
Keller, Lawrence R., xxx-xx-xxxx
Kelly, Christopher A., xxx-xx-xxxx
Kelly, Logan R., xxx-xx-xxxx
Kennedy, James R., xxx-xx-xxxx
Kessel, Jacob., xxx-xx-xxxx
Kessler, Richard A., Jr., xxx-xx-xxxx
Ketchum, David M., xxx-xx-xxxx
Kielly, Archibald J., xxx-xx-xxxx
Kincannon, William C., xxx-xx-xxxx
King, Linda J., xxx-xx-xxxx
King, Paul I., xxx-xx-xxxx
Kingman, Richard T., xxx-xx-xxxx
Kirschbaum, Alan I., xxx-xx-xxxx
Kishigian, George J., xxx-xx-xxxx
Kissick, Calvin E., Jr., xxx-xx-xxxx
Kittle, Jerre W., xxx-xx-xxxx
Klein, John D., xxx-xx-xxxx
Kleppinger, Larry E., xxx-xx-xxxx
Kline, Donald G., xxx-xx-xxxx
Kloc, Daid A., xxx-xx-xxxx
Kluk, Donald J., xxx-xx-xxxx
Knapp, John G., xxx-xx-xxxx
Knapp, Richard L., Jr., xxx-xx-xxxx
Knieriemen, Jeffrey N., xxx-xx-xxxx
Knight, Helen D., xxx-xx-xxxx
Knight, Steven J., xxx-xx-xxxx
Knorre, Michael J., xxx-xx-xxxx
Knowles, Stephen V., xxx-xx-xxxx
Knox, Wanda G., xxx-xx-xxxx
Koch, John W., xxx-xx-xxxx
Koenig, Robert F., Jr., xxx-xx-xxxx
Kolland, Paul F., xxx-xx-xxxx
Kolter, Timothy E., xxx-xx-xxxx
Komar, George J., xxx-xx-xxxx
Komisarz, Joseph J., xxx-xx-xxxx
Kopala, Philip S., xxx-xx-xxxx
Kopren, Gary L., xxx-xx-xxxx
Kornegay, Charlie L., II, xxx-xx-xxxx
Koth, Al R., xxx-xx-xxxx
Kotora, James, III, xxx-xx-xxxx
Kozak, Paul J., xxx-xx-xxxx
Kozak, Walter J., xxx-xx-xxxx
Kraus, William G., xxx-xx-xxxx
Kreidler, Bruce E., xxx-xx-xxxx
Krull, Timothy R., xxx-xx-xxxx
Krummel, John H., xxx-xx-xxxx
Kugler, John W., xxx-xx-xxxx
Kuiper, Cornelius E., xxx-xx-xxxx
Kumer, Josephine A., xxx-xx-xxxx
Kunciw, Bohdan G., xxx-xx-xxxx
Lacher, Lloyd Lewis, III, xxx-xx-xxxx
Ladd, John R., xxx-xx-xxxx
Ladewig, Robert D., xxx-xx-xxxx
Lafferty, George A., xxx-xx-xxxx
Laman, Roger E., xxx-xx-xxxx
Lamarca, James E., xxx-xx-xxxx
Lambert, Charles E., Jr., xxx-xx-xxxx
Landavazo, Don E., xxx-xx-xxxx
Lander, Stephen W., Jr., xxx-xx-xxxx
Landers, Gregory H., xxx-xx-xxxx
Landry, Vincent J., Jr., xxx-xx-xxxx
Lank, David J., xxx-xx-xxxx
Lapierre, Joseph W., xxx-xx-xxxx
Large, Robert A., xxx-xx-xxxx
Larsen, Dudley A., xxx-xx-xxxx
Larson, Stephen W., xxx-xx-xxxx
Latiff, Robert H., xxx-xx-xxxx
Lattimer, Charles J., xxx-xx-xxxx
Latzke, Charles F., xxx-xx-xxxx
Lauen, Barbara G., xxx-xx-xxxx
Laughlin, Henry J., xxx-xx-xxxx
Lauterbach, Randy B., xxx-xx-xxxx
Lawrence, David A., xxx-xx-xxxx
Lawrence, James J., xxx-xx-xxxx
Lawson, George A., Jr., xxx-xx-xxxx
Lay, David L., xxx-xx-xxxx
Layman, Richard L., xxx-xx-xxxx
Layton, Eldon J., xxx-xx-xxxx
Leach, Eugene F. III, xxx-xx-xxxx
Leaf, Daniel P., xxx-xx-xxxx
Lear, John D., xxx-xx-xxxx
Lebras, Paul J., xxx-xx-xxxx
Leclaire, Richard C., xxx-xx-xxxx
Lecompte, Wayne V., xxx-xx-xxxx
Ledbetter, James D., xxx-xx-xxxx
Ledford, Jerry D., xxx-xx-xxxx
Ledford, Joseph D., xxx-xx-xxxx
Lee, Clark P., xxx-xx-xxxx
Lee, James R., xxx-xx-xxxx
Lee, Michael G., xxx-xx-xxxx
Lee, Terry Joan, xxx-xx-xxxx
Leggett, Charles A., xxx-xx-xxxx
Lemke, William A., Jr., xxx-xx-xxxx
Lenard, Roger X., xxx-xx-xxxx
Lenneman, James A., xxx-xx-xxxx
Leonard, Robert G., xxx-xx-xxxx
Lerum, Stephen S., xxx-xx-xxxx
Leslie, Jack V., xxx-xx-xxxx
Lesser, Roger T., xxx-xx-xxxx
Lesueur, John T., II, xxx-xx-xxxx
Levendusky, Martin, xxx-xx-xxxx
Levy, David J., II, xxx-xx-xxxx
Lewis, Donn M., xxx-xx-xxxx
Lewis, Gordon E., Jr., xxx-xx-xxxx
Lewis, Gregory V., xxx-xx-xxxx
Lewis, James D., Jr., xxx-xx-xxxx
Lewis, Ronnie G., Sr., xxx-xx-xxxx
Lewis, Stephen P., xxx-xx-xxxx
Lewonowski, Mark C., xxx-xx-xxxx
Libaire, Milton S., xxx-xx-xxxx
Libby, Charles W., Jr., xxx-xx-xxxx
Licence, Edward B., Jr., xxx-xx-xxxx
Liebold, William P., xxx-xx-xxxx
Liesveld, Rodney P., xxx-xx-xxxx
Liller, Philip M., xxx-xx-xxxx
Lillie, Charles W., xxx-xx-xxxx
Lindberg, Patrick B., xxx-xx-xxxx
Lindeman, Kirt T., xxx-xx-xxxx
Link, Charles M., xxx-xx-xxxx
Link, John J., xxx-xx-xxxx
Linn, John C., xxx-xx-xxxx
Lippincott, Robert L., Jr., xxx-xx-xxxx
Liska, Roger J., xxx-xx-xxxx
Lisowski, Ronald J., xxx-xx-xxxx
Livingston, Michael C., xxx-xx-xxxx
Locher, Clara M., xxx-xx-xxxx
Logan, Darrell L., xxx-xx-xxxx
Logan, Russell L., xxx-xx-xxxx
Looney, Danny B., xxx-xx-xxxx
Lopez, David N., xxx-xx-xxxx
Lopez, Larry B., xxx-xx-xxxx
Lopez, Raul F., Jr., xxx-xx-xxxx
Lord, Ronald M., xxx-xx-xxxx
Losey, Early H., xxx-xx-xxxx
Love, Gary A., xxx-xx-xxxx
Lowary, Earl C., xxx-xx-xxxx
Lowmiller, Russell C., xxx-xx-xxxx
Lowrey, Gerald W., xxx-xx-xxxx
Lucas, John P., xxx-xx-xxxx
Luckenbach, Michael G., xxx-xx-xxxx
Ludick, Stephen G., xxx-xx-xxxx
Luetkemeier, James D., xxx-xx-xxxx
Luke, David R., Jr., xxx-xx-xxxx
Lundin, Robert E., xxx-xx-xxxx
Lupo, James A., xxx-xx-xxxx
Lutz, Eugene A., xxx-xx-xxxx
Lyons, Thomas A., Jr., xxx-xx-xxxx
MacArthur, Stephen D., xxx-xx-xxxx
MacDonald, Angus J., xxx-xx-xxxx
MacDonald, Bruce A., xxx-xx-xxxx
MacIntyre, Bruce M., xxx-xx-xxxx
Mackey, Richard R., xxx-xx-xxxx
Macklin, Raleigh H., Jr., xxx-xx-xxxx
Maddox, Owen E., Jr., xxx-xx-xxxx
Madrigal, Albert, Jr., xxx-xx-xxxx
Mahaun, Patricia F., xxx-xx-xxxx
Maher, Robert T., xxx-xx-xxxx
Mahler, Thomas W., Jr., xxx-xx-xxxx
Majchrowski, Thomas F., xxx-xx-xxxx
Majka, Robert J., xxx-xx-xxxx
Mallahan, Richard A., xxx-xx-xxxx
Maloney, Michael, xxx-xx-xxxx
Maloney, Patrick W., xxx-xx-xxxx
Mamaux, Harry O., III, xxx-xx-xxxx
Mandros, Harry R., xxx-xx-xxxx
Mangus, William M., xxx-xx-xxxx
Manko, Edward J., xxx-xx-xxxx
Mann, Edward C., III, xxx-xx-xxxx
Mann, Robert E., Jr., xxx-xx-xxxx
Manning, Robert B., xxx-xx-xxxx
Maple, Dennis E., xxx-xx-xxxx
Maravelias, Peter, xxx-xx-xxxx
Marchand, Michael A., xxx-xx-xxxx
Markus, Richard J., xxx-xx-xxxx
Marquart, Michael R., xxx-xx-xxxx
Marshall, Arthur R., xxx-xx-xxxx
Marshall, Ernest V., xxx-xx-xxxx
Martens, James D., xxx-xx-xxxx
Martilla, Gary E., xxx-xx-xxxx
Martin, Jack D., xxx-xx-xxxx
Martin, Stephen T., xxx-xx-xxxx
Martin, William B., xxx-xx-xxxx
Maskell, Kenneth T., Jr., xxx-xx-xxxx
Mason, Alfred E., Jr., xxx-xx-xxxx
Mason, Henry M., xxx-xx-xxxx
Mason, John B., III, xxx-xx-xxxx
Mason, Randall S., xxx-xx-xxxx
Massaro, James C., xxx-xx-xxxx
Massey, Lee T., xxx-xx-xxxx
Masuda, Martin D., xxx-xx-xxxx
Matsumoto, Clifford R., xxx-xx-xxxx
Matsumura, Ronald J., xxx-xx-xxxx
Matthews, Robert H., xxx-xx-xxxx
Mattiza, Dann D., xxx-xx-xxxx
Matz, Louis H., xxx-xx-xxxx
Maul, Gregory A., xxx-xx-xxxx
Maul, Richard A., xxx-xx-xxxx
Maxson, Thomas J., xxx-xx-xxxx
Maxwell, Dickey E., xxx-xx-xxxx
Maxwell, Robert M., xxx-xx-xxxx
May, Alan C., xxx-xx-xxxx
Mayer, Richard R., xxx-xx-xxxx
Maynard, Robert A., xxx-xx-xxxx
Mazzaro, Michael T., xxx-xx-xxxx
McAbee, Ronald D., xxx-xx-xxxx
McBrayer, Roy N., xxx-xx-xxxx
McBrearty, Francis T., xxx-xx-xxxx
McCarter, Banjamin F., xxx-xx-xxxx
McCarthy, George F., Jr., xxx-xx-xxxx
McCaslin, Norman C., xxx-xx-xxxx
McCleary, George C., Jr., xxx-xx-xxxx
McConnell, Thomas J., xxx-xx-xxxx
McCormick, Robert J., xxx-xx-xxxx
McCourt, Richard J., xxx-xx-xxxx
McCoy, Ronald P., xxx-xx-xxxx
McCoy, Tommy R., xxx-xx-xxxx
McCracken, Alfred P., xxx-xx-xxxx
McCurdy, Marion W., Jr., xxx-xx-xxxx
McDaniel, Jay W., xxx-xx-xxxx
McDermott, David A., xxx-xx-xxxx
McDermott, Francis D., xxx-xx-xxxx
McGirr, Page G., xxx-xx-xxxx
McGlasson, Larry W., xxx-xx-xxxx
McGoldrick, Timothy J., xxx-xx-xxxx
McGovern, Edward M., xxx-xx-xxxx
McKenna, Ralph E., Jr., xxx-xx-xxxx
McKenzie, Leslie E., Jr., xxx-xx-xxxx
McKenzie, Mark A., xxx-xx-xxxx
McKinney, Richard W., xxx-xx-xxxx
McLain, Ralph J., Jr., xxx-xx-xxxx
McLaughlin, Scott W., xxx-xx-xxxx
McLellan, Allen C., xxx-xx-xxxx
McMahan, Jerry R., xxx-xx-xxxx
McMahon, Bradley E., xxx-xx-xxxx
McMannama, Jim A., xxx-xx-xxxx
McMullen, Bernard J., xxx-xx-xxxx
McNamee, Earl D., xxx-xx-xxxx

McNeely, David L., xxx-xx-xxxx
McQuain, Terry O., xxx-xx-xxxx
McRee, Julius R., xxx-xx-xxxx
McSpadden, David L., xxx-xx-xxxx
McVickar Paul E., xxx-xx-xxxx
Meacham, Robert W., xxx-xx-xxxx
Meagher, James, J. Jr., xxx-xx-xxxx
Medina, Ignacio, Jr, xxx-xx-xxxx
Meeuwissen, John E., xxx-xx-xxxx
Mehlin, Randall L., xxx-xx-xxxx
Melcher, Edward F., xxx-xx-xxxx
Melvin, Richard O., xxx-xx-xxxx
Merrifield, Harry W., xxx-xx-xxxx
Merry, William M., xxx-xx-xxxx
Mertz, Alan R., xxx-xx-xxxx
Messer, Robert D., xxx-xx-xxxx
Messuri, Philip J., xxx-xx-xxxx
Metcalf, Charles B., xxx-xx-xxxx
Metz, Michael L., xxx-xx-xxxx
Metzler, Daniel, D., xxx-xx-xxxx
Meyer, Hal R., xxx-xx-xxxx
Meyer, James A., xxx-xx-xxxx
Meyer, John C., Jr., xxx-xx-xxxx
Meyerrose, Dale W., xxx-xx-xxxx
Miatech, Gerald J., Jr., xxx-xx-xxxx
Michaloski, Joseph S. Jr., xxx-xx-xxxx
Mickey, Gordon A., Jr., xxx-xx-xxxx
Middagh, Robert T., xxx-xx-xxxx
Milburn, Kim C., xxx-xx-xxxx
Miles, Patrick J., xxx-xx-xxxx
Miller, Jack C., II, xxx-xx-xxxx
Miller, John E., xxx-xx-xxxx
Miller, Michael G., xxx-xx-xxxx
Miller, Morris Eugene, xxx-xx-xxxx
Miller, Richard G., xxx-xx-xxxx
Miller, Thomas B., xxx-xx-xxxx
Miller, Thomas D., xxx-xx-xxxx
Miller, William L., xxx-xx-xxxx
Millet, Roger T., xxx-xx-xxxx
Mills, Gordon J., xxx-xx-xxxx
Mills, James H., xxx-xx-xxxx
Mills, James P., xxx-xx-xxxx
Mills, James T., xxx-xx-xxxx
Mills, James W., Jr., xxx-xx-xxxx
Mills, Kenneth, xxx-xx-xxxx
Miden, Gregory A., xxx-xx-xxxx
Minsterl, James R., xxx-xx-xxxx
Mires, Stephen A., xxx-xx-xxxx
Mitchell, Charles T., xxx-xx-xxxx
Mitchell, Frank E., Jr., xxx-xx-xxxx
Mitchell, Ronald P., xxx-xx-xxxx
Mittelstaedt, Allen R., xxx-xx-xxxx
Miyamoto, Melvin, xxx-xx-xxxx
Modica, Edward S., Jr., xxx-xx-xxxx
Mogge, John, W., Jr., xxx-xx-xxxx
Mohr, Dennis J., xxx-xx-xxxx
Mokri, John A., xxx-xx-xxxx
Monceaux, Murphy J., xxx-xx-xxxx
Mongiovi, Kathleen A., xxx-xx-xxxx
Monjo, Clive G., xxx-xx-xxxx
Montan, John R., xxx-xx-xxxx
Moody, Harvey W., xxx-xx-xxxx
Moody, Melvin B, III., xxx-xx-xxxx
Moore, Alton E., xxx-xx-xxxx
Moore, Christopher P., xxx-xx-xxxx
Moore, Francis M., xxx-xx-xxxx
Moore, Neil D., xxx-xx-xxxx
Moore, Richard I., xxx-xx-xxxx
Moore, Donald N., xxx-xx-xxxx
Moore, William A., xxx-xx-xxxx
Moran, William M. Jr., xxx-xx-xxxx
Morasch, Richard W., xxx-xx-xxxx
Morefield, Kenneth S., xxx-xx-xxxx
Morehouse, James W., xxx-xx-xxxx
Morgan, William S. III., xxx-xx-xxxx
Morphew, Gary R., xxx-xx-xxxx
Morrison, Aflred R., xxx-xx-xxxx
Morrow, Donald G., xxx-xx-xxxx
Moss, Thomas M., xxx-xx-xxxx
Motowylak, Nicholas Jr., xxx-xx-xxxx
Mott, Stephen J., xxx-xx-xxxx
Moudy, Phillip W., xxx-xx-xxxx
Moulds, Robert D., xxx-xx-xxxx
Mowbray, Ronald L., xxx-xx-xxxx
Moyer, Randolph M., xxx-xx-xxxx
Mulcahy, Joseph J. Jr., xxx-xx-xxxx
Mulcrone, Daniel J., xxx-xx-xxxx
Mulzer, Wayne J., xxx-xx-xxxx
Muncrief, Denton G., xxx-xx-xxxx
Muniak, Jerome J., xxx-xx-xxxx
Munn, Robert L., xxx-xx-xxxx
Munter, Joseph C., xxx-xx-xxxx
Murch, Chester E. III., xxx-xx-xxxx
Murphy, James L., xxx-xx-xxxx
Murphy, Michael J., xxx-xx-xxxx
Muse, Richard P., xxx-xx-xxxx
Myles, Stephen E., xxx-xx-xxxx
Nachajoko, Gary P., xxx-xx-xxxx
Nadig, Lawrence P., xxx-xx-xxxx
Nardecchia, Anthony C. Jr., xxx-xx-xxxx
Nash, Kenneth A., xxx-xx-xxxx
Nash, Richard L., xxx-xx-xxxx
Naylor, Raymond A. III., xxx-xx-xxxx
Neidrick, Robert T., xxx-xx-xxxx
Nelson, Allan R., xxx-xx-xxxx
Nelson, Byron H., xxx-xx-xxxx
Nelson, James L., xxx-xx-xxxx
Nelson, Joseph B., xxx-xx-xxxx
Nelson, Peter J., xxx-xx-xxxx
Neveux, Lawrence J., xxx-xx-xxxx
Newark, David L., xxx-xx-xxxx
Newhouse, Jeffrey L., xxx-xx-xxxx
Newlands, George W., xxx-xx-xxxx
Newman, Lee A., Jr., xxx-xx-xxxx
Neyland, Michael A., xxx-xx-xxxx
Nida, Robert L., xxx-xx-xxxx
Niehoff, Gregory R., xxx-xx-xxxx
Nielson, Dan W., xxx-xx-xxxx
Nims, Daniel F., xxx-xx-xxxx
Nipko, Paul T., xxx-xx-xxxx
Nissing, Ronald H., xxx-xx-xxxx
Noel, Robert R., xxx-xx-xxxx
Nolte, Edward W., xxx-xx-xxxx
Norman, James S., xxx-xx-xxxx
Norris, Joseph T., Jr., xxx-xx-xxxx
Norris, Phillip J., xxx-xx-xxxx
Norwood, Paul E., xxx-xx-xxxx
Notley, Michael D., xxx-xx-xxxx
Nowak, Thomas R., xxx-xx-xxxx
Nowakowski, Jeffrey R., xxx-xx-xxxx
Nowlin, Bobby R., xxx-xx-xxxx
Nunnallee, Thomas L., xxx-xx-xxxx
Nyberg, Roland D., xxx-xx-xxxx
Nystrom, Jan V., xxx-xx-xxxx
Oakes, Kenton F., xxx-xx-xxxx
O'Brien, James R., Jr., xxx-xx-xxxx
O'Brien, Robert J., Jr., xxx-xx-xxxx
O'Connell, John, xxx-xx-xxxx
O'Connor, Michael P., xxx-xx-xxxx
Odd, Wallace S., II, xxx-xx-xxxx
O'Donnell, Victor B., Jr., xxx-xx-xxxx
Oehme, Jackie L., xxx-xx-xxxx
Ohlmeyer, William K., xxx-xx-xxxx
Oldenburg, William H., II, xxx-xx-xxxx
Oleyar, John E., xxx-xx-xxxx
Oliver, Roger A., xxx-xx-xxxx
Olsen, George A., Jr., xxx-xx-xxxx
Olsen, John R., xxx-xx-xxxx
O'Meara, William J., xxx-xx-xxxx
Oonk, Michael, xxx-xx-xxxx
Ophof, Edward R., xxx-xx-xxxx
O'Reilly, John M., Jr., xxx-xx-xxxx
Osterholtz, Robert A., xxx-xx-xxxx
Osterman, Thomas J., xxx-xx-xxxx
O'Sullivan, Jeremiah, xxx-xx-xxxx
Oti, Enrique A., II, xxx-xx-xxxx
Ottino, John D., xxx-xx-xxxx
Owczarski, Gregory J., xxx-xx-xxxx
Owens, Edward S., xxx-xx-xxxx
Owens, William S., xxx-xx-xxxx
Pace, John M., xxx-xx-xxxx
Packard, Arthur M., III, xxx-xx-xxxx
Padgett, Frederick G., xxx-xx-xxxx
Padgett, Thomas J., Jr., xxx-xx-xxxx
Page, Marthaellen, xxx-xx-xxxx
Palko, Robert T., xxx-xx-xxxx
Pallas, James E., III, xxx-xx-xxxx
Palmer, Cecil E., III, xxx-xx-xxxx
Palmer, Thomas M., xxx-xx-xxxx
Palmer, Williston C., Jr., xxx-xx-xxxx
Pappas, Victor W., xxx-xx-xxxx
Parady, Richard T., xxx-xx-xxxx
Parker, Donald J., xxx-xx-xxxx
Parker, Jeffrey J., xxx-xx-xxxx
Parkhurst, Dennis B., xxx-xx-xxxx
Parks, Stanley W., Jr., xxx-xx-xxxx
Parrish, John W., Jr., xxx-xx-xxxx
Partain, David W., xxx-xx-xxxx
Passchier, Peter H., xxx-xx-xxxx
Patrum, Charles H., xxx-xx-xxxx
Patterson, Terry A., xxx-xx-xxxx
Patton, Michael B., xxx-xx-xxxx
Paul, Byron S., III, xxx-xx-xxxx
Payne, Ronald M., xxx-xx-xxxx
Payson, Raymond P., xxx-xx-xxxx
Peabody, Donald G., xxx-xx-xxxx
Pearce, James M., xxx-xx-xxxx
Pearce, Jeffrey S., xxx-xx-xxxx
Pease, Gerald F., Jr., xxx-xx-xxxx
Peavey, Robert R., xxx-xx-xxxx
Peck, George H., xxx-xx-xxxx
Peckenpaugh, Charles T., xxx-xx-xxxx
Pelham, David H., xxx-xx-xxxx
Pelly, Michael D., xxx-xx-xxxx
Pemble, Todd D., xxx-xx-xxxx
Pence, Christopher F., xxx-xx-xxxx
Penick, James R., xxx-xx-xxxx
Perkins, Ronald W., xxx-xx-xxxx
Perkins, Russell A., xxx-xx-xxxx
Perrot, Thomas A., xxx-xx-xxxx
Perry, Gregory A., xxx-xx-xxxx
Person, John C., xxx-xx-xxxx
Peter, Russell N., xxx-xx-xxxx
Peterman, Robert N., xxx-xx-xxxx
Peters, Jon T., xxx-xx-xxxx
Peters, Karl M., xxx-xx-xxxx
Peters, Robert L., II, xxx-xx-xxxx
Peterson, Drew A., xxx-xx-xxxx
Peterson, Quentin L., xxx-xx-xxxx
Peterson, Tim O., xxx-xx-xxxx
Petrofski, Walter P., xxx-xx-xxxx
Pfahl, Otto W., Jr., xxx-xx-xxxx
Pfeiffer, Gayle H., xxx-xx-xxxx
Phelps, Carl R., xxx-xx-xxxx
Phillips Kevin D., xxx-xx-xxxx
Phillips, Michael R., xxx-xx-xxxx
Phillips, Michael R., xxx-xx-xxxx
Pierce, James E., xxx-xx-xxxx
Piri, Ronald L., xxx-xx-xxxx
Pirowski, Albert V., xxx-xx-xxxx
Platt, John G., xxx-xx-xxxx
Poch, Richard C., xxx-xx-xxxx
Poland, Ronald P., xxx-xx-xxxx
Polito, Joseph F., Jr., xxx-xx-xxxx
Polk, Carroll R., xxx-xx-xxxx
Poles, Jeffrey J., xxx-xx-xxxx
Ponder, Edward A., xxx-xx-xxxx
Ponsford, Michael R., xxx-xx-xxxx
Poole, Thomas B., xxx-xx-xxxx
Poore, Michael F., xxx-xx-xxxx
Pope, Howard L., Jr., xxx-xx-xxxx
Pope, John P., xxx-xx-xxxx
Pope, Ray G Jr., xxx-xx-xxxx
Porter, Daniel W., xxx-xx-xxxx
Porter, David B., xxx-xx-xxxx
Portz, James A., xxx-xx-xxxx
Potter, Jackie C., xxx-xx-xxxx
Potts, David E., xxx-xx-xxxx
Poturalski, Richard J., xxx-xx-xxxx
Poucher, David V., xxx-xx-xxxx
Prather, John L., xxx-xx-xxxx
Preach, Timothy P., xxx-xx-xxxx
Prejean, David K., xxx-xx-xxxx
Pretorius, Bruce L., xxx-xx-xxxx
Prible, John P. III., xxx-xx-xxxx
Pribnow, Andreas W., xxx-xx-xxxx
Price, Allen W., xxx-xx-xxxx
Price, Wayne R., xxx-xx-xxxx
Priecko, John P., xxx-xx-xxxx
Pritchett, William J Jr., xxx-xx-xxxx
Probasoco, Michael T., xxx-xx-xxxx
Prochaska, Robert D., xxx-xx-xxxx

Przybylowicz, Thomas J., Jr., xxx-xx-xxxx
Pumphrey, Ronald E., xxx-xx-xxxx
Purcell, Roger J., xxx-xx-xxxx
Purcell, Roger L., xxx-xx-xxxx
Queen, Donald J., xxx-xx-xxxx
Quigley, Michael A., xxx-xx-xxxx
Quillin, Charles M., Jr., xxx-xx-xxxx
Quinn, Daniel P., Jr., xxx-xx-xxxx
Radov, Larry G., xxx-xx-xxxx
Ragsdale, Rickman J., xxx-xx-xxxx
Rainey, Kenneth L., Jr., xxx-xx-xxxx
Rakestraw, David L., xxx-xx-xxxx
Ramsey, Cletis E., xxx-xx-xxxx
Ranallo, Gene P., xxx-xx-xxxx
Rand, Ronald T., xxx-xx-xxxx
Randle, Stephen D., xxx-xx-xxxx
Ranker, Richard A., xxx-xx-xxxx
Ranne, Wayne K., xxx-xx-xxxx
Rauhecker, David C., xxx-xx-xxxx
Rawie, Michael E., xxx-xx-xxxx
Ray, Randall L., xxx-xx-xxxx
Ray, Stephen M., xxx-xx-xxxx
Read, Michael K., xxx-xx-xxxx
Reckner, Robert D., xxx-xx-xxxx
Recknor, Wayne A., xxx-xx-xxxx
Redmann, Steven J., xxx-xx-xxxx
Reed, Lewis O., Jr., xxx-xx-xxxx
Reedy, John S., xxx-xx-xxxx
Reese, Walter L., xxx-xx-xxxx
Reeves, James T., xxx-xx-xxxx
Rehm, Danny C., xxx-xx-xxxx
Reid, Robert V., xxx-xx-xxxx
Reinheimer, Douglas R., xxx-xx-xxxx
Rendina, Rodney A., xxx-xx-xxxx
Rennekamp, David E., xxx-xx-xxxx
Rennell, Robert R., xxx-xx-xxxx
Rensema, Peter H., xxx-xx-xxxx
Reny, Wilfred E., xxx-xx-xxxx
Reuche, Michael A., xxx-xx-xxxx
Reynolds, James E., xxx-xx-xxxx
Reynolds, Richard T., xxx-xx-xxxx
Rhinesmith, Jeffrey P., xxx-xx-xxxx
Rhodes, Robert N., xxx-xx-xxxx
Richards, Alan H., xxx-xx-xxxx
Richards, James L., xxx-xx-xxxx
Richardson, Sharon D., xxx-xx-xxxx
Richie, George E., xxx-xx-xxxx
Richmond, Robert G., xxx-xx-xxxx
Richter, Dale R., xxx-xx-xxxx
Ricketts, Gary G., xxx-xx-xxxx
Riley, Gerald F., Jr., xxx-xx-xxxx
Rindy, Kent S., xxx-xx-xxxx
Rippere, Richard B., xxx-xx-xxxx
Rippole, Joseph, xxx-xx-xxxx
Ritter, Dennis L., xxx-xx-xxxx
Rizzo, Steven D., xxx-xx-xxxx
Roang, Bruce M., xxx-xx-xxxx
Roark, Gerald W., xxx-xx-xxxx
Robards, Charles M., xxx-xx-xxxx
Robbins, Robert L., xxx-xx-xxxx
Roberton, Karen A., xxx-xx-xxxx
Robert, Thomas A., xxx-xx-xxxx
Robertshaw, David J., xxx-xx-xxxx
Robinson, Ben T., xxx-xx-xxxx
Robinson, Ervin J., xxx-xx-xxxx
Robinson, William E., xxx-xx-xxxx
Robson, Howard E., xxx-xx-xxxx
Rocco, Gregory R., xxx-xx-xxxx
Rodefer, Karl D., xxx-xx-xxxx
Rodgers, James E., xxx-xx-xxxx
Rodgers, John C., xxx-xx-xxxx
Rodgers, Thomas E., xxx-xx-xxxx
Rodi, Con M., xxx-xx-xxxx
Rodriguez, Francisco A., xxx-xx-xxxx
Rodriguez, Hector, xxx-xx-xxxx
Rodzianko, Michael O., xxx-xx-xxxx
Rogers, Aaron B., Jr., xxx-xx-xxxx
Rogers, Donald E., Jr., xxx-xx-xxxx
Rogers, Robert C., xxx-xx-xxxx
Rogers, William G., xxx-xx-xxxx
Rohm, Bruce C., xxx-xx-xxxx
Rohrer, Michael M., xxx-xx-xxxx
Roll, George N., xxx-xx-xxxx
Rolsen, Richard L., xxx-xx-xxxx
Rolwes, Gerald E., xxx-xx-xxxx
Roman, Mark S., xxx-xx-xxxx
Roman, Ronald V., xxx-xx-xxxx
Romes, Charles S., xxx-xx-xxxx
Root, Stephen C., xxx-xx-xxxx
Rose, Reynold L., xxx-xx-xxxx
Rose, William C., xxx-xx-xxxx
Roseland, Larry G., xxx-xx-xxxx
Rosso, Michael J., Jr., xxx-xx-xxxx
Roth, Mark A., xxx-xx-xxxx
Rowland, Lloyd B., xxx-xx-xxxx
Roy, James A., xxx-xx-xxxx
Royce, Charles A., xxx-xx-xxxx
Rozier, Richard E., xxx-xx-xxxx
Ruble, Daniel L., xxx-xx-xxxx
Rudderman, Lawrence F., xxx-xx-xxxx
Rundle, John S., xxx-xx-xxxx
Rupert, Donald W., xxx-xx-xxxx
Russell, William D., xxx-xx-xxxx
Russo, Peter W., xxx-xx-xxxx
Ruth, Donald R., xxx-xx-xxxx
Rutledge, Joel C., xxx-xx-xxxx
Ryals, Robert E., xxx-xx-xxxx
Salvatoriello, Stephen D., xxx-xx-xxxx
Sampson, James A., xxx-xx-xxxx
Sanchez, Felix, xxx-xx-xxxx
Sanders, Bill, xxx-xx-xxxx
Sanders, John R., Jr., xxx-xx-xxxx
Saputo, Anthony A., xxx-xx-xxxx
Saunders, Mary L., xxx-xx-xxxx
Saunders, Steven A., xxx-xx-xxxx
Sautter, James A., xxx-xx-xxxx
Schafer, George D., xxx-xx-xxxx
Schaub, Kenneth L., xxx-xx-xxxx
Schaule, Norman, xxx-xx-xxxx
Schauz, William G., xxx-xx-xxxx
Schedler, David W., xxx-xx-xxxx
Schell, William H. C., Jr., xxx-xx-xxxx
Scherbinske, Herbert B., xxx-xx-xxxx
Schlagenhauf, Rex E., xxx-xx-xxxx
Schlatter, Michael H., xxx-xx-xxxx
Schlesinger, Thomas H., xxx-xx-xxxx
Schlich, Edward T., Jr., xxx-xx-xxxx
Schlottog, Gary E., xxx-xx-xxxx
Schmidt, Gary B., xxx-xx-xxxx
Schmidt, John E., xxx-xx-xxxx
Schnabel, Gilbert E., Jr., xxx-xx-xxxx
Schofield, Edward G., xxx-xx-xxxx
Schofield, James G., xxx-xx-xxxx
Schoonover, Kenneth, xxx-xx-xxxx
Schornstein, Richard H., xxx-xx-xxxx
Schreck, Billie J., xxx-xx-xxxx
Schreier, David F., xxx-xx-xxxx
Schroeder, Loren J., xxx-xx-xxxx
Schulmeister, Glenn, xxx-xx-xxxx
Schulte, Thomas W., xxx-xx-xxxx
Schur, Allan B., xxx-xx-xxxx
Searle, Jess E., xxx-xx-xxxx
See, Richard M., xxx-xx-xxxx
Seidenberger, Gregory J., xxx-xx-xxxx
Sessoms, William H., xxx-xx-xxxx
Severski, John M., xxx-xx-xxxx
Sewall, Roy E., xxx-xx-xxxx
Seward, William A., xxx-xx-xxxx
Shackelford, John C., xxx-xx-xxxx
Shaddix, Ronald D., xxx-xx-xxxx
Shaffer, James W., xxx-xx-xxxx
Sharkey, Wayne A., xxx-xx-xxxx
Shaw, Jack W., xxx-xx-xxxx
Shaw, Michael E., xxx-xx-xxxx
Shaw, Philip R., xxx-xx-xxxx
Sheffer, Steven J., xxx-xx-xxxx
Shelby, Ben F., II, xxx-xx-xxxx
Sheldon, Michael L., xxx-xx-xxxx
Sheldon, Steven H., xxx-xx-xxxx
Sheley, William H., xxx-xx-xxxx
Shelgren, Harold R., xxx-xx-xxxx
Shelton, Brooks E., xxx-xx-xxxx
Shelton, Ramon C., xxx-xx-xxxx
Shelton, Richard A., xxx-xx-xxxx
Shepperd, Thomas G., Jr., xxx-xx-xxxx
Shilkitus, Michael A., xxx-xx-xxxx
Shinbara, David T., xxx-xx-xxxx
Shinoskie, John J., xxx-xx-xxxx
Shipman, Charles H., xxx-xx-xxxx
Shockey, John H., xxx-xx-xxxx
Shockley, James W., Jr., xxx-xx-xxxx
Shoemaker, Michael D., xxx-xx-xxxx
Sholtis, Timothy J., xxx-xx-xxxx
Shontz, David F., Jr., xxx-xx-xxxx
Shows, Robert J., xxx-xx-xxxx
Shroads, David A., xxx-xx-xxxx
Shumskas, Anthony F., xxx-xx-xxxx
Shunk, Harry J., Jr., xxx-xx-xxxx
Shurtleff, Richard W., xxx-xx-xxxx
Sides, John C., xxx-xx-xxxx
Simmons, Robert L., xxx-xx-xxxx
Simpson, Paul W., xxx-xx-xxxx
Sincoff, Steven L., xxx-xx-xxxx
Sinkular, Larry L., xxx-xx-xxxx
Sitton, William R., xxx-xx-xxxx
Siulte, Arunas, xxx-xx-xxxx
Sizemore, Daniel L., xxx-xx-xxxx
Skalko, David J., xxx-xx-xxxx
Skees, Edward J., xxx-xx-xxxx
Slack, Robert E., xxx-xx-xxxx
Slade, Robert W., xxx-xx-xxxx
Slater, Marshall T., Jr., xxx-xx-xxxx
Slaughenhaupt, Barry L., xxx-xx-xxxx
Sloan, David F., xxx-xx-xxxx
Sloan, Robert G., xxx-xx-xxxx
Smith, Aaron W., Jr., xxx-xx-xxxx
Smith, Bradley A., xxx-xx-xxxx
Smith, Bruce L., xxx-xx-xxxx
Smith, Emmerson R., Jr., xxx-xx-xxxx
Smith, Frederick C., xxx-xx-xxxx
Smith, Larry A., xxx-xx-xxxx
Smith, Leighton C., II, xxx-xx-xxxx
Smith, Lewill C., xxx-xx-xxxx
Smith, Martin F., xxx-xx-xxxx
Smith, Richard K., xxx-xx-xxxx
Smith, Robert F., xxx-xx-xxxx
Smith, Robert L., xxx-xx-xxxx
Smith, Thomas L., xxx-xx-xxxx
Smith, William B., xxx-xx-xxxx
Smith, William J., xxx-xx-xxxx
Smither, John W., xxx-xx-xxxx
Smitherman, Steven O., xxx-xx-xxxx
Smolen, Robert L., xxx-xx-xxxx
Snider, Samuel E., III, xxx-xx-xxxx
Snowden, Benjamin H., Jr., xxx-xx-xxxx
Snowden, James R., xxx-xx-xxxx
Snyder, Gregory B., xxx-xx-xxxx
Sobol, Anthony J., III, xxx-xx-xxxx
Sokolewicz, James P., xxx-xx-xxxx
Solomon, Howard L., xxx-xx-xxxx
Sousley, Lester D., xxx-xx-xxxx
Spada, Thomas A., xxx-xx-xxxx
Spangle, William R., xxx-xx-xxxx
Spatola, Michael A., xxx-xx-xxxx
Speer, James O., xxx-xx-xxxx
Spencer, Stanley R., xxx-xx-xxxx
Spiker, Phillip W., xxx-xx-xxxx
Spink, Bradley R., Jr., xxx-xx-xxxx
Spisak, John S., xxx-xx-xxxx
Spivey, Hugh M., xxx-xx-xxxx
Sprague, Kenneth, xxx-xx-xxxx
Springer, Arthur G., III, xxx-xx-xxxx
Springer, Charles T., II, xxx-xx-xxxx
Sromek, Michael E., xxx-xx-xxxx
Stack, David F., xxx-xx-xxxx
Stadler, Thomas E., xxx-xx-xxxx
Stafford, Lane L., xxx-xx-xxxx
Stafford, Max A., xxx-xx-xxxx
Stair, Lester A., xxx-xx-xxxx
Stamm, David C., xxx-xx-xxxx
Standridge, Jerry J., xxx-xx-xxxx
Stanley, Timothy D., xxx-xx-xxxx
Stanton, David R., Jr., xxx-xx-xxxx
Stanton, Mark E., xxx-xx-xxxx
Starling, William P., xxx-xx-xxxx
Stasiak, Mark, xxx-xx-xxxx
Staymates, David G., xxx-xx-xxxx
Stayton, Jack E., xxx-xx-xxxx
Steadman, Howell D., xxx-xx-xxxx
Steele, James A., xxx-xx-xxxx
Steele, Richard H., xxx-xx-xxxx
Stegman, Carl D., xxx-xx-xxxx

Stein, Joseph P., xxx-xx-xxxx
Steinbeiss, John F., xxx-xx-xxxx
Stendahl, Loren O., xxx-xx-xxxx
Stephany, Stephen H., xxx-xx-xxxx
Stephens, John S., xxx-xx-xxxx
Stevens, Dana E., xxx-xx-xxxx
Stevens, David Y., xxx-xx-xxxx
Stevens, Jonathan L., xxx-xx-xxxx
Stevenson, Lawrence H., xxx-xx-xxxx
Stewart, Bruce E., xxx-xx-xxxx
Stewart, Herbert A., xxx-xx-xxxx
Stewart, Phillip W., xxx-xx-xxxx
Stiles, John L., xxx-xx-xxxx
Stiman, Kerry G., xxx-xx-xxxx
Stimpson, David F., xxx-xx-xxxx
St. John, Ronald C., xxx-xx-xxxx
Stobie, James G., xxx-xx-xxxx
Stockman, David M., xxx-xx-xxxx
Stoddard, Herbert L., xxx-xx-xxxx
Stoddart, Stewart A., xxx-xx-xxxx
Stoermer, Karl W., xxx-xx-xxxx
Stokes, Samuel I., xxx-xx-xxxx
Stone, Alan C., xxx-xx-xxxx
Stone, Alan L., xxx-xx-xxxx
Stone, William E., xxx-xx-xxxx
Stooke, Willard N., Jr., xxx-xx-xxxx
Storer, Richard W., III, xxx-xx-xxxx
Stow, Richard W., Jr., xxx-xx-xxxx
Stowe, Richard W., xxx-xx-xxxx
Straly, Miles H., xxx-xx-xxxx
Strawn, Charles D., xxx-xx-xxxx
Strickland, Michael E., xxx-xx-xxxx
Stuart, Donald B., xxx-xx-xxxx
Sturgill, George S., xxx-xx-xxxx
Sullivan, Francia K., xxx-xx-xxxx
Sullivan, James M., xxx-xx-xxxx
Sullivan, Kenneth J., xxx-xx-xxxx
Sundy, John R., xxx-xx-xxxx
Sutay, John G., xxx-xx-xxxx
Sutter, Richard R., xxx-xx-xxxx
Sutton, Jeanne C., xxx-xx-xxxx
Swain, Jerome W., xxx-xx-xxxx
Swason, John W., xxx-xx-xxxx
Swecker, Gregory A., xxx-xx-xxxx
Sweeder, James, xxx-xx-xxxx
Swenson, Gregory K., xxx-xx-xxxx
Swenson, Hilmer W.S., Jr., xxx-xx-xxxx
Swenson, John M., xxx-xx-xxxx
Swenson, Orven F., xxx-xx-xxxx
Swire, Philip R., xxx-xx-xxxx
Swomley, Mark E., xxx-xx-xxxx
Sydenstricker, Robert M., xxx-xx-xxxx
Sylling, Charles O., xxx-xx-xxxx
Sylvester, Stephen H., xxx-xx-xxxx
Szymczak, Michael A., xxx-xx-xxxx
Talcott, Thomas G., xxx-xx-xxxx
Talleur, Raymond C., xxx-xx-xxxx
Talley, Robert W., xxx-xx-xxxx
Talty, Patrick K., xxx-xx-xxxx
Tapaszi, Robert W., Jr., xxx-xx-xxxx
Taraba, Thomas S., xxx-xx-xxxx
Tarpley, Mark L., xxx-xx-xxxx
Tascione, Thomas F., xxx-xx-xxxx
Tashima, Alan I., xxx-xx-xxxx
Tauer, Truman N., xxx-xx-xxxx
Tayloe, Robert M., xxx-xx-xxxx
Taylor, Betty J., xxx-xx-xxxx
Taylor, David E., xxx-xx-xxxx
Taylor, Jim M., xxx-xx-xxxx
Taylor, Judith A., xxx-xx-xxxx
Taylor, Roger E., xxx-xx-xxxx
Teasley, Alton L., xxx-xx-xxxx
Tegtmeyer, Glenn H., xxx-xx-xxxx
Tehee, Duane O., xxx-xx-xxxx
Teixeira, Leonard D.G., xxx-xx-xxxx
Telfeyan, Robert B., xxx-xx-xxxx
Teliska, Richard J., xxx-xx-xxxx
Temkow, Robert S., xxx-xx-xxxx
Temple, Lafayette P., III, xxx-xx-xxxx
Tepe, William A., xxx-xx-xxxx
Thelen, Thomas J., xxx-xx-xxxx
Thiel, William E., xxx-xx-xxxx
Thomas, Rex B., xxx-xx-xxxx
Thome, William J., xxx-xx-xxxx
Thompson, Charles L. Jr., xxx-xx-xxxx
Thompson, David L., xxx-xx-xxxx
Thompson, Paul J., xxx-xx-xxxx
Thompson, Ronald E., xxx-xx-xxxx
Thornton, Carl J., xxx-xx-xxxx
Thornton, Ronald B., xxx-xx-xxxx
Thurlow, Ronald L., xxx-xx-xxxx
Thurman, Daniel C., xxx-xx-xxxx
Tibbetts, Elvin R., xxx-xx-xxxx
Tibbetts, Gary L., xxx-xx-xxxx
Tiller, Frank D., xxx-xx-xxxx
Tillotson, Ronald S., xxx-xx-xxxx
Timmons, Joseph C., xxx-xx-xxxx
Timmons, Pryor B., Jr., xxx-xx-xxxx
Tindell, Steven L., xxx-xx-xxxx
Tinianow, Albert N., xxx-xx-xxxx
Tinsley, Michael E., xxx-xx-xxxx
Tircuit, Elwood C., xxx-xx-xxxx
Todd, Sammy S., xxx-xx-xxxx
Toles, James E., Jr., xxx-xx-xxxx
Tomczak, Robert J., xxx-xx-xxxx
Tomeny, Terry E., xxx-xx-xxxx
Tooley, Nick T., xxx-xx-xxxx
Topliffe, John N., xxx-xx-xxxx
Torblaa, Jon N., xxx-xx-xxxx
Torres, Manuel T., xxx-xx-xxxx
Totsch, James P., xxx-xx-xxxx
Townsend, George H., xxx-xx-xxxx
Townsend, Helen L., xxx-xx-xxxx
Townson, James M., xxx-xx-xxxx
Traylor, Eddie K., xxx-xx-xxxx
Tree, James L., xxx-xx-xxxx
Trees, Ronald J., xxx-xx-xxxx
Trende, Gary D., xxx-xx-xxxx
Trombino, Raymond D., xxx-xx-xxxx
Tucker, Lloyd J., xxx-xx-xxxx
Tuggle, Timothy R., xxx-xx-xxxx
Tull, Edward R.S., IV, xxx-xx-xxxx
Tullis, John L., xxx-xx-xxxx
Turk, Reavis W., xxx-xx-xxxx
Turner, Larry A., xxx-xx-xxxx
Turner, Steven L., xxx-xx-xxxx
Turney, Daniel P., xxx-xx-xxxx
Tyce, Michael J., xxx-xx-xxxx
Tygart, Michael J., xxx-xx-xxxx
Uebelacker, Robert C., Jr., xxx-xx-xxxx
Uebelacker, Sally D., xxx-xx-xxxx
Uecker, Carolyn O., xxx-xx-xxxx
Ullom, Robert W., xxx-xx-xxxx
Ulmer, Daniel C., xxx-xx-xxxx
Ulrich, Thomas E., xxx-xx-xxxx
Unser, Richard J., xxx-xx-xxxx
Valdez, James J., xxx-xx-xxxx
Valentine, Russell P., xxx-xx-xxxx
Vallejo, Edward, xxx-xx-xxxx
Vandenburg, David R., xxx-xx-xxxx
Vanevery, Harry P., xxx-xx-xxxx
Vangilder, John H., xxx-xx-xxxx
Vansaun, Richard, xxx-xx-xxxx
Vanwagner, Ralph D., xxx-xx-xxxx
Vanwinkle, David A., xxx-xx-xxxx
Vaubel, Gail E., xxx-xx-xxxx
Vender, John T., II, xxx-xx-xxxx
Vera, Jose R., xxx-xx-xxxx
Vermeersch, Stephen J., xxx-xx-xxxx
Vick, James L., xxx-xx-xxxx
Villagran, Pamela R., xxx-xx-xxxx
Villines, James R., xxx-xx-xxxx
Virgilio, Stephen T., xxx-xx-xxxx
Vliet, Laurence C, xxx-xx-xxxx
Vogelgesang, David A., xxx-xx-xxxx
Vola, John A., xxx-xx-xxxx
Volcheff, Mark A., xxx-xx-xxxx
Volkman, Bryn E., xxx-xx-xxxx
Vollmar, Virgil F., xxx-xx-xxxx
Vorndam, Paul E., xxx-xx-xxxx
Vranish, Randolph P., xxx-xx-xxxx
Vuk, Melvin M., xxx-xx-xxxx
Wachinski, Anthony M., xxx-xx-xxxx
Wade, Michael E., xxx-xx-xxxx
Wadley, Verl D., xxx-xx-xxxx
Wagner, Norbert C., Jr., xxx-xx-xxxx
Wahlquist, John A., xxx-xx-xxxx
Waiss, Steven F., xxx-xx-xxxx
Walden, Robert S., xxx-xx-xxxx
Walding, Jerome G., xxx-xx-xxxx
Walker, Dale A., xxx-xx-xxxx
Walker, David E., xxx-xx-xxxx
Walker, Jerry E., xxx-xx-xxxx
Walker, Sims S., Jr., xxx-xx-xxxx
Wall, Jeffrey L., xxx-xx-xxxx
Waller, Forrest E., Jr., xxx-xx-xxxx
Wallin, John M., xxx-xx-xxxx
Walling, Dennis R., xxx-xx-xxxx
Walluk, Anthony W., Jr., xxx-xx-xxxx
Waln, Christopher A., xxx-xx-xxxx
Walsh, Margaret A., xxx-xx-xxxx
Walsh, Richard F., xxx-xx-xxxx
Walters, Thomas G., xxx-xx-xxxx
Walters, Thomas P., xxx-xx-xxxx
Waltman, Glenn C., xxx-xx-xxxx
Walton, George W., xxx-xx-xxxx
Wampler, Brian D., xxx-xx-xxxx
Wanzek, Stephen J., xxx-xx-xxxx
Ward, Glenn S., xxx-xx-xxxx
Wassilgrimm, Andrew D., xxx-xx-xxxx
Watkins, Archer A., xxx-xx-xxxx
Watson, Robert E., xxx-xx-xxxx
Watson, Walter L., Jr., xxx-xx-xxxx
Watterson, John B., xxx-xx-xxxx
Waylett, Susanne M., xxx-xx-xxxx
Wayman, Eugene O., xxx-xx-xxxx
Weaver, Greggory K., xxx-xx-xxxx
Weaver, James L., xxx-xx-xxxx
Webber, Francis E., Jr., xxx-xx-xxxx
Webber, Richard E., xxx-xx-xxxx
Weber, Gary E., xxx-xx-xxxx
Weimer, John A., xxx-xx-xxxx
Weimer, Theron E., xxx-xx-xxxx
Weinstein, Ira D., xxx-xx-xxxx
Weise, Fritz A., xxx-xx-xxxx
Weiss, Daniel A., xxx-xx-xxxx
Wellington, Michael F., xxx-xx-xxxx
Wellman, Thomas M., xxx-xx-xxxx
Wells, Cecilia Salas, xxx-xx-xxxx
Wells, J. D., xxx-xx-xxxx
Wempe, Ralph E., xxx-xx-xxxx
Werling, Lee T., Jr., xxx-xx-xxxx
Wessels, Larry W., xxx-xx-xxxx
West, Donald W., xxx-xx-xxxx
West, Walter P., xxx-xx-xxxx
Weston, Craig P., xxx-xx-xxxx
Wethe, Wallace K., xxx-xx-xxxx
Wharton, John J., Jr. xxx-xx-xxxx
Wheeler, Larry L., xxx-xx-xxxx
Whisenhunt, Jeffery W., xxx-xx-xxxx
White, Gary H., xxx-xx-xxxx
White, Harry D., III, xxx-xx-xxxx
White, James C., xxx-xx-xxxx
White, Raymond D., xxx-xx-xxxx
White, Wesley M., xxx-xx-xxxx
Wieners, Frederick L., xxx-xx-xxxx
Wiggins, Larry W., xxx-xx-xxxx
Wigington, John T., III, xxx-xx-xxxx
Wilbur, David M., xxx-xx-xxxx
Wilkerson, Thomas H., II, xxx-xx-xxxx
Wilkinson, John D., xxx-xx-xxxx
Willadsen, Lynn J., xxx-xx-xxxx
Williams, Bruce M., xxx-xx-xxxx
Williams, Charles E., III, xxx-xx-xxxx
Williams, Charles R., xxx-xx-xxxx
Williams, Donald M., Jr., xxx-xx-xxxx
Williams, Jeffrey N., xxx-xx-xxxx
Williams, John R., Jr., xxx-xx-xxxx
Williams, Kenneth W., xxx-xx-xxxx
Williams, Phillip S., xxx-xx-xxxx
Williams, Robert D., xxx-xx-xxxx
Williams, Roger W., xxx-xx-xxxx
Williams, Thomas M., xxx-xx-xxxx
Williamson, Wayne R., xxx-xx-xxxx
Willis, James R., xxx-xx-xxxx
Willson, David M., xxx-xx-xxxx
Wilson, Dean H., xxx-xx-xxxx
Wilson, Gary S., xxx-xx-xxxx
Wilson, George S., xxx-xx-xxxx
Wilson, Jimmy H., xxx-xx-xxxx
Wilson, Terry L., xxx-xx-xxxx
Wiltz, Roland J., xxx-xx-xxxx

Winters, Michael P., xxx-xx-xxxx
Wintner, Kim M., xxx-xx-xxxx
Wisdom, James L., xxx-xx-xxxx
Witbracht, Ivan L., Jr., xxx-xx-xxxx
Wittenberg, Gustav D., xxx-xx-xxxx
Wittler, Richard F., xxx-xx-xxxx
Womack, Oscar, Jr., xxx-xx-xxxx
Wood, Leslie E., xxx-xx-xxxx
Wood, Walter D., xxx-xx-xxxx
Woodard, Charles D., xxx-xx-xxxx
Woods, Clinton C., xxx-xx-xxxx
Work, Lucian E., xxx-xx-xxxx
Wortham, James O., Jr., xxx-xx-xxxx
Worthington, Robert G., xxx-xx-xxxx
Wright, Bruce A., xxx-xx-xxxx
Wright, Robert M., xxx-xx-xxxx
Wright, Ted D., Jr., xxx-xx-xxxx
Wulf, Stephen E., xxx-xx-xxxx
Wurster, Henry J., xxx-xx-xxxx
Yates, Charles D., xxx-xx-xxxx
Yoh, Raymond B., Jr., xxx-xx-xxxx
Yon, Michael C., xxx-xx-xxxx
Young, James M., xxx-xx-xxxx
Young, John R., xxx-xx-xxxx
Young, Patricia M., xxx-xx-xxxx
Young, Thomas T., xxx-xx-xxxx
Youngbluth, Timothy, xxx-xx-xxxx
Youngworth, Terry L., xxx-xx-xxxx
Younkin, Ross H., xxx-xx-xxxx
Yount, Joseph D., xxx-xx-xxxx
Yunag, Robert D., Jr., xxx-xx-xxxx
Zeimet, Richard H., xxx-xx-xxxx
Zeller, Dale L., xxx-xx-xxxx
Ziegler, David R., xxx-xx-xxxx
Zigment, Leonard A., xxx-xx-xxxx
Zimmerman, Alan L., xxx-xx-xxxx
Zulfer, Charles F., xxx-xx-xxxx
Zychalski, Charles A., xxx-xx-xxxx

CHAPLAIN CORPS

Beamon, Walter E., xxx-xx-xxxx
Beason, Kenneth G., xxx-xx-xxxx
Bell, Gerald, M., xxx-xx-xxxx
Bernard, Andre M., xxx-xx-xxxx
Dane, Warren T., xxx-xx-xxxx
Fahner, David W., xxx-xx-xxxx
Fey, Thomas J., xxx-xx-xxxx
Higgins, Richard B., xxx-xx-xxxx
Higgs, Gary L., Sr., xxx-xx-xxxx
Isenberg, Herbert L., xxx-xx-xxxx
Johnston, Robert F., xxx-xx-xxxx
Krauss, Robert M., Jr., xxx-xx-xxxx
Malnar, Matthew G., xxx-xx-xxxx
McAllister, Marvin, xxx-xx-xxxx
Milcetich, Paul P., Jr., xxx-xx-xxxx
Mulnix, John R., xxx-xx-xxxx
Rutkowski Edward A., xxx-xx-xxxx
Schwartzman, Joel R., xxx-xx-xxxx
Strickhausen, Leslie W., xxx-xx-xxxx
Supa, Joseph, xxx-xx-xxxx
Tibus, Andrew J., xxx-xx-xxxx
Timm, Jeffrey, T., xxx-xx-xxxx
Wilborn, James A., Jr., xxx-xx-xxxx
Williamson, Jack D., xxx-xx-xxxx
Wills, Larry E., xxx-xx-xxxx
Wuerffel, Theodore L., xxx-xx-xxxx
Zinzer, Walter W., xxx-xx-xxxx

JUDGE ADVOCATE

Beckenhauer, Charles D., xxx-xx-xxxx
Benton, William D., xxx-xx-xxxx
Bergan, Francis T., xxx-xx-xxxx
Brummett, Duane L., xxx-xx-xxxx
Camp, John H., Jr., xxx-xx-xxxx
Chachula, Bernard M., xxx-xx-xxxx
Cohen, James S., xxx-xx-xxxx
Donaldson, Howard L., xxx-xx-xxxx
Euretig, Joseph G., xxx-xx-xxxx
Fiscus Thomas J., xxx-xx-xxxx
Fox, Michael L., xxx-xx-xxxx
Fuller, Rex L., III, xxx-xx-xxxx
Haley, Johnnie M., xxx-xx-xxxx
Hammill, William B., xxx-xx-xxxx
Harte, John H., III, xxx-xx-xxxx
Hedlund, Stephen D., xxx-xx-xxxx
Kaeser, Richard R., xxx-xx-xxxx
Kelly, Lawrence W., xxx-xx-xxxx
King Vernon J., Jr., xxx-xx-xxxx
Kirschner, William H., III, xxx-xx-xxxx
Leroy Lloyd F., xxx-xx-xxxx
Lucy, Charles R., xxx-xx-xxxx
McCormack, Michael G., xxx-xx-xxxx
Orck, Charles E., xxx-xx-xxxx
Pechewlys, Charles, xxx-xx-xxxx
Pope, Willard L., Jr., xxx-xx-xxxx
Pratt, Andrew C., xxx-xx-xxxx
Roberts George K., xxx-xx-xxxx
Russell, James W., III, xxx-xx-xxxx
Shaw, Dennis H, xxx-xx-xxxx
Spencer, Robert N., xxx-xx-xxxx
Strand, Thomas L., xxx-xx-xxxx
Tepfer, Robert A., xxx-xx-xxxx
Underwood, William K., xxx-xx-xxxx
Vanzandt, Michael J., xxx-xx-xxxx
Whyte, Lynn K., xxx-xx-xxxx
Woodhouse, Terry J., xxx-xx-xxxx
Woodring, David W., xxx-xx-xxxx
Young, James A., III, xxx-xx-xxxx

NURSE CORPS

Althoetmar, Pamela A., xxx-xx-xxxx
Anderson, Naomi J., xxx-xx-xxxx
Baker, Richard D., xxx-xx-xxxx
Banziruk, Mary E., xxx-xx-xxxx
Beesinger, Carol J., xxx-xx-xxxx
Behler, Naomi A., xxx-xx-xxxx
Boone, Laura, xxx-xx-xxxx
Bossley, Virginia C., xxx-xx-xxxx
Boucher, Donald A., xxx-xx-xxxx
Bruce, Glennda L., xxx-xx-xxxx
Bush, Marian A., xxx-xx-xxxx
Cable, Damon W., xxx-xx-xxxx
Carbone, Christine J., xxx-xx-xxxx
Carver, Hazel I., xxx-xx-xxxx
Clark, David L., xxx-xx-xxxx
Collins, Wendy S., xxx-xx-xxxx
Corrow, Laura K., xxx-xx-xxxx
Creft, Brenda K., xxx-xx-xxxx
Dallemolle, Barbara A., xxx-xx-xxxx
Darnold, Jana L., xxx-xx-xxxx
Dalafosse, Jodie L., xxx-xx-xxxx
Deniz, Gloria A., xxx-xx-xxxx
Drayden, Florence E., xxx-xx-xxxx
Duckett, Margo L., xxx-xx-xxxx
Fryman, Mary K., xxx-xx-xxxx
Fullenkamp, Durelle B., xxx-xx-xxxx
Gaberel, Carol A., xxx-xx-xxxx
Hair, Barbara M., xxx-xx-xxxx
Hal, Gay P., xxx-xx-xxxx
Harrington, Karen K., xxx-xx-xxxx
Hatfield, Denzell K., xxx-xx-xxxx
Hauck, Elaine M., xxx-xx-xxxx
Howe, John J., xxx-xx-xxxx
Karaku, Ellen P., xxx-xx-xxxx
Kelley, James W., Jr., xxx-xx-xxxx
Knight, Barbara J.A., xxx-xx-xxxx
Kupchella, Diana L., xxx-xx-xxxx
Laureano, Julia Wilfredo, xxx-xx-xxxx
Lawrie, Barbara J., xxx-xx-xxxx
Love, Linda L., xxx-xx-xxxx
Massey, Vivian J., xxx-xx-xxxx
Maxse, Mary E., xxx-xx-xxxx
McCall, Lenora V., xxx-xx-xxxx
McKay, Priscilla S., xxx-xx-xxxx
Oczkowski, Jane M., xxx-xx-xxxx
Perry, Marilyn A., xxx-xx-xxxx
Price, Linda C., xxx-xx-xxxx
Reed, Charles E., xxx-xx-xxxx
Repaal, Lorena J., xxx-xx-xxxx
Rodie, Sandra M., xxx-xx-xxxx
Schermerhorn, Jan B., xxx-xx-xxxx
Sheldon, Carolyn E., xxx-xx-xxxx
Sprinkle, Bonita K., xxx-xx-xxxx
Stanley, Sandra L., xxx-xx-xxxx
Stratford, Leslie C., xxx-xx-xxxx
Sutterer, Wanda H., xxx-xx-xxxx
Tate, Marcia R., xxx-xx-xxxx
Temple, Barbara A., xxx-xx-xxxx
Thoman, Margaret A., xxx-xx-xxxx
Venderburg, Kathleen xxx-xx-xxxx
Warner, James, Jr., xxx-xx-xxxx
Williams, Sarah J., xxx-xx-xxxx
Yingling, Sue E., xxx-xx-xxxx
Yousey, Donald J., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Agler, William B., III, xxx-xx-xxxx
Boone, Charles W., xxx-xx-xxxx
Camacho, David A., xxx-xx-xxxx
Chamberlain, Richard T., xxx-xx-xxxx
Deel, David I., xxx-xx-xxxx
Degracia, Daniel P., xxx-xx-xxxx
Evans, John E., xxx-xx-xxxx
Fescenmeyer, William K., xxx-xx-xxxx
Grabfelder, Michael T., xxx-xx-xxxx
Hayes, Garry D., xxx-xx-xxxx
Hosman, James V., xxx-xx-xxxx
Jenn, Donald A., xxx-xx-xxxx
Krause, William E., Jr., xxx-xx-xxxx
Liszewski, Richard S., xxx-xx-xxxx
Middleton, Allen W., xxx-xx-xxxx
Milner, Gary W., xxx-xx-xxxx
Peedin, Floyd R., xxx-xx-xxxx
Schroeder, Richard E., xxx-xx-xxxx
Seitz, Gary J., xxx-xx-xxxx
Shaw, William D., xxx-xx-xxxx
Spinks, Gary J., xxx-xx-xxxx
Storey, Richard C., Jr., xxx-xx-xxxx
Vivian, Talbot N., xxx-xx-xxxx
Young, Charles R., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Artiglia, Edward W., xxx-xx-xxxx
Awalt, Suzanne J., xxx-xx-xxxx
Bloom, Richard W., xxx-xx-xxxx
Borchert, Ronald D., xxx-xx-xxxx
Cooper, James R., xxx-xx-xxxx
Crowder, Harvey R., xxx-xx-xxxx
Dehler, John H., xxx-xx-xxxx
Doane, Thomas R., xxx-xx-xxxx
Emmett, Frank E., Jr., xxx-xx-xxxx
Hagen, Carl H., xxx-xx-xxxx
Hale, Forrest B., xxx-xx-xxxx
Hindelang, Robert D., xxx-xx-xxxx
Hulse, Phillip M., xxx-xx-xxxx
Juhas, Andrew M., xxx-xx-xxxx
Kelleher, William J., xxx-xx-xxxx
Korn, Sidney H., xxx-xx-xxxx
Kreager, Robert A., xxx-xx-xxxx
Krogwold, Roger A., xxx-xx-xxxx
Krym, Robert M., xxx-xx-xxxx
Laird, Thomas B., xxx-xx-xxxx
Maher, Edward F., xxx-xx-xxxx
Marconidooley, Royetta, xxx-xx-xxxx
Martinez, Perez Roberto, xxx-xx-xxxx
McCloy, David L., xxx-xx-xxxx
McNamee, Corinne K., xxx-xx-xxxx
Meinders, Marvin D., xxx-xx-xxxx
Moyer, David A., xxx-xx-xxxx
Ostraat, Randall C., xxx-xx-xxxx
Ottinger, William E., xxx-xx-xxxx
Panyik, Robert J., xxx-xx-xxxx
Perry, Robert G., xxx-xx-xxxx
Root, Charles F., Jr., xxx-xx-xxxx
Seignious, George W., IV, xxx-xx-xxxx
Shirtz, John J., xxx-xx-xxxx
Stonecipher, Dale R., xxx-xx-xxxx
Varmecky, James R., xxx-xx-xxxx
Wall, Robert M., xxx-xx-xxxx
Weiland, William C., xxx-xx-xxxx
Young, James H., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

*To be colonel*

Charles G. Cavanaugh, xxx-xx-xxxx

*To be major*

James M. Castle, xxx-xx-xxxx
Joseph M. Kiel, xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Army in accord-

ance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL CORPS

*To be colonel*

David T. Baumann, xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Earl L. Shufford, xxx-xx-xxxx

DENTAL CORPS

*To be major*

Scott Worlton, xxx-xx-xxxx

The following-named Army National Guard of the United States officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

*To be colonel*

Beans, Joseph P., xxx-xx-xxxx
Brooks, Daryl T., xxx-xx-xxxx
Clark, Arthur C., xxx-xx-xxxx
Cuellar, Ruben D., xxx-xx-xxxx
Goett, Edward L., xxx-xx-xxxx
Kemnitz, Ralph A., xxx-xx-xxxx
Lee, Harry J., Jr., xxx-xx-xxxx
McGlothlin, Billy J., xxx-xx-xxxx
Palfreyman, Clifford D., xxx-xx-xxxx
Powell, Edward R., xxx-xx-xxxx
Rees, Raymond F., xxx-xx-xxxx
Southern, James C., xxx-xx-xxxx
Walker, George S., xxx-xx-xxxx

CHAPLAIN

*To be colonel*

Bol, Douglas J., xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

Bajar, Constantino R., xxx-xx-xxxx

ARMY PROMOTION LIST

*To be lieutenant colonel*

Allen, Robert D., xxx-xx-xxxx
Balliet, Richard A., xxx-xx-xxxx
Barrick, Timothy C., xxx-xx-xxxx
Baxter, George D., xxx-xx-xxxx
Benavides, Roberto, Jr., xxx-xx-xxxx
Buster, Kenneth R., xxx-xx-xxxx
Castle, John R., xxx-xx-xxxx
Cooper, James D., xxx-xx-xxxx
Edwards, Robert C., xxx-xx-xxxx
Emerson, Robert, xxx-xx-xxxx
Fern, Charles E., xxx-xx-xxxx
Franco, Alfred N., xxx-xx-xxxx
Frank, Ronald E., xxx-xx-xxxx
Griffin, Barry A., xxx-xx-xxxx
Groover, Donald L., xxx-xx-xxxx
Guthrie, Travis L., Jr., xxx-xx-xxxx
Hajenga, Stanley R., xxx-xx-xxxx
Haworth, Roderic L., xxx-xx-xxxx
Moorehead, Morris D., xxx-xx-xxxx
Mowrer, David R., xxx-xx-xxxx
Parrish, Gregory D., xxx-xx-xxxx
Pendleton, Gary H., xxx-xx-xxxx
Porter, William M., Jr., xxx-xx-xxxx
Richardson, Gerald A., xxx-xx-xxxx
Schuster, Michael A., xxx-xx-xxxx
Simmons, Milton E., xxx-xx-xxxx
Takano, Bernard K., xxx-xx-xxxx
Torres-Olmeda, Luis R., xxx-xx-xxxx
Whittaker, Christopher T., xxx-xx-xxxx
Wood, Jackie D., xxx-xx-xxxx
Wray, Claude E., xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

Bedingfield, Herbert M., xxx-xx-xxxx
Keating, Ralph, Jr., xxx-xx-xxxx
Siegel, Philip S., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Mallires, Dean J., xxx-xx-xxxx
Perkins, Joe D., xxx-xx-xxxx

The following-named Army National Guard of the United States officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 593 and 3353:

MEDICAL CORPS

*To be lieutenant colonel*

McKee, Edgar G., xxx-xx-xxxx

The following-named Army National Guard of the United States officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

*To be colonel*

Burgess, James M., xxx-xx-xxxx
Campbell, James W., xxx-xx-xxxx
Coggins, Norbert J., xxx-xx-xxxx
Cooper, Donald A., xxx-xx-xxxx
Coyne, Henry F., xxx-xx-xxxx
Ellsworth, Steven K., xxx-xx-xxxx
Engstrand, Raymond D., xxx-xx-xxxx
Ford, Joseph, xxx-xx-xxxx
Frattini, Carl P., xxx-xx-xxxx
Gillespie, Lawrence E., xxx-xx-xxxx
Pacholik, Frank G., xxx-xx-xxxx
Palfreyman, Clifford D., xxx-xx-xxxx
Riddle, Claude P., xxx-xx-xxxx
Rosenfeld, Michael M., xxx-xx-xxxx
Sargent, Richard C., xxx-xx-xxxx
Seymour, Joel W., xxx-xx-xxxx
Sordi, James J., xxx-xx-xxxx
Stachel, Jorg, xxx-xx-xxxx
Stewart, Walter L., Jr., xxx-xx-xxxx
Strickland, Robert D., xxx-xx-xxxx
Taylor, Robert V., xxx-xx-xxxx
Tobin, Alfred E., xxx-xx-xxxx
Walsh, John F., Jr., xxx-xx-xxxx

CHAPLAIN

*To be colonel*

Campbell, Jesse R., xxx-xx-xxxx
Johansen, Paul C., xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

O'Neal, David M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be colonel*

Digilio, John T., Jr., xxx-xx-xxxx

ARMY PROMOTION LIST

*To be lieutenant colonel*

Adamson, Robert S., xxx-xx-xxxx
Alexander, Henry C., Jr., xxx-xx-xxxx
Allen, Ervin, Jr., xxx-xx-xxxx
Barber, Dale R., xxx-xx-xxxx
Becker, Wayne J., xxx-xx-xxxx
Beckwith, Ralph G., xxx-xx-xxxx
Brixey, Ronald L., xxx-xx-xxxx
Brundage, Lucien A., xxx-xx-xxxx
Burger, Richard R., xxx-xx-xxxx
Burgraff, Bradley B., xxx-xx-xxxx
Caplicki, Edmund V., Jr., xxx-xx-xxxx
Cavallari, Felix A., xxx-xx-xxxx
Cooke, James L., xxx-xx-xxxx
Dianich, Richard H., xxx-xx-xxxx
Dillon, Howard A., Jr., xxx-xx-xxxx
Dowless, Bobby R., xxx-xx-xxxx
Dunbar, Martin C., xxx-xx-xxxx
Ehret, David L., xxx-xx-xxxx
Ellis, James T., III, xxx-xx-xxxx
Enright, John L., xxx-xx-xxxx
Ettleman, Fred A., xxx-xx-xxxx
Flett, Ronald G., xxx-xx-xxxx
Gaarder, James O., xxx-xx-xxxx
George, Dennis L., xxx-xx-xxxx
Gifford, Daniel W., Jr., xxx-xx-xxxx
Griggs, Conrad D., xxx-xx-xxxx
Haakenson, Daniel T., xxx-xx-xxxx
Hauck, Albert L., Jr., xxx-xx-xxxx
Hawkins, William A., xxx-xx-xxxx
Holbrook, David W., xxx-xx-xxxx
Horan, Thomas J., xxx-xx-xxxx
Jones, Freddie L., xxx-xx-xxxx
Kanan, John F., xxx-xx-xxxx
Klimash, Eugene J., xxx-xx-xxxx
Kuehne, Ronald L., xxx-xx-xxxx
Lacroix, Joseph J., xxx-xx-xxxx
Laflin, James E., xxx-xx-xxxx
Lawson, Lee E., xxx-xx-xxxx
Leeper, James E., xxx-xx-xxxx
Linch, Charles J., xxx-xx-xxxx
Lindeman, Gary A., xxx-xx-xxxx
Lowe, John H., xxx-xx-xxxx
Manzione, Philip J., xxx-xx-xxxx
Marshall, Alan T., xxx-xx-xxxx
Martinez, Matthew M., xxx-xx-xxxx
Mayheu, Stephen A., xxx-xx-xxxx
McIntosh, James D., xxx-xx-xxxx
Moretti, Luke J., xxx-xx-xxxx
Morford, Jim E., xxx-xx-xxxx
Murphy, Sigurd E., Jr., xxx-xx-xxxx
Nevin, Harold J., Jr., xxx-xx-xxxx
Nygaard, Christian A., xxx-xx-xxxx
Pasqua, Anthony R., xxx-xx-xxxx
Peck, Gregory C., xxx-xx-xxxx
Pond, William H., xxx-xx-xxxx
Rawlins, Eldon W., xxx-xx-xxxx
Rucker, Steven C., xxx-xx-xxxx
Ruzika, Frank R., xxx-xx-xxxx
Sallenger, Kenneth C., xxx-xx-xxxx
Schroeder, Ralph H., xxx-xx-xxxx
Schumacher, David L., xxx-xx-xxxx
Sinclair, Harry D., Jr., xxx-xx-xxxx
Slonina, John R., xxx-xx-xxxx
Stallcup, Cecil D., xxx-xx-xxxx
Thomson, Roy R., xxx-xx-xxxx
Warden, Jerry B., xxx-xx-xxxx
Woitkoski, Gerald S., xxx-xx-xxxx
Wootten, Glenn D., xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

Fulton, Ben E., xxx-xx-xxxx

The following-named Army National Guard of the United States officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 593 and 3353:

MEDICAL CORPS

*To be lieutenant colonel*

Pollock, Charles A., Jr., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3353:

MEDICAL CORPS

*To be colonel*

Beitia, Jose, xxx-xx-xxxx
Bookwater, John R., xxx-xx-xxxx
Brill, Aaron B., xxx-xx-xxxx
Ehrlich, Frank E., xxx-xx-xxxx
Gwinn, Byron C., II, xxx-xx-xxxx
Holmboe, Arthur H., xxx-xx-xxxx
Lambert, Gary J., xxx-xx-xxxx
Schatzman, Ronald C., Jr., xxx-xx-xxxx
Sheverini, Mohammad A., xxx-xx-xxxx

*To be lieutenant colonel*

Alger, John R., xxx-xx-xxxx
Alonte, Reynaldo D., xxx-xx-xxxx
Arnold, Hendrick J., III, xxx-xx-xxxx
Ball, George M., xxx-xx-xxxx
Batlle-Morell, Cosme R., xxx-xx-xxxx
Brenckman, Wayne D., Jr., xxx-xx-xxxx
Burton, Thomas H., xxx-xx-xxxx
Carter, Jimmy M., xxx-xx-xxxx
Chesky, Frank H., xxx-xx-xxxx
Curtis, Walter R.S., xxx-xx-xxxx
Dimanin, John V., xxx-xx-xxxx
Guillamondegui, Oscar M., xxx-xx-xxxx
Johnson, Martin, C., xxx-xx-xxxx

Kim, Andrew T., xxx-xx-xxxx
King, Dale W., xxx-xx-xxxx
Kingham, James D., xxx-xx-xxxx
Lilly, Raymond L., Jr., xxx-xx-xxxx
Lynch, Frank P., III, xxx-xx-xxxx
Messmer, James M., xxx-xx-xxxx
Miller, William L., xxx-xx-xxxx
Myint, Maung K., xxx-xx-xxxx
Newton, Walter M., Jr., xxx-xx-xxxx
O'Loughlin, Edward P., xxx-xx-xxxx
Ongkiko, Carlos M., Jr., xxx-xx-xxxx
Ortega, Bienvenido D., xxx-xx-xxxx
Pine, Donald K., xxx-xx-xxxx
Rundle, Francis W., xxx-xx-xxxx
Saunders, Ronald J., xxx-xx-xxxx
Sepulveda, Rene A., xxx-xx-xxxx
Shin, Hyunchul J., xxx-xx-xxxx
Sison, Benjamin S., xxx-xx-xxxx
Smith, Gerald L., xxx-xx-xxxx
Stinson, Harold K., xxx-xx-xxxx
Thomas, Joseph R., xxx-xx-xxxx
Weissfisch, George., xxx-xx-xxxx
Whitlock, Norris W., xxx-xx-xxxx
Wilner, George D., xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Charbonneau, Paul C., xxx-xx-xxxx
Jones, John C., xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Dennis C. Bradshaw, xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be major*

Robert G. Marslender, xxx-xx-xxxx

VETERINARY CORPS

*To be major*

Catherine D. Smith, xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

*To be major*

Steven W. Hatcher, xxx-xx-xxxx
Thomas J. Zicharelli, xxx-xx-xxxx

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL CORPS

*To be major*

Kenneth R. Phillips, xxx-xx-xxxx
Charles M. Pitts, xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

*To be colonel*

Beeler, Alan L., xxx-xx-xxxx
Gaw, Michael T., xxx-xx-xxxx
Gordon, Joseph S., xxx-xx-xxxx
Phillips, Edmund J., xxx-xx-xxxx
Sanders, Bobby W., xxx-xx-xxxx
Seppa, Michael F., xxx-xx-xxxx

CHAPLAIN

*To be colonel*

Burns, Williams G., xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

Legrand, Jay, xxx-xx-xxxx
Lubritz, Ronald R., xxx-xx-xxxx
Stabenow, David L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be colonel*

Waaks, Norman H., xxx-xx-xxxx

ARMY PROMOTION LIST

*To be lieutenant colonel*

Anderson, John L., xxx-xx-xxxx
Antoniotti, Joseph, xxx-xx-xxxx
Bach, Robert M., xxx-xx-xxxx
Benshoof, Terrence, xxx-xx-xxxx
Bergquist, Kenneth, xxx-xx-xxxx
Besel, Marvin H., xxx-xx-xxxx
Bickel, John W., xxx-xx-xxxx
Bonato, James J., xxx-xx-xxxx
Coleman, Richard E., xxx-xx-xxxx
Collins, James M., Jr., xxx-xx-xxxx
Crawford, Vernon B., xxx-xx-xxxx
Erwin, Randal L., xxx-xx-xxxx
Foley, Timothy E., xxx-xx-xxxx
Gentzke, Frank S., xxx-xx-xxxx
Glover, Alvin D., xxx-xx-xxxx
Hightower, John D., xxx-xx-xxxx
Jaeger, Calvin D., xxx-xx-xxxx
Kanemoto, Wayne K., xxx-xx-xxxx
Kaneta, Lance T., xxx-xx-xxxx
Kirlin, Joseph P., xxx-xx-xxxx
Koenen, William A., xxx-xx-xxxx
Labrot, Donald V., xxx-xx-xxxx
Lance, Charles E., xxx-xx-xxxx
Lewis, John T., xxx-xx-xxxx
Mader, Michael R., xxx-xx-xxxx
Magee, Douglas M., xxx-xx-xxxx
Mann, Frederick H., xxx-xx-xxxx
Maranville, Don R., xxx-xx-xxxx
Mattson, Paul R., xxx-xx-xxxx
Mueller, Patrick A., xxx-xx-xxxx
Murphy, Charles R., xxx-xx-xxxx
Parker, James A., xxx-xx-xxxx
Ressler, John T., xxx-xx-xxxx
Schumacher, Gerald, xxx-xx-xxxx
Scott, John L., xxx-xx-xxxx
Shuman, Kenneth E., xxx-xx-xxxx
Simmons, Bobby G., xxx-xx-xxxx
Steger, Ronald F., xxx-xx-xxxx
Stelle, Robert T., xxx-xx-xxxx
Stirling, Sherry B., xxx-xx-xxxx
Storm, John P., xxx-xx-xxxx
Stupp, John P., Jr., xxx-xx-xxxx
Tissler, John G., xxx-xx-xxxx
Todd, Stephen K., xxx-xx-xxxx
Walker, George H., Jr., xxx-xx-xxxx
Wall, Charles H., xxx-xx-xxxx
Wallace, Steven L., xxx-xx-xxxx
Weiford, Thomas E., xxx-xx-xxxx
William, Stephen T., xxx-xx-xxxx

CHAPLAIN

*To be lieutenant colonel*

Baldwin, Robert S., xxx-xx-xxxx
Fauntroy, Howard B., xxx-xx-xxxx
Hollfelder, Eugene, xxx-xx-xxxx

ARMY NURSE CORPS

*To be lieutenant colonel*

Schmid, Marlene, M., xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

Deshmukh, Marayan, xxx-xx-xxxx
Korenyi-Both, Andreas, xxx-xx-xxxx
Vandelden, James B., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Marquart, James C., xxx-xx-xxxx

VETERINARY CORPS

*To be lieutenant colonel*

Harvey, Roger B., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3370:

ARMY NURSE CORPS

*To be colonel*

Bonczewski, Jean K., xxx-xx-xxxx
Cammermeyer, Margar, xxx-xx-xxxx
Chittick, Elizabeth, xxx-xx-xxxx
Chrietzberg, V., xxx-xx-xxxx
Edwards, Constance, xxx-xx-xxxx
Eisenkramer, Kathry, xxx-xx-xxxx
Frende, Joan T., xxx-xx-xxxx
Gero, Nancy V., xxx-xx-xxxx
Hodges, Beth S., xxx-xx-xxxx
Holodiloff, Frances, xxx-xx-xxxx
Margwarth, Theodore, xxx-xx-xxxx
Matteson, Charles L., xxx-xx-xxxx
McWashington, Lenor, xxx-xx-xxxx
Moen, Mary E., xxx-xx-xxxx
Natzke, Patricia, J., xxx-xx-xxxx
Noble, Larrie, P., xxx-xx-xxxx
Perry, Leslie G., xxx-xx-xxxx
Pierce, Joanna R., xxx-xx-xxxx
Rhoades, Lola, M., xxx-xx-xxxx
Southard, Margaret, xxx-xx-xxxx
Strubinger, Bernard, xxx-xx-xxxx
Symes, Olga S., xxx-xx-xxxx
Thompson, Edythe D., xxx-xx-xxxx
Wade, Monda S., xxx-xx-xxxx
Williams, Jacquelin, xxx-xx-xxxx
Wooding, Gayle M., xxx-xx-xxxx
Young, Kenneth E., xxx-xx-xxxx

DENTAL CORPS

*To be colonel*

Allen, Theodore B., xxx-xx-xxxx
Alton, Arthur E., xxx-xx-xxxx
Ashley, Charles M., xxx-xx-xxxx
Atkins, Robert M., xxx-xx-xxxx
Ballew, Dewey G., xxx-xx-xxxx
Blackburn, Benjamin, xxx-xx-xxxx
Brognand, Frank L., xxx-xx-xxxx
Campbell, James R., xxx-xx-xxxx
Carabello, John F., xxx-xx-xxxx
Carpenter, John B., xxx-xx-xxxx
Caruth, Lawrence G., xxx-xx-xxxx
Clausen, Howard W., xxx-xx-xxxx
Cobb, Charles M., xxx-xx-xxxx
Colbern, Robert J., xxx-xx-xxxx
Gay, William D., xxx-xx-xxxx
George, William H., xxx-xx-xxxx
Goetsch, Eugene R., xxx-xx-xxxx
Grant, Robert W., xxx-xx-xxxx
Healey, Kent W., xxx-xx-xxxx
Henderson, Herbert, xxx-xx-xxxx
Holdeman, George R., xxx-xx-xxxx
Howe, Arthur G., xxx-xx-xxxx
Hoyle, Wilson S., xxx-xx-xxxx
Hunter, William E., xxx-xx-xxxx
Johnson, William L., xxx-xx-xxxx
Jones, Leonard A., xxx-xx-xxxx
Jordan, Charles H., xxx-xx-xxxx
King, William P., xxx-xx-xxxx
Koss, Stanley F., xxx-xx-xxxx
Kraft, Thomas., H xxx-xx-xxxx
Kramer, Seymour, xxx-xx-xxxx
Lee, James L., xxx-xx-xxxx
Maciol, Eugene V., xxx-xx-xxxx
Mailshanker, Paul A., xxx-xx-xxxx
Margolis, Melvin B., xxx-xx-xxxx
Martin, John B., xxx-xx-xxxx
Martin, Paul J., xxx-xx-xxxx
Mastrocola, Ralph, xxx-xx-xxxx
McBride, Lindley D., xxx-xx-xxxx
McGee, Robert L., xxx-xx-xxxx
McGoodwin, Roland C., xxx-xx-xxxx
McGregor, Arthur J., xxx-xx-xxxx
Meehan, Patrick M., xxx-xx-xxxx
Mehlisch, David F., xxx-xx-xxxx
Moore, Rayburn A., xxx-xx-xxxx
Morford, Herbert T., xxx-xx-xxxx
Morrow, Hollis W., xxx-xx-xxxx
Mowery, Albert S., xxx-xx-xxxx
Murray, Granville A., xxx-xx-xxxx
Myers, Malcolm, xxx-xx-xxxx
Navarro, Richard A., xxx-xx-xxxx

Nersasian, Robert R., xxx-xx-xxxx
Noblin, Franklin J., xxx-xx-xxxx
Olsen, James R., xxx-xx-xxxx
Orton, Terrence D., xxx-xx-xxxx
Pankuch, Richard G., xxx-xx-xxxx
Puma, Joseph P., xxx-xx-xxxx
Ramlow, William A., xxx-xx-xxxx
Reed, William R., xxx-xx-xxxx
Rivera, Hidalgo F., xxx-xx-xxxx
Rodman, Harold J., xxx-xx-xxxx
Rutherford, Robert, xxx-xx-xxxx
Sanchez, Antonia M., xxx-xx-xxxx
Sanchezbaez, Raul, xxx-xx-xxxx
Schulgen, James F., xxx-xx-xxxx
Shearer, Robert J., xxx-xx-xxxx
Shubert, Burl C., xxx-xx-xxxx
Shuford, Gene M., xxx-xx-xxxx
Skidmore, Hugh P., Jr., xxx-xx-xxxx
Sladky, Kenneth C., xxx-xx-xxxx
Todd, Donald D., xxx-xx-xxxx
Tom, Harry K.S., xxx-xx-xxxx
Vierthaler, Anton A., xxx-xx-xxxx
Vilapescador, E., xxx-xx-xxxx
Warfield, David K., xxx-xx-xxxx
Warrick, David L., xxx-xx-xxxx
Weigt, Frederick C., xxx-xx-xxxx
Weinberg, Jacob E., xxx-xx-xxxx
Wiley, Wayne R., xxx-xx-xxxx
Wright, Gordon L., xxx-xx-xxxx

MEDICAL CORPS

*To be colonel*

Abrahams, Lawrence, xxx-xx-xxxx
Adams, Payson S., xxx-xx-xxxx
Anderson, Paul J., xxx-xx-xxxx
Antonelli, Mary A., xxx-xx-xxxx
Arrington, Harold, xxx-xx-xxxx
Asiaf, Joseph R., xxx-xx-xxxx
Babcoke, Gary A., xxx-xx-xxxx
Bartels, Roger J., xxx-xx-xxxx
Black, William L., xxx-xx-xxxx
Brannon, Dabney H., xxx-xx-xxxx
Brewington, Kenneth, xxx-xx-xxxx
Buckingham, William, xxx-xx-xxxx
Burdic, Joseph T., xxx-xx-xxxx
Carrasco, Jose I., xxx-xx-xxxx
Casper, Edmund, xxx-xx-xxxx
Ceriani, Philip D., xxx-xx-xxxx
Chamberlain, Warren, xxx-xx-xxxx
Chester, Charles P., xxx-xx-xxxx
Ciccio, Samuel S., xxx-xx-xxxx
Clark, Louis P., xxx-xx-xxxx
Cooper, John D., xxx-xx-xxxx
Cooper, Maxwell A., xxx-xx-xxxx
De Lee, Jesse C., xxx-xx-xxxx
Elkins, Irving E., xxx-xx-xxxx
Emmons, James E., xxx-xx-xxxx
Everett, Elwood D., xxx-xx-xxxx
Fewell, Ronald D., xxx-xx-xxxx
Fortini, Glenn E., xxx-xx-xxxx
Gedachian, Robert K., xxx-xx-xxxx
Gotlin, Ronald W., xxx-xx-xxxx
Gretz, Herbert F., xxx-xx-xxxx
Haddox, Victor G., xxx-xx-xxxx
Hakim, Simon Z., xxx-xx-xxxx
Harmon, John W., xxx-xx-xxxx
Hill, Charles E., xxx-xx-xxxx
Hutchinson, Thomas, xxx-xx-xxxx
Iseman, Michael D., xxx-xx-xxxx
Keefe, William E., xxx-xx-xxxx
Kelley, William A., xxx-xx-xxxx
Kobs, Darcey G., Jr., xxx-xx-xxxx
Landis, William B., xxx-xx-xxxx
Lebedovych, Victor, xxx-xx-xxxx
Lennon, Robert L., xxx-xx-xxxx
Lester, John B., xxx-xx-xxxx
Luzier, Thomas L., xxx-xx-xxxx
Martens, Thomas J., xxx-xx-xxxx
Maxwell, George D., xxx-xx-xxxx
Mays, Anthony W., xxx-xx-xxxx
McNiell, Daniel, Jr., xxx-xx-xxxx
Mease, Alan D., xxx-xx-xxxx
Mellen, John D., xxx-xx-xxxx
Milburn, William H., xxx-xx-xxxx
Mills, John C., xxx-xx-xxxx
Morse, James A., xxx-xx-xxxx
Moyer, Gerald B., xxx-xx-xxxx
Norris, Michael, xxx-xx-xxxx
Norton, Minthorne D., xxx-xx-xxxx
Oatfield, Robert G., xxx-xx-xxxx
O'Brien, John F., xxx-xx-xxxx
Ortiz, Maria D., xxx-xx-xxxx
Parisi, Herbert F., xxx-xx-xxxx
Patrick, Donald W., xxx-xx-xxxx
Pearsall, Gurney F., xxx-xx-xxxx
Pearson, Alfred G., xxx-xx-xxxx
Richmond, Isabell L., xxx-xx-xxxx
Riker, Sylvan H., xxx-xx-xxxx
Rivas, Manuel A., xxx-xx-xxxx
Robinson, Bernard, xxx-xx-xxxx
Rock, William A., xxx-xx-xxxx
Rohrer, Harold H., xxx-xx-xxxx
Roscetti, James L., xxx-xx-xxxx
Rutland, Eugene D., xxx-xx-xxxx
Ryan, James W., xxx-xx-xxxx
Sears, Stephen R., xxx-xx-xxxx
Sehorn, Samuel L., xxx-xx-xxxx
Shatz, Eugene M., xxx-xx-xxxx
Shen, Shiao W., xxx-xx-xxxx
Skibba, Joseph L., xxx-xx-xxxx
Smith, Jay D., xxx-xx-xxxx
Spector, Sheldon L., xxx-xx-xxxx
Stor, Richard A., xxx-xx-xxxx
Susann, Philip W., xxx-xx-xxxx
Swallow, Charles T., xxx-xx-xxxx
Templer, Jerry W., xxx-xx-xxxx
Tolentino, Guillerm, xxx-xx-xxxx
Turner, William R., xxx-xx-xxxx
Vagshenian, Gregory, xxx-xx-xxxx
Vallalba, Roman J., xxx-xx-xxxx
Watkins, Wilfred E., xxx-xx-xxxx
Welch, Roland L., xxx-xx-xxxx
Whittier, Frederick, xxx-xx-xxxx
Wicks, John C., xxx-xx-xxxx
Williams, Joseph P., xxx-xx-xxxx
Winn, James R., xxx-xx-xxxx
Yocum, Harold A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be colonel*

Clagett, Donald C., xxx-xx-xxxx
Digilio, John T., xxx-xx-xxxx
Dubose, Alfred L., xxx-xx-xxxx
Dumoulin, Gary C., xxx-xx-xxxx
Giachini, Walter R., xxx-xx-xxxx
Henley, Everett S., xxx-xx-xxxx
Holland, Paul G., xxx-xx-xxxx
Hudson, Billy G., xxx-xx-xxxx
Krumhaus, Paul A., xxx-xx-xxxx
Laing, Robert L., xxx-xx-xxxx
Lane, John T., Jr., xxx-xx-xxxx
Lloyd, Arthur R., xxx-xx-xxxx
Morse, John T., xxx-xx-xxxx
Mortensen, Eugene P., xxx-xx-xxxx
Starcher, Barry C., xxx-xx-xxxx
Steckler, Jay, xxx-xx-xxxx
Tabb, Billy, xxx-xx-xxxx
Wisley, Paul G., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

*To be colonel*

Baehm, Donald W., xxx-xx-xxxx
Elliott, Nancy A., xxx-xx-xxxx
Fleming, Elliott T., xxx-xx-xxxx
Sinha, Awadhesh K., xxx-xx-xxxx

VETERINARY CORPS

*To be colonel*

Davis, Ronald D., xxx-xx-xxxx
Extrand, Charles W., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3366:

ARMY PROMOTION LIST

*To be lieutenant colonel*

McGuire, John R., xxx-xx-xxxx
Passage, George E., xxx-xx-xxxx
Shuford, Franklin L., xxx-xx-xxxx

ARMY NURSE CORPS

*To be lieutenant colonel*

Abboud, Bernice, xxx-xx-xxxx
Allen, Alinga A., xxx-xx-xxxx
Alston, Cheryle L., xxx-xx-xxxx
Anders, Robert L., xxx-xx-xxxx
Augustine, Nancy J., xxx-xx-xxxx
Barnes, Carol G., xxx-xx-xxxx
Beran, Nancy D., xxx-xx-xxxx
Besley, Gloria A., xxx-xx-xxxx
Bhatia, Vajramala P., xxx-xx-xxxx
Bibbs, Sondra A. W., xxx-xx-xxxx
Biebesheimer, Ellen, xxx-xx-xxxx
Blackman, Diana S., xxx-xx-xxxx
Blair, Elizabeth J., xxx-xx-xxxx
Bollinger, Nora L., xxx-xx-xxxx
Bowman, Sheila R., xxx-xx-xxxx
Brenner, Sally A., xxx-xx-xxxx
Brooks, Shirley A., xxx-xx-xxxx
Brown, Nancy J., xxx-xx-xxxx
Bryant, Carolyn, xxx-xx-xxxx
Caldwell, Marian P., xxx-xx-xxxx
Canell, Eleanor, xxx-xx-xxxx
Carcio, Helen A. N., xxx-xx-xxxx
Carruthers, Juanita, xxx-xx-xxxx
Charles, Constance, xxx-xx-xxxx
Childers, Susan B., xxx-xx-xxxx
Childs, Candace, xxx-xx-xxxx
Cobble, Nancy A., xxx-xx-xxxx
Cochran, Susan I. N., xxx-xx-xxxx
Collins, Terry C., xxx-xx-xxxx
Connell, Joan T., xxx-xx-xxxx
Cook, Charlotte A., xxx-xx-xxxx
Cook, Georgina D., xxx-xx-xxxx
Cooke, Dorothy A., xxx-xx-xxxx
Cotton, Tamara T., xxx-xx-xxxx
Coughlan, Kathleen, xxx-xx-xxxx
Cullinan, Barbara J., xxx-xx-xxxx
Cupit, Linda G., xxx-xx-xxxx
Darby, Loretta A., xxx-xx-xxxx
Davis, Suzanne M., xxx-xx-xxxx
Deangelis, Rosemary, xxx-xx-xxxx
Deloor, Ruth M., xxx-xx-xxxx
Desomery, Cynthia H., xxx-xx-xxxx
Detterer, Teresa K., xxx-xx-xxxx
Diazrodriguez, Dign, xxx-xx-xxxx
Dippolito, Esther M., xxx-xx-xxxx
Donahue, Terrence R., xxx-xx-xxxx
Dorman, Vincent J., xxx-xx-xxxx
Doster, Martha R., xxx-xx-xxxx
Dowdell, Diane M., xxx-xx-xxxx
Dwire, Diane M., xxx-xx-xxxx
Earley, Antoinette, xxx-xx-xxxx
Eastman, Linda M., xxx-xx-xxxx
Elliston, Marilyn T., xxx-xx-xxxx
Elston, Marilyn R., xxx-xx-xxxx
Erickson, Carol L., xxx-xx-xxxx
Farber, Beatrice, xxx-xx-xxxx
Farris, Pamala J., xxx-xx-xxxx
Fisher, Georganne, xxx-xx-xxxx
Fitzgerald, Cheryl, xxx-xx-xxxx
Ford, Patricia E., xxx-xx-xxxx
Foster, Willie H., xxx-xx-xxxx
Fraund, Rosemarie E., xxx-xx-xxxx
Frazier, Catherine, xxx-xx-xxxx
Galla, Margaret E., xxx-xx-xxxx
Gallien, Patterson, xxx-xx-xxxx
Giles, Gary N., xxx-xx-xxxx
Gill, Doris Q., xxx-xx-xxxx
Ginieres, Stephanie, xxx-xx-xxxx
Glover, Linda D., xxx-xx-xxxx
Goolsby, Elizabeth, xxx-xx-xxxx
Gordon, Ella D.H., xxx-xx-xxxx
Greenberg, Barbara, xxx-xx-xxxx
Greene, Bettye L., xxx-xx-xxxx
Gunning, Carolyn S., xxx-xx-xxxx
Halter, Kathleen A., xxx-xx-xxxx
Hammond, Bruce L., xxx-xx-xxxx
Harold, Nancy J., xxx-xx-xxxx
Harris, Carrie M., xxx-xx-xxxx
Harvey, Barbara E., xxx-xx-xxxx
Hastings, Barbara L., xxx-xx-xxxx
Hatcher, Barbara, xxx-xx-xxxx

Hawkins, Myrtle J., xxx-xx-xxxx
Hayman, Joyce L., xxx-xx-xxxx
Headley, Rhoda L., xxx-xx-xxxx
Hernon, Yvette P., xxx-xx-xxxx
Higgins, Patricia J., xxx-xx-xxxx
Hilliard, Beulah H., xxx-xx-xxxx
Hobson, Carole E., xxx-xx-xxxx
Holder, Ronald R., xxx-xx-xxxx
Holliday, Beverly V., xxx-xx-xxxx
Holt, Donna F., xxx-xx-xxxx
Hughes, Kathleen A., xxx-xx-xxxx
Hulbert, Judith A., xxx-xx-xxxx
Huntington, Theodor, xxx-xx-xxxx
Jackson, Jane A., xxx-xx-xxxx
Jaska, Mary J.C., xxx-xx-xxxx
Jenkins, Lynne C., xxx-xx-xxxx
Johnson, Karen A., xxx-xx-xxxx
Johnson, Preston, Jr., xxx-xx-xxxx
Kennedy, Sharon A., xxx-xx-xxxx
Kidwiler, Judy H., xxx-xx-xxxx
Kilburn, George W., xxx-xx-xxxx
Kohrs, Elizabeth A., xxx-xx-xxxx
Kowalczyk, Walter E., xxx-xx-xxxx
Kremmer, Susan M.K., xxx-xx-xxxx
Kruger, Dennis G., xxx-xx-xxxx
Kuipers, Jo Beth H., xxx-xx-xxxx
Labansky, Suzanne W., xxx-xx-xxxx
Leib, Helaine B., xxx-xx-xxxx
Lendaro, Marie R., xxx-xx-xxxx
Lensing, William A., xxx-xx-xxxx
Lewis, Vickie C., xxx-xx-xxxx
Lowrey, Margaret A., xxx-xx-xxxx
Lynch, Durwood D., xxx-xx-xxxx
Maguire, Carole A., xxx-xx-xxxx
Manhart, Margaret T., xxx-xx-xxxx
Martin, Robert J., xxx-xx-xxxx
Mathewson, Chapman, xxx-xx-xxxx
McKenna, Kathleen R., xxx-xx-xxxx
McKeone, Patricia A., xxx-xx-xxxx
McMahon Margaret M., xxx-xx-xxxx
Meade, Rosalinda G., xxx-xx-xxxx
Mechanic, Hedy F., xxx-xx-xxxx
Mercer, Keith E., xxx-xx-xxxx
Meservy, Darlene, xxx-xx-xxxx
Miller, Judith R., xxx-xx-xxxx
Moore, Joy W., xxx-xx-xxxx
Moorhead, James, xxx-xx-xxxx
Mueller, Elizabeth, xxx-xx-xxxx
Mumford, Karen M., xxx-xx-xxxx
Myrabo, Jessica D., xxx-xx-xxxx
Nark, Janis A., xxx-xx-xxxx
Nelson, Barbara M., xxx-xx-xxxx
Nero, Carrie L, xxx-xx-xxxx
Novak, Ilene W., xxx-xx-xxxx
O'Bannon, Freda V., xxx-xx-xxxx
O'Drick, Katherine, xxx-xx-xxxx
O'Flynn, Alice I., xxx-xx-xxxx
O'Halloran, Virginia, xxx-xx-xxxx
Ollhoft, Susan C., xxx-xx-xxxx
O'Toole, Maureen J., xxx-xx-xxxx
Owen, Margaret N., xxx-xx-xxxx
Park, Sharon F.A., xxx-xx-xxxx
Pecher, Catherine V., xxx-xx-xxxx
Phillips, Sylvia J., xxx-xx-xxxx
Presler, Elizabeth, xxx-xx-xxxx
Rice, Mary J., xxx-xx-xxxx
Roberts, Richard R., xxx-xx-xxxx
Rockwell, Kathleen, xxx-xx-xxxx
Rodriguezalicea, R., xxx-xx-xxxx
Rodriguezperez, J., xxx-xx-xxxx
Root, Carolyn B., xxx-xx-xxxx
Rorick, Carolyn M., xxx-xx-xxxx
Rosenlund, Linda, xxx-xx-xxxx
Rounds, Barbara A., xxx-xx-xxxx
Rudder, Willians R., xxx-xx-xxxx
Salzer, Judith S., xxx-xx-xxxx
Scales, Freda S., xxx-xx-xxxx
Scalley, Sylvia C., xxx-xx-xxxx
Schoman, Lynn I., xxx-xx-xxxx
Seabrooks, Patricia, xxx-xx-xxxx
Seward, Georgia A., xxx-xx-xxxx
Shepard, Connie C., xxx-xx-xxxx
Sherbine, Elizabeth, xxx-xx-xxxx
Sherman, Joanne R., xxx-xx-xxxx
Shuman, Donna J., xxx-xx-xxxx
Simms, Patricia H., xxx-xx-xxxx
Skibapowell, Helen, xxx-xx-xxxx
Smith, Lucy E., xxx-xx-xxxx
Smith, Marian R., xxx-xx-xxxx
Smith, Marie E., xxx-xx-xxxx
Smith, Mary L., xxx-xx-xxxx
Smith, Willie E.O., xxx-xx-xxxx
Sparks, Susan M., xxx-xx-xxxx
Spaulding, John A., xxx-xx-xxxx
Spencer, Linda A., xxx-xx-xxxx
Spratley, Katherine, xxx-xx-xxxx
Standridge, Mary L., xxx-xx-xxxx
Stanfield, Margaret, xxx-xx-xxxx
Stanton, Marietta P., xxx-xx-xxxx
Steadman, Emmie E., xxx-xx-xxxx
Stodola, Barbara A., xxx-xx-xxxx
Stone, Vera W., xxx-xx-xxxx
Sullivan, Donna M., xxx-xx-xxxx
Sullivan, Virginia, xxx-xx-xxxx
Swartz, Kathryn L., xxx-xx-xxxx
Sweitzer, Mabel C., xxx-xx-xxxx
Swint, Mary L., xxx-xx-xxxx
Thomson, Eleanor A., xxx-xx-xxxx
Thorne, Barbara G., xxx-xx-xxxx
Toelle, Jean F., xxx-xx-xxxx
Townsend, Vernon D., xxx-xx-xxxx
Tucker, Madeleine A., xxx-xx-xxxx
Turner, Joan B., xxx-xx-xxxx
Turner, John P., xxx-xx-xxxx
Tustin, Joleen, xxx-xx-xxxx
Vaughn, Betty A., xxx-xx-xxxx
Viens, Diane C., xxx-xx-xxxx
Wallace, Barbara V., xxx-xx-xxxx
Washa, Mary S., xxx-xx-xxxx
Washington, Margare, xxx-xx-xxxx
Welliver, Harry W.I., xxx-xx-xxxx
Whidby, Barbara L., xxx-xx-xxxx
White, Carolyn W., xxx-xx-xxxx
Will, Virginia K., xxx-xx-xxxx
Williams, Maebelle, xxx-xx-xxxx
Williams, Retha L., xxx-xx-xxxx
Winninghoff, Margar, xxx-xx-xxxx
Wright, Judith K., xxx-xx-xxxx
Zindlerwernet, Pat, xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Adamson, Kenneth W., xxx-xx-xxxx
Assad, Joseph E., xxx-xx-xxxx
Banes, Jerry D., xxx-xx-xxxx
Banwell, Lance E., xxx-xx-xxxx
Barnes, Thomas A., xxx-xx-xxxx
Best, Edward E., xxx-xx-xxxx
Belvins, William R., xxx-xx-xxxx
Book, Glenn L., xxx-xx-xxxx
Boswell, William C., xxx-xx-xxxx
Brady, William A., xxx-xx-xxxx
Brown, David E., xxx-xx-xxxx
Brown, James L., xxx-xx-xxxx
Bruns, David J., xxx-xx-xxxx
Buller, Dale L., xxx-xx-xxxx
Burnham, James S., xxx-xx-xxxx
Caron, Philip L., xxx-xx-xxxx
Carpenter, Charles, xxx-xx-xxxx
Carpenter, Michael, xxx-xx-xxxx
Chili, David J., xxx-xx-xxxx
Collins, Keith T., xxx-xx-xxxx
Conrad, Paul W., xxx-xx-xxxx
Currie, Robert E., xxx-xx-xxxx
Dewitt, Robert M., xxx-xx-xxxx
Dilworth, Curtis M., xxx-xx-xxxx
Dodd, Howard T., xxx-xx-xxxx
Dugger, Joe M., xxx-xx-xxxx
English, Peter C., xxx-xx-xxxx
Ferguson, Ray L., xxx-xx-xxxx
Floyd, Louis C.J., xxx-xx-xxxx
Freeman, Clarence T., xxx-xx-xxxx
Garner, Robert T., xxx-xx-xxxx
Goff, George V., xxx-xx-xxxx
Gunderson, Duane K., xxx-xx-xxxx
Hanley, Michael R., xxx-xx-xxxx
Harre, John W., xxx-xx-xxxx
Hartvigsen, Rulon E., xxx-xx-xxxx
Hempstead, William, xxx-xx-xxxx
Hollaren, Vincent M., xxx-xx-xxxx
Jones, Terry T., xxx-xx-xxxx
Jordan, John R., xxx-xx-xxxx
Kadzik, Paul L., xxx-xx-xxxx
Keller, John C., xxx-xx-xxxx
Kemeny, John G., xxx-xx-xxxx
Kim, Myung Cho, xxx-xx-xxxx
Kordulak, John L., xxx-xx-xxxx
Lacy, Edward D., xxx-xx-xxxx
Loftus, Ronald J., xxx-xx-xxxx
Maddox, David L., xxx-xx-xxxx
Major, John T., xxx-xx-xxxx
Marker, James N., xxx-xx-xxxx
McIntosh, John R., xxx-xx-xxxx
McMillon, Morris, W., xxx-xx-xxxx
Miller, James L., xxx-xx-xxxx
Moore, Vernell N., xxx-xx-xxxx
Muenzhuber, John A., xxx-xx-xxxx
Murphy, James B., xxx-xx-xxxx
Murray, Edward B., xxx-xx-xxxx
Nichols, William C., xxx-xx-xxxx
Olberding, Nichols, xxx-xx-xxxx
Oldak, Stanley, xxx-xx-xxxx
Page, Stephen W., xxx-xx-xxxx
Pannebaker, William, xxx-xx-xxxx
Patt, Robert F., xxx-xx-xxxx
Paye, Mark H., xxx-xx-xxxx
Payne, James L., xxx-xx-xxxx
Poling, Kirby E., xxx-xx-xxxx
Primavera, John A., xxx-xx-xxxx
Pryor, Ronald J., xxx-xx-xxxx
Pultman, Mark F., xxx-xx-xxxx
Reams, Douglas H., xxx-xx-xxxx
Reiff, Gregory J., xxx-xx-xxxx
Roberts, Frederick, xxx-xx-xxxx
Robinovitz, Edward, xxx-xx-xxxx
Rogers, Clarence P., xxx-xx-xxxx
Ryan, John W., xxx-xx-xxxx
Selting, Wayne J., xxx-xx-xxxx
Sheen, Myron W., xxx-xx-xxxx
Sheppard, Arthur E., xxx-xx-xxxx
Stakis, Anthony D., xxx-xx-xxxx
Steinhoff, Mark H., xxx-xx-xxxx
Terrill, David G., xxx-xx-xxxx
Testa, Donald, xxx-xx-xxxx
Timmons, Thomas W., xxx-xx-xxxx
Tomsik, Leonard M., xxx-xx-xxxx
Toolson, Leigh B., xxx-xx-xxxx
Torregrosa, Jose R., xxx-xx-xxxx
Traub, Alan M., xxx-xx-xxxx
Tuomi, Jay A., xxx-xx-xxxx
Upp, John C., Jr., xxx-xx-xxxx
Vogel, Stephen J., xxx-xx-xxxx
Walton, Phillip G., xxx-xx-xxxx
Washington, Thomas, xxx-xx-xxxx
Weinstein, Charles, xxx-xx-xxxx
Wishart, James D., xxx-xx-xxxx
Wong, Warren, xxx-xx-xxxx
Wood, Gregory A., xxx-xx-xxxx
Young, Charles E., xxx-xx-xxxx
Zelson, Philip R., xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

Adams, Hans W., xxx-xx-xxxx
Adams, John D., xxx-xx-xxxx
Adams, Peter X., xxx-xx-xxxx
Adcock, Eugene W., xxx-xx-xxxx
Adelman, Samyel, xxx-xx-xxxx
Ahmann, Thomas M., xxx-xx-xxxx
Akbiyik, Nejat H., xxx-xx-xxxx
Alexander, Mark V., xxx-xx-xxxx
Alijani, Mohammad R., xxx-xx-xxxx
Anderson, Theodore, xxx-xx-xxxx
Anderson, William E., xxx-xx-xxxx
Armand, Lucien, xxx-xx-xxxx
Arterberry, Joe F., xxx-xx-xxxx
Bacque, Frank R., xxx-xx-xxxx
Baens, Aida S., xxx-xx-xxxx
Baker, Shan R., xxx-xx-xxxx
Barbie, Ronald N., xxx-xx-xxxx
Baskoff, Joel D., xxx-xx-xxxx
Becker, Albert A., xxx-xx-xxxx
Becker, Robert C., xxx-xx-xxxx

Beg, Raihana R., xxx-xx-xxxx
Bell, Clifford B., xxx-xx-xxxx
Bellin, Bruce D., xxx-xx-xxxx
Bennett, Jack L., xxx-xx-xxxx
Bohm, Ralph A., xxx-xx-xxxx
Bollinger, James R., xxx-xx-xxxx
Boston, Gary D., xxx-xx-xxxx
Bourgecis, Francis, xxx-xx-xxxx
Braunstein, Roy Z., xxx-xx-xxxx
Breiling, Beamer, xxx-xx-xxxx
Brewer, David W., xxx-xx-xxxx
Brinker, Jeffrey A., xxx-xx-xxxx
Brinkman, Larry K., xxx-xx-xxxx
Broines, Tristan, xxx-xx-xxxx
Brown, Douglas K., xxx-xx-xxxx
Brownrigg, Richard, xxx-xx-xxxx
Bryson, Philip L., xxx-xx-xxxx
Burr, Robert E., xxx-xx-xxxx
Burran, William P., xxx-xx-xxxx
Bushore, John T., xxx-xx-xxxx
Byrne, James P., xxx-xx-xxxx
Cahill, James D., xxx-xx-xxxx
Cain, James P., xxx-xx-xxxx
Carroll, Ramon L., Jr., xxx-xx-xxxx
Charoenkul, Viratan, xxx-xx-xxxx
Chi, Nungja, xxx-xx-xxxx
Childers, Marvin A., xxx-xx-xxxx
Chruscicki, Robert, xxx-xx-xxxx
Cioffi, Francis J., xxx-xx-xxxx
Clark, William D., xxx-xx-xxxx
Clemmer, Terry P., xxx-xx-xxxx
Cooke, David M., xxx-xx-xxxx
Crais, Thomas F., Jr., xxx-xx-xxxx
Cross, George L.I., xxx-xx-xxxx
Crowley, Kevin D., xxx-xx-xxxx
Cuasay, Ramon S., xxx-xx-xxxx
Culliford, Alfred T., xxx-xx-xxxx
Curtis, Richard H., xxx-xx-xxxx
Dailey, Warren B., xxx-xx-xxxx
Datta, Robin, xxx-xx-xxxx
Dawson, Robert C., xxx-xx-xxxx
Dawson, Tedd E., xxx-xx-xxxx
Deal, Terry D., xxx-xx-xxxx
Delrosario, Lourdes, xxx-xx-xxxx
Dent, Aubrey O., xxx-xx-xxxx
Deveikus, Audra A., xxx-xx-xxxx
Dodge, David L., xxx-xx-xxxx
Dolman, Loren I., xxx-xx-xxxx
Donnerstein, Richard, xxx-xx-xxxx
Dorn, Ronald V., xxx-xx-xxxx
Doyle, Colin S., xxx-xx-xxxx
Duffy, Thomas J., xxx-xx-xxxx
Dunn, David, xxx-xx-xxxx
Eisenbaum, Allan M., xxx-xx-xxxx
Ellis, Charles T., xxx-xx-xxxx
Enders, John G., xxx-xx-xxxx
Estrada, Ruben C., xxx-xx-xxxx
Fane, Larry R., xxx-xx-xxxx
Farr, John F., xxx-xx-xxxx
Feaster, Marshall M., xxx-xx-xxxx
Feinberg, Bernard, xxx-xx-xxxx
Feldman, Steward L., xxx-xx-xxxx
Felizmena, Renato C., xxx-xx-xxxx
Fleming, Curtis, xxx-xx-xxxx
Ford, Clyde D., xxx-xx-xxxx
Freeman, Sharon D., xxx-xx-xxxx
Friedman, Harold I., xxx-xx-xxxx
Froehlich, Walter J., xxx-xx-xxxx
Froiland, John L., xxx-xx-xxxx
Fulkerson, Alvin R., xxx-xx-xxxx
Galloway, William B., xxx-xx-xxxx
Gavigan, Thomas J., xxx-xx-xxxx
Gearhart, John R., xxx-xx-xxxx
Geary, Francis J., xxx-xx-xxxx
Gifford, David B., xxx-xx-xxxx
Glah, Arthur F., xxx-xx-xxxx
Gold, Franklin O., xxx-xx-xxxx
Goldschlag, Irwin J., xxx-xx-xxxx
Golumbeck, Carl T., xxx-xx-xxxx
Gonzales, Eduflo, xxx-xx-xxxx
Goodner, David M., xxx-xx-xxxx
Graff, Gene E., xxx-xx-xxxx
Green, Horace L., xxx-xx-xxxx
Greenheck, Robert R., xxx-xx-xxxx
Greenhill, Andrew H., xxx-xx-xxxx
Greer, Frank R., xxx-xx-xxxx
Griffin, Gerald D., xxx-xx-xxxx
Griffith, Larry G., xxx-xx-xxxx
Grist, James D., xxx-xx-xxxx
Guinigundo, Noli, xxx-xx-xxxx
Gutierrez, Antonia, xxx-xx-xxxx
Gutierrez, Victor H., xxx-xx-xxxx
Haider, Yasmeen S., xxx-xx-xxxx
Haaithcock, William, xxx-xx-xxxx
Hanna, Michael I., xxx-xx-xxxx
Harper, William K., xxx-xx-xxxx
Harris, Kenton E., xxx-xx-xxxx
Harviel, Jay D., xxx-xx-xxxx
Haverkamp, John, xxx-xx-xxxx
Hays, James B., xxx-xx-xxxx
Henderson, Thomas W., xxx-xx-xxxx
Hill, Frank C., xxx-xx-xxxx
Hill, James H., xxx-xx-xxxx
Hitt, Jerry L., xxx-xx-xxxx
Holcroft, James W., xxx-xx-xxxx
Holman, David O., xxx-xx-xxxx
Holmes, Bert W., xxx-xx-xxxx
Howe, John F., xxx-xx-xxxx
Huang, Harvey M., xxx-xx-xxxx
Hunter, Bruce C., xxx-xx-xxxx
Hurdiss, Lawrence W., xxx-xx-xxxx
Hwang, Moo Oh, xxx-xx-xxxx
Jackson, Charles G., xxx-xx-xxxx
Jacob, Donald W., xxx-xx-xxxx
Jacobs, William E., xxx-xx-xxxx
Jalota, Renu, xxx-xx-xxxx
Jamaris, Joseph K., xxx-xx-xxxx
Jeffers, Robert G., xxx-xx-xxxx
Jefferson, Christin, xxx-xx-xxxx
Jenkins, Michael L., xxx-xx-xxxx
Johnson, David S., xxx-xx-xxxx
Jolivette, Milton J., xxx-xx-xxxx
Jones, Liston S., xxx-xx-xxxx
Joo, Yong D., xxx-xx-xxxx
Kadish, Sidney P., xxx-xx-xxxx
Kang, Soon I., xxx-xx-xxxx
Katz, Paul M., xxx-xx-xxxx
Katz, Ronald L., xxx-xx-xxxx
Kaur, Jasbir, xxx-xx-xxxx
Keller, Thomas M., xxx-xx-xxxx
Keyes, Michael J., xxx-xx-xxxx
Kies, Merrill, S., xxx-xx-xxxx
Killingsworth, Char, xxx-xx-xxxx
Kimball, Christina, xxx-xx-xxxx
King, Gloria D., xxx-xx-xxxx
Kinney, Thomas R., xxx-xx-xxxx
Koepke, Keith R., xxx-xx-xxxx
Kostin, Raymond F., xxx-xx-xxxx
Kramer, Jeffrey A., xxx-xx-xxxx
Kraus, Richard E., xxx-xx-xxxx
Kruger, Paul S., xxx-xx-xxxx
Kuck, Levan N., xxx-xx-xxxx
Kuehl, Alexander E., xxx-xx-xxxx
Kuhn, Joseph A., xxx-xx-xxxx
Kushi, Gerald, S., xxx-xx-xxxx
Kwak, Dong L., xxx-xx-xxxx
Lambeth, William A., xxx-xx-xxxx
Larsen, John W., xxx-xx-xxxx
Larson, Gerald M., xxx-xx-xxxx
Lazcano, Yolanda, xxx-xx-xxxx
Lee, Wei Kuo, xxx-xx-xxxx
Lee, Young Sun, xxx-xx-xxxx
Leech, David H., xxx-xx-xxxx
Lenehan, Joseph M., xxx-xx-xxxx
Leonard, Morton H., xxx-xx-xxxx
Lesueur, Leo M., xxx-xx-xxxx
Lett, Willie J., xxx-xx-xxxx
Lewis, Bobby R., xxx-xx-xxxx
Lewis, Charles C., xxx-xx-xxxx
Lillard, Stephen B., xxx-xx-xxxx
Lipron, Peter M., xxx-xx-xxxx
Littlefield, Ronald, xxx-xx-xxxx
Livers, Eric L., xxx-xx-xxxx
Lo Milan, Pang, xxx-xx-xxxx
Lomangcolob, Pablo, xxx-xx-xxxx
Lopez, Marco A., xxx-xx-xxxx
Luib, Oliva A., xxx-xx-xxxx
Luna, Luis E., xxx-xx-xxxx
MacDougall, Roderic, xxx-xx-xxxx
Madan, Shireen A., xxx-xx-xxxx
Magpoc, Norma O., xxx-xx-xxxx
Mahoney, Timothy M., xxx-xx-xxxx
Malik, Ayaz U., xxx-xx-xxxx
Malone, John I., xxx-xx-xxxx
Maman, Arie, xxx-xx-xxxx
Manabat, Gregorio M., xxx-xx-xxxx
Manougian, Edward, xxx-xx-xxxx
Mansour, Esber H., xxx-xx-xxxx
Maragh, Hallene A., xxx-xx-xxxx
Maragos, Nicholas E., xxx-xx-xxxx
Marcinkowski, Joseph, xxx-xx-xxxx
Margulis, Silvio, xxx-xx-xxxx
Martin, Hugh M., Jr., xxx-xx-xxxx
Martinec, Leonard W., xxx-xx-xxxx
Mationg, Teodulo R., xxx-xx-xxxx
McClinton, Cedric W., xxx-xx-xxxx
McCloskey, John J., xxx-xx-xxxx
McCormick, William, xxx-xx-xxxx
McGrew, Gary L., xxx-xx-xxxx
McKenzie, William F., xxx-xx-xxxx
McKinney, Harry D., xxx-xx-xxxx
Mead, Jay H., xxx-xx-xxxx
Mendoza, Jose, R., xxx-xx-xxxx
Metter, Earl J., xxx-xx-xxxx
Midgley, John C., xxx-xx-xxxx
Miles, Brian J., xxx-xx-xxxx
Milford, Donald M., xxx-xx-xxxx
Miller, Kenneth A., xxx-xx-xxxx
Miller, Thomas B., xxx-xx-xxxx
Millstein, Arnold, xxx-xx-xxxx
Minino, Sigifredo, xxx-xx-xxxx
Minot, Melvyn C., xxx-xx-xxxx
Mirandahidalgo, A., xxx-xx-xxxx
Moatamed, Farhad, xxx-xx-xxxx
Moses, Charles R., xxx-xx-xxxx
Mudgil, Lalta R., xxx-xx-xxxx
Munk, Richard L. xxx-xx-xxxx
Murray, William C., xxx-xx-xxxx
Mygatt, George G., xxx-xx-xxxx
Olegario, Gil F.S., xxx-xx-xxxx
Oliphant, John R., xxx-xx-xxxx
Pace, William R., xxx-xx-xxxx
Padgett, Robert A., xxx-xx-xxxx
Park, Kyung I., xxx-xx-xxxx
Pickard, Robert E., xxx-xx-xxxx
Pico, Cristobal E., xxx-xx-xxxx
Pomerance, Glenn N., xxx-xx-xxxx
Ponzi, Joseph W., xxx-xx-xxxx
Porter, Robert J., xxx-xx-xxxx
Posteraro, Robert H., xxx-xx-xxxx
Prakash, Andani S., xxx-xx-xxxx
Rahimi, Abbas, xxx-xx-xxxx
Ramirezcosta, A., xxx-xx-xxxx
Raskin, Richard J., xxx-xx-xxxx
Ray, Sidney C., xxx-xx-xxxx
Reyes, Francisco A., xxx-xx-xxxx
Reynolds, Rembert N., xxx-xx-xxxx
Riley, William J., xxx-xx-xxxx
Rimpila, Julian J., xxx-xx-xxxx
Rios, Luis M., xxx-xx-xxxx
Rodrigueztorrens, R., xxx-xx-xxxx
Rogers, Ralph W., xxx-xx-xxxx
Rullan, Ruben N., xxx-xx-xxxx
Ryan, Paul H.J., xxx-xx-xxxx
Ryan, Robert C., xxx-xx-xxxx
Rychly, Robert E., xxx-xx-xxxx
Sailam, Vardha, xxx-xx-xxxx
Savarese, Ronald P., xxx-xx-xxxx
Schuster, Donna L., xxx-xx-xxxx
Shade, Ronnie D., xxx-xx-xxxx
Singh, Bhawar, xxx-xx-xxxx
Smith, Anthony A., xxx-xx-xxxx
Smith, J. Stanley, Jr., xxx-xx-xxxx
Smith, Michael L., xxx-xx-xxxx
Speelman, Mark C., xxx-xx-xxxx
Spencer, David L., xxx-xx-xxxx
Staubly, Ronald T., xxx-xx-xxxx
Steiger, Fredric A., xxx-xx-xxxx
Stevenson, Thomas R., xxx-xx-xxxx
Street, Luther, Jr., xxx-xx-xxxx
Sun, Chien F., xxx-xx-xxxx
Sun, Jong Chill xxx-xx-xxxx

Taboada, Javier G., xxx-xx-xxxx
Tadros, Makram A., xxx-xx-xxxx
Tagavi, Bijan, xxx-xx-xxxx
Taw, Margaret T., xxx-xx-xxxx
Tayao, Manuel, xxx-xx-xxxx
Treat, Richard C., xxx-xx-xxxx
Tsai, Chien L., xxx-xx-xxxx
Tuft, Daniel S., xxx-xx-xxxx
Turner, Miriam C., xxx-xx-xxxx
Valdivel, Sakthi P., xxx-xx-xxxx
Vandeloen, James B., xxx-xx-xxxx
Vanveen, Thomas A., xxx-xx-xxxx
Vazquezroman, Cesar, xxx-xx-xxxx
Visser, Valya E., xxx-xx-xxxx
Vollmar, Lewis C., xxx-xx-xxxx
Walker, William A., xxx-xx-xxxx
Wallace, James O., xxx-xx-xxxx
Warden, Glenn D., xxx-xx-xxxx
Weiss, Stuart R., xxx-xx-xxxx
Wells, Thomas J., xxx-xx-xxxx
Wesley, John M., xxx-xx-xxxx
Wetli, Charles V., xxx-xx-xxxx
Williams, Nathan D., xxx-xx-xxxx
Williamson, Robert, xxx-xx-xxxx
Wingert, Richard H., xxx-xx-xxxx
Yamaki, Takashi, xxx-xx-xxxx
Young, John R., xxx-xx-xxxx
Zaman, Fasih Q., xxx-xx-xxxx
Zemlin, Richard D., xxx-xx-xxxx
Ziemann, Joy L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Accurso, Linden J., xxx-xx-xxxx
Adair, Richard F., xxx-xx-xxxx
Adams, Michael L., xxx-xx-xxxx
Afflereach, Charles, xxx-xx-xxxx
Albaugh, David H., xxx-xx-xxxx
Alexander, David F., xxx-xx-xxxx
Anderson, Donald R., xxx-xx-xxxx
Anderson, Juel H., xxx-xx-xxxx
Arling, Gary L., xxx-xx-xxxx
Ballard, Donald E., xxx-xx-xxxx
Bentham, Jack E., xxx-xx-xxxx
Bilodeau, Roland A., xxx-xx-xxxx
Bouchard, Gerald P., xxx-xx-xxxx
Boyle, Michael J., xxx-xx-xxxx
Bradshaw, Cayton J., xxx-xx-xxxx
Branch, Laurence G., xxx-xx-xxxx
Breheny, Patrick J., xxx-xx-xxxx
Breslin, Terrence, xxx-xx-xxxx
Buckman, Edward E., xxx-xx-xxxx
Buckmaster, Alvin C., xxx-xx-xxxx
Buranosky, Bernard, xxx-xx-xxxx
Burgess, Billy R., xxx-xx-xxxx
Burke, Robert S., xxx-xx-xxxx
Burroughs, Willis H., xxx-xx-xxxx
Calvasina, Eugene J., xxx-xx-xxxx
Caraway, William C., xxx-xx-xxxx
Carlson, Dale L., xxx-xx-xxxx
Caskey, William A., xxx-xx-xxxx
Chapman, Carl B., xxx-xx-xxxx
Chisolm, Charles E., xxx-xx-xxxx
Clapp, Charles R., xxx-xx-xxxx
Close, Stirling S., xxx-xx-xxxx
Coe, Herbert E., xxx-xx-xxxx
Cohen, Joseph E., xxx-xx-xxxx
Coleman, Arthur C., xxx-xx-xxxx
Colligan, James T., xxx-xx-xxxx
Comer, William F., xxx-xx-xxxx
Connallon, Peter F., xxx-xx-xxxx
Connelly, Peter J., xxx-xx-xxxx
Cromartie, Abraham, xxx-xx-xxxx
Damron, Thomas C., xxx-xx-xxxx
Dial, John F., xxx-xx-xxxx
Dicey, Bruce B., xxx-xx-xxxx
Diem, Michael H., xxx-xx-xxxx
Diercks, James E., xxx-xx-xxxx
Donovan, Richard L., xxx-xx-xxxx
Dorn, Ted L., xxx-xx-xxxx
Dougherty, Brian J., xxx-xx-xxxx
Drill, Walter J., xxx-xx-xxxx
Dunham, Jerome G., xxx-xx-xxxx
Dyer, Curtis J., xxx-xx-xxxx
Emo, Dretha M., xxx-xx-xxxx
Erickson, Leif M., xxx-xx-xxxx
Ernest, Stephen J., xxx-xx-xxxx
Espinal, Jack L., xxx-xx-xxxx
Feneli, James E., xxx-xx-xxxx
Fonville, Gerald G., xxx-xx-xxxx
Ford, William H., xxx-xx-xxxx
Franceschi, Harold, xxx-xx-xxxx
Frisbie, Lee E., xxx-xx-xxxx
Ganschinietz, Frank, xxx-xx-xxxx
Garner, Carroll R., xxx-xx-xxxx
Glynn, Wilbert K., xxx-xx-xxxx
Goldberlg, Marvin, xxx-xx-xxxx
Good, Thomas E., xxx-xx-xxxx
Graham, Walter S., xxx-xx-xxxx
Gralian, Michael E., xxx-xx-xxxx
Gray, John P., xxx-xx-xxxx
Green, William E., xxx-xx-xxxx
Gregory, Michael J., xxx-xx-xxxx
Griffin, Bob T., xxx-xx-xxxx
Gross, Robert A., xxx-xx-xxxx
Guerriero, Joseph M., xxx-xx-xxxx
Hale, Troy D., xxx-xx-xxxx
Handly, Ralph M., xxx-xx-xxxx
Hayes, Larry C., xxx-xx-xxxx
Hays, Richard L., xxx-xx-xxxx
Heisig, David W., xxx-xx-xxxx
Henderson, Alfred J., xxx-xx-xxxx
Henley, Stephen W., xxx-xx-xxxx
Henry, Ann T., xxx-xx-xxxx
Herbert, Walter D., xxx-xx-xxxx
Hetrick, Andrew J., xxx-xx-xxxx
Hirschman, Don R., xxx-xx-xxxx
Hoerth, Randall W., xxx-xx-xxxx
Hoskins, George W., xxx-xx-xxxx
Houck, David P., xxx-xx-xxxx
Isler, Ronald A., xxx-xx-xxxx
Jacobs, Alan K., xxx-xx-xxxx
Johnson, Harry V., xxx-xx-xxxx
Kautz, Allan A., xxx-xx-xxxx
Kay, Robert G., xxx-xx-xxxx
Keel, Lyle N., xxx-xx-xxxx
Kelly, William L., xxx-xx-xxxx
King, Henry L., xxx-xx-xxxx
King, John L., xxx-xx-xxxx
Koeppel, Mary F., xxx-xx-xxxx
Koptowsky, Joseph I., xxx-xx-xxxx
Kreidler, Myron B., xxx-xx-xxxx
Kroening, Roger J., xxx-xx-xxxx
Kurtz, Robert S., Jr., xxx-xx-xxxx
Latcher, Gary N., xxx-xx-xxxx
Lasater, James E., xxx-xx-xxxx
Laxer, Marc A., xxx-xx-xxxx
Lernihan, John F., xxx-xx-xxxx
Little, Kerry L., xxx-xx-xxxx
Little, Lawrence L., xxx-xx-xxxx
Loomis, John A., xxx-xx-xxxx
Loomis, Terry L., xxx-xx-xxxx
Lorentzen, Thomas N., xxx-xx-xxxx
Maddock, David P., xxx-xx-xxxx
Maier, Lawrence R., xxx-xx-xxxx
Maloney, Alfred S., xxx-xx-xxxx
Marshall, Alan T., xxx-xx-xxxx
Martin, Andrew S., xxx-xx-xxxx
Marty, Thomas J., xxx-xx-xxxx
McAleer, Charles F., xxx-xx-xxxx
McClanaghan, Robert, xxx-xx-xxxx
McCoy, John P., xxx-xx-xxxx
McDonald, Kenneth A., xxx-xx-xxxx
McKeough, Paul K., Jr., xxx-xx-xxxx
McKinley, Kenneth C., xxx-xx-xxxx
McKittrick, Thomas, xxx-xx-xxxx
McManus, Albert T., xxx-xx-xxxx
Miller, Allan J., xxx-xx-xxxx
Mitchell, Philip A., xxx-xx-xxxx
Montgomery, Stephen, xxx-xx-xxxx
More, Scott T., xxx-xx-xxxx
Muschler, Joseph N., xxx-xx-xxxx
Myers, Jerry K., xxx-xx-xxxx
Navone, Timothy W., xxx-xx-xxxx
Nelson, Donald C., xxx-xx-xxxx
Nelson, Jon D., xxx-xx-xxxx
Noonan, William T., xxx-xx-xxxx
Novell, John O., xxx-xx-xxxx
Obermeyer, Boyd D., xxx-xx-xxxx
O'Brien, Thomas E., xxx-xx-xxxx
O'Connell, Courtnay, xxx-xx-xxxx
Oleson, Max L., xxx-xx-xxxx
Ondovchik, Lawrence, xxx-xx-xxxx
O'Neal, James L., xxx-xx-xxxx
Osborne, Henry R., xxx-xx-xxxx
Paasch, Philip H., xxx-xx-xxxx
Patterson, Ralph C., xxx-xx-xxxx
Paul, John E., xxx-xx-xxxx
Pehrson, Kyle L., xxx-xx-xxxx
Peters, John N., xxx-xx-xxxx
Pimentel, Francisco, xxx-xx-xxxx
Pontarelli, Joseph, xxx-xx-xxxx
Pontcolon, Oscar F., xxx-xx-xxxx
Poyner, Michael T., xxx-xx-xxxx
Prince, Andrew E., xxx-xx-xxxx
Privett, Roane B., xxx-xx-xxxx
Puryear, Leslie A., xxx-xx-xxxx
Quashnock, Joseph M., xxx-xx-xxxx
Rapoza, John R.J., xxx-xx-xxxx
Reardon, John A., xxx-xx-xxxx
Rhoa, Gregory A., xxx-xx-xxxx
Richter, James A., xxx-xx-xxxx
Roberts, John E., xxx-xx-xxxx
Rocco, Vincent J., xxx-xx-xxxx
Roop, Karlon G., xxx-xx-xxxx
Rucker, Nehemiah E., xxx-xx-xxxx
Sailers, Don W., xxx-xx-xxxx
Santagata, Joseph V., xxx-xx-xxxx
Saunders, Theodore, xxx-xx-xxxx
Schipul, Catherine, xxx-xx-xxxx
Schlapper, Gerald A., xxx-xx-xxxx
Schwicker, Dale H., xxx-xx-xxxx
Semrad, Ellvin L., xxx-xx-xxxx
Shannon, Paul H., xxx-xx-xxxx
Simmons, Michael R., xxx-xx-xxxx
Simon, Stuart A., xxx-xx-xxxx
Smith, Francis N., xxx-xx-xxxx
Smith, Terre M., xxx-xx-xxxx
Southby, Richard F., xxx-xx-xxxx
Spears, Vernon A., xxx-xx-xxxx
Spell, Robert H., xxx-xx-xxxx
Strain, George M., xxx-xx-xxxx
Struab, Robert R., xxx-xx-xxxx
Talley, William E., xxx-xx-xxxx
Tallman, Stephen B., xxx-xx-xxxx
Tate, Fred L., xxx-xx-xxxx
Taylor, John W., xxx-xx-xxxx
Tealdi, Leo E., xxx-xx-xxxx
Thompson, James P., xxx-xx-xxxx
Thormodsgard, Paul, xxx-xx-xxxx
Tibbets, Paul W., xxx-xx-xxxx
Timm, Carl A. I., xxx-xx-xxxx
Timm, William V., xxx-xx-xxxx
Tommasi, Edoardo J., xxx-xx-xxxx
Tompkins, George J., xxx-xx-xxxx
Town, Margaret J., xxx-xx-xxxx
Tramp, Anton P., xxx-xx-xxxx
Trevor, Beverly L., xxx-xx-xxxx
Vanarsdale, Walton, xxx-xx-xxxx
Vaughn, David E., xxx-xx-xxxx
Velezsoto, Domingo, xxx-xx-xxxx
Verhagen, John R., xxx-xx-xxxx
Vinarci, Gregory B., xxx-xx-xxxx
Vines, Melvin L., xxx-xx-xxxx
Visnick, Allan D., xxx-xx-xxxx
Vokonas, William S., xxx-xx-xxxx
Walrath, George A., xxx-xx-xxxx
Walraven, Horace V., xxx-xx-xxxx
Warren, Larry J., xxx-xx-xxxx
Warren, Maxwell L., xxx-xx-xxxx
Weitz, William A., xxx-xx-xxxx
Widener, Harry M., xxx-xx-xxxx
Wierson, Glenn E., xxx-xx-xxxx
Williams, Cardell E., xxx-xx-xxxx
Wiltrout, Robert E., xxx-xx-xxxx
Wood, Norman E., xxx-xx-xxxx
Woods, Charles M., xxx-xx-xxxx
Wooldridgge, William, xxx-xx-xxxx
Worsham, Walter V., xxx-xx-xxxx
Zall, Donald S., xxx-xx-xxxx
Zimmerman, William, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

*To be lieutenant colonel*

Berry, Nancy R.R., xxx-xx-xxxx
Booth, Lenora L., xxx-xx-xxxx
Bowles, James V., xxx-xx-xxxx
Briggs, Edna, xxx-xx-xxxx
Buhrle, Shelton D., xxx-xx-xxxx
Byers, Anne L., xxx-xx-xxxx
Castellow, Mary J., xxx-xx-xxxx
Davis, Valerie H., xxx-xx-xxxx
Day, Judith A., xxx-xx-xxxx
Dezeeuw, Mary L.O., xxx-xx-xxxx
Friend, Gross E., xxx-xx-xxxx
Gallow, Myrtle L., xxx-xx-xxxx
Hassett, Robert B., xxx-xx-xxxx
Hawthorne, Marjorie, xxx-xx-xxxx
Herbowy, Roger W., xxx-xx-xxxx
Horton, Karen E., xxx-xx-xxxx
Jenkins, Ann L., xxx-xx-xxxx
Jones, Mary F., xxx-xx-xxxx
Kilbury, Edith L., xxx-xx-xxxx
Kirkwood, David E., xxx-xx-xxxx
McKay, James B., xxx-xx-xxxx
McNeill, Donna J., xxx-xx-xxxx
Mitchell, Rita A., xxx-xx-xxxx
Pope, Richard L., xxx-xx-xxxx
Rosenzweig, Janet K., xxx-xx-xxxx
Scanlon, Cornelius, xxx-xx-xxxx
Schwartz, Irwin S., xxx-xx-xxxx
Snow, Marcia B., xxx-xx-xxxx
Spitzer, Mary E., xxx-xx-xxxx
Stewart, Gloria B., xxx-xx-xxxx
Straus, Donald T., xxx-xx-xxxx
Taylor, Huitte L., xxx-xx-xxxx
Trom, Corliss L., xxx-xx-xxxx
Vandervliet, Denise, xxx-xx-xxxx
Yamashita, Sharon J., xxx-xx-xxxx

VETERINARY CORPS

*To be lieutenant colonel*

Alishouse, Harvel F., xxx-xx-xxxx
Allison, Malcom N., xxx-xx-xxxx
Barbee, David D., xxx-xx-xxxx
Cockrill, James M., xxx-xx-xxxx
Elwell, Paul A., xxx-xx-xxxx
Graham, Floyd H., xxx-xx-xxxx
Heltsley, James R., xxx-xx-xxxx
Henry, Charles W., xxx-xx-xxxx
Lee, Lincoln O., xxx-xx-xxxx
McWilliams, Paul F., xxx-xx-xxxx
Novick, Richard M., xxx-xx-xxxx
Platt, Kenneth B., xxx-xx-xxxx
Reid, Richard M., xxx-xx-xxxx
Slone, Theodore W., xxx-xx-xxxx
Taylor, Boyd A., Jr., xxx-xx-xxxx
Toia, Matthew J., xxx-xx-xxxx
White, Henry E., xxx-xx-xxxx
Zitek, Lyle E., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3359:

MEDICAL CORPS

*To be colonel*

Besanceney, Charles, xxx-xx-xxxx

MEDICAL CORPS

*To be lieutenant colonel*

George, Robert J., xxx-xx-xxxx
Hunter, James G., xxx-xx-xxxx
Keiser, John F., xxx-xx-xxxx
Kingham, James D., xxx-xx-xxxx
Lilly, Raymond L., Jr., xxx-xx-xxxx
Muench, Alan G., xxx-xx-xxxx
Pick, Terry E., xxx-xx-xxxx
Roben, William C., xxx-xx-xxxx
Shumski, Edward J., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, sections 531 and 2107:

Cyr, Brian P., xxx-...
Douglass, Travis L., xxx-...

The following-named Marine Corps Enlisted Commissioning Education Program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Lopez, James M., xxx-...
Mathews, Timothy L., xxx-...
McWilliams, Keith A., xxx-...
Reyeits, Edward L., xxx-...

The following-named Naval Reserve Officers Training Corps graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, sections 531 and 2107:

Tinsley, Mark E., xxx-...

The following-named Marine Corps Enlisted Commissioning Education Program graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Neuberger, Bruce W., xxx-...

IN THE NAVY

The following-named individual, under the provisions of article II, section 2, clause 2 of the Constitution, to be a commander designated by the President under article II, section 2, clause 2 of the Constitution:

*To be commander*

Dr. Robert Duane Ballard, U.S. Naval Reserve, xxx-xx-xxxx/1805.

The following-named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

*To be commander*

Lt. Cmdr. Joseph F. Satrapa, U.S. Navy (retired), xxx-xx-xxxx/1313.

IN THE NAVY

The following-named Naval Reserve Officers' Training Corps Program candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Schroeder, Kenneth R.
Warnement, Robert W.

The following-named Navy Enlisted Commissioning Program candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Allen, Walter F.
Muller, Charles U.

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bergmann, M. Greg
Cutts, Andrew W.
Davison, Michael J.
Devine, James J., Jr.
Ford, Michael J.
Geasor, David M.
Gedney, Timothy C.
Hines, Scott W.
Hyatt, Mark A.
Hyps, Craig M.
Inman, Carl R.
Maloney, Michael P.
Meier, John G., III
Milham, Peter G.
Monette, Dan W.
Reale, Thomas G.
Smith, Michael H.
Tayloe, Hinton L., Jr.

The following-named Naval Reserve officers to be appointed permanent lieutenant in the Judge Advocate General's Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Jenkins, Max B.
Scott, Roger D.

The following-named Navy officers to be appointed permanent lieutenant in the Judge Advocate General's Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

MacDonald, Bruce E.
Morriss, David M.
Styron, Jeffrey W.
Wilson, Beverly D.
Winthrop, James P.

William W. Burns, U.S. Navy officer to be appointed permanent captain in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Geary, Joseph E.
Komar, Vasantha A.R.
Yamodis, Nicolas D.

Robert B. Brigden, ex-U.S. Navy officer, to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

Bruce A. Mallin, ex-Naval Reserve officer, to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

The following named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Barkhoff, Rise L.
Dizon, Pilar C.
Eninger, Larry A.
Khaw, Noeline
Lytle, Gary S.
Teddi, Raul J.

NAVY

The following-named candidates in the Navy Enlisted Commissioning Program to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Adrian, John M.
Allen, Walter F.
Allis, Gene T.
Alvey, Kelly N.
Antosz, Ignatius J.
Armstrong, Jeffrey M.
Baker, William M.
Ballard, Allan J.
Beavers, Michael P.
Beets, Raymond D.
Beirl, Matthew T.
Benjamin, Robert P.
Benke, Steven M.
Beverly, Monte S.
Bevins, Mark A.
Bishop, Timothy S.
Bohman, Scott D.
Borojevich, Mary K.
Bowen, Richard F., Jr.
Bowman, Mark D.
Brandenburg, Thomas P.
Brooks, Gary R.
Brown, Jeffrey P.
Brown, Randall L.
Bruner, Bradley D.
Carter, Andre L.
Condit, Charles L.
Cooke, Robert P.
Cotter, Paul F.
Covington, Brett A.
Covington, James H.
Derenski, Bruce A.
Dipaolo, Peter J.
Dollete, Rodolfo
Donato, Jude T.
Donohue, Christine M.
Erickson, John O.
Faxlanger, Edward A.
Feller, David
Fenz, Randy S.
Fitzgibbon, Raymond J.
Frost, Michael A.
Gilley, Bruce H.
Gilmartin, Gary M.
Glander, Matthew J.
Gody, Anthony T.
Graham, Douglas W.
Grant, Michael R.
Guyer, Michael F.
Haggard, Don E.
Hamby, David W.
Hamman, Kurt D.
Hammett, Richard D.
Henning, Timothy D.
Herrington, Noris R.
Hillstrom, Nathan D.
Hixenbaugh, Franklin D.
Honabach, David A.
Hovatter, Mark H.
Hudson, Robert E.
Hulskamp, Jeffrey W.
Huntley, Robert J.
Janczak, Gregory F.
Jimenez, Norberto G., Jr.
Johnson, Julie M.
Johnson, Scott A.
Judd, Dane S.
Kelley, John T.
Kinney, Robert L.
Kline, Daniel B.
Knapp, Randall G.
Koch, Robert W.

Larkin, Michael J.
Ledogar, James P.
Lewis, Ronald K.
Ley, William G.
Lindsey, Keith L.
Logie, Joseph J.
Longenecker, John K.
Lovell, Randall L.
Magee, Michael P.
Malsbury, John A.
Maple, Scott A.
Massidda, Todd H.
Mazzone, Michael P.
McCarthy, Clinton C.
McDougal, Sean F.
McVicker, William R.
Melchiorre, Kenneth J.
Michels, Scott T.
Miles, Steven R.
Miller, Barry L.
Miller, Gilbert L.
Miserendino, Scott B.
Moore, William C.
Moran, Keith E.
Morfa, Mario A.
Morris, Michael A.
Muhs, Kevin S.
Muller, Charles U.
Nixon, Roy L.
Noe, Gregory B.
Nowicki, Gary J.
Ocampo, Robert S.
ODonnell, David E.
Olsen, Edward
Ostrander, Steven P.
Pace, Martin E.
Parrish, David Y.
Paulus, Steven R.
Perron, Thomas M.
Pinion, Catherine J.
Pitts, Mark P.
Polillo, Steven P.
Rassler, Kenneth J.
Reed, Walter A.
Reifenberger, Robert A.
Reishus, William A.
Render, Douglas L.
Rigney, Philip A.
Roddy, Kimberly A.
Rodriguez, Michael E.
Rowan, William W.
Rudolfer, Joe
Schlachter, Dennis L.
Screptock, Robert T.
Sickman, Marianne E.
Sieber, Josh S.
Simms, Mark D.
Smith, Charles R. II
Southard, Tommy S.
Spear, Joseph M.
Spear, Paul D.
Stafford, David A.
Stevens, Mark L.
Stout, Tamela S.
Stueckemann, Daniel L.
Swindle, Edward A.
Tamburri, Robert P.
Tate, Bennie D.
Taubitz, James E.
Thompson, Eugene G.
Trenton, James K.
Tutt, Terry
Voncannon, Frederick W.
Waldron, Terry J.
Watson, Richard P.
Webb, Charles R.
Weber, Carl A.
White, George D.
Winter, Gordon H.
Wynne, Marcus B.

IN THE NAVY

The following named naval reserve officers' training corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abad, Glenn F.
Abitabilo, John A.
Abler, Todd A.
Abrahamson, Stuart M.
Abrams, David B.
Aclaro, Melven V.
Adair, Curtis R.
Adams, Cecilia C.
Adams, Dennis J.
Adams, Douglas R.
Adams, Quinard
Adams, Timothy W.
Admiral, Mark A.
Agan, John A.
Aglio, David G.
Ahler, John P.
Akens, Gary M.
Akers, Scott A.
Alcaro, Domenic J.
Alder, Donald C.
Aldridge, Michael T.
Alewine, Thomas C.
Alexander, John C.
Alfaro, Eric W.
Ali, Jamil W.
Allen, Douglas C.
Allen, Josef D.
Allen, Keith W.
Allen, Logan A., III
Aller, Michael D.
Allocca, David M.
Alston, Dennis L.
Alwine, Scott
Amoruso, Kenneth P.
Anders, Richard B.
Anderson, Burton H.
Anderson, David L.
Anderson, Douglas J.
Anderson, Douglas K.
Anderson, Eric B.
Anderson, James W., II
Anderson, Lori P.
Anderson, Timothy P.
Anklam, Christopher P.
Anthony, David M.
Anthony, Marlin C.
Ardaiz, Patrick J.
Arkwright, Thomas C.
Arlotto, Joseph D.
Armantrout, John T.
Armstrong, Michael T.
Armstrong, Robert A.
Arnold, Frank S.
Arnold, Ronald J.
Arostegui, Michael F.
Artim, Shane C.
Artim, Stephen A.
Aschbrenner, Roger A.
Asklar, Richard F.
Aston, Scott A.
Atala, Edward R.
Athow, Jon N.
Atkinson, Keith A.
Aubuchon, Eric
Augustine, Mark D.
Autrey, James L.
Auxer, Michael D.
Ayala, Richard
Babb, David A.
Baccanari, Patrick A.
Bailey, Michael E.
Bailey, Thomas A.
Bailey, Todd E.
Baker, Donna M.
Baker, Douglas D.
Baker, John E.
Baldwin, Donald P.
Balentine, Peter J.
Balika, Amanda E.
Ballinger, Erik L.
Baines, Gary L.
Banzhaf, Scott A.
Barbour, Edward L., III
Barclay, Todd D.
Barker, Derrick G.
Barnard, John H.
Barnard, Thomas S.
Barnes, Deborah K.
Barnes, Lamarr E.
Barnet, John H.
Barnett, John W.
Barnett, Steven B.
Barnhill, Joel A.
Barnum, Anita H.
Barr, Dean A.
Barr, Michael F.
Barrett, Michael R.
Barrie, John J.
Barron, Michael J.
Barrow Benjamin J.
Barry, Kevin M.
Barry, Michael T.
Bartro, John P.
Baskovich, John J.
Basler, David J.
Bateman, Brent W.
Bates, Tracy A.
Batura, John P.
Bauer, Daniel M.
Bauhan, Thomas L.
Bauman, Jerre F.
Baumann, Gary F.
Baxter, Alexander L.
Bay, Steven E.
Baze, Timothy F.
Bazin, Christopher P.
Beach, Michael F.
Bean, Daniel K.
Beare, Scott A.
Beatson, James M.
Beavers, George D.
Becker, Christian D.
Becker, Karl J.
Becker, Miriam D.
Belcher, Robert W.
Bell, Darren M.
Bell, Jeffrey H.
Bellinger, Josue M.
Benedict, Mary E.
Bengtson, Scott W.
Benjock, Christopher J.
Bennett, Darlene
Bennett, David A.
Bennett, Richard C.
Beno, Raymond P.
Benoit, David A.
Bensley, Stephen E.
Bergeman, Stephen P.
Bernard, Peter C.
Berneski, William A.
Bernhard, Michael A.
Bernier, Kevin F.
Bernstein, Davin D.
Bettendorf, Hugh J.
Betts, William E., Jr.
Biddle, Michael D.
Bidinger, Charles H.
Bierman, James W., Jr.
Biersack, Gregory A.
Biever, Robert E.
Bilies, Eric A.
Billings, Bruce P.
Binford, Adam C.
Binsfield, Matthew C.
Black, Dorwin C.
Blackmer, Jeffrey W.
Blanchard, Mark A.
Blank, Richard P.
Blaylock, Joseph R.
Blazewicz, Stanley J.
Blocker, Catherine
Bluff, Brian J.
Boalick, Scott R.
Bobrovsky, Natalie
Bockler, Eric D.
Boehme, Edward J.
Boehme, John J.
Boggs, Phillip W.
Bolcik, Scott D.
Bolduc, Brian A.
Bolduc, Dave J.
Bolster, Ronald E.
Bond, Phillip T.
Bonnell, Corey K.
Bonner, Joseph J.
Boone, Richard T.
Booth, Charles C.
Boova, Christopher J.
Borchert, Pamela J.
Borgnin, Russell C.
Borja, Arthur
Borlet, Brian R.
Bosley, Duncan
Boss, William J.
Bossert, Scott W.
Bothner, Jane M.
Boudreau, James S.
Bougher, Dennis L.
Boughton, John S.
Boulay, Timothy M.
Bouley, Joseph A.
Bourgeois, Michael L.
Bowers, David F.
Bowers, James H., Jr.
Bowman, Jay S.
Boyd, David A.
Boyd, Milton J.
Boyd, Robert W.
Boyer, Amy T.
Boyer, Bradley H.
Boykin, Johnny S.
Boyle, Eugene J.
Boyle, James P.
Boyle, Michael E.
Boysen, Brian L.
Brabec, Mark E.
Bracken, Christopher P.
Bradfield, Edward A.
Bradshaw, George E.
Brady, Allen R.
Brady, Jeffrey L.
Brandewie, Mark A.
Brandt, Chad A.
Bratt, Eric C.
Braun, Eric N.
Braverman, Scott H.
Braza, Albert M.
Breaux, Patrick J.
Breeding, William F.
Breitinger, James M.
Brewer, David B.
Brewster, Jon M.
Brice, Norman M.
Brickach, William A.
Brickhill, William L.
Bright, James M.
Brister, Gary L.
Brittain, Donald R., Jr.
Brockfeld, Paul E.
Brockway, Russell P.
Broderick, Patrick J.
Brose, Gary D.
Broughal, Kevin I.
Brown, Arnold O., III
Brown, Douglas R.
Brown, Ellen M.
Brown, James A.
Brown, John E.
Brown, John T.
Brown, Kenneth B.
Brown, Mark D.
Brown, Raphael P.
Brown, Scott A.
Brown, Steven T.
Brown, Todd A.
Brownell, John R.
Brubaker, Kurt J.
Bruce, Alexander J., III
Bruland, James A.
Brumwell, Matthew R.
Brunkhorst, David J.
Brunnick, Leo E., Jr.
Brunson, Kevin M.
Brusch, Matthew D.
Bryant, David W.
Buckingham, William M.
Buckles, Brian K.
Budd, William S.
Buddrius, Eric A.
Bukowski, Jeffrey D.
Buonpane, Mark V.
Burford, Ron A.
Burgess, Frederick F.
Burgess, Richard G.
Burgess, Terry C.
Burke, Brian C.
Burke, Christopher S.
Burke, James M.
Burke, James P.
Burke, Kevin D.
Burke, Michael J.
Burke, William M.
Burkett, Kurt A.
Burkholder, Gary A.
Burlingame, Stanley G.
Burnham, John J.
Burns, Liam J.
Burns, Michael L.
Burr, Timothy T.
Burton, Timothy J.
Butler, Lilla V.
Butler, Steve A.
Buzby, Robert F.
Byrd, Barry C.
Byrne, Ronda L.
Byrne, Shawn P.
Calabrese, Jeffrey C.
Calabrese, Kelly L.
Caldwell, Kenneth C.
Calkins, Michael L.
Callahan, David J.
Callahan, William E.
Calvo, Luis
Camardella, Paul T.
Cameron, Allison M.
Campbell, Glen H.
Campbell, Jeriel S.
Campbell, John C.
Campbell, John R.
Campbell, Paul D.
Campbell, Richard D.
Campbell, Scott D.
Campion, Michael J.
Campos, Edward C.
Canada, Jimmy D.
Canfield, Connie F.
Canning, Patrick J.
Cannon, James M.
Cannon, Louis T.
Capasso, Carl A.
Capecelatro, John S.
Capomaggi, John A.
Carey, Anthony J.
Carey, Shawn
Carey, William P.
Cargill, Douglas L.
Carlise, Robert J.
Carlitti, Rocco P.
Carlson, Alan L.
Carlson, Eric A.
Carlson, James F.
Carlson, Jon A.
Carlson, Kenneth J.
Carlson, Kurt W.
Carlson, Scott A.
Carne, Donald P.
Carney, John F.
Carolan, Brian P.
Carpenter, Wesley J.
Carper, Craig M.
Carpinteri, Paul A.
Carroll, Charles M.
Carter, Angus F., IV
Carter, Richard M.
Carter, Theodore N.
Carty, Peter J.
Carvalho, Ronald M.
Cashman, Dermot P.
Cason, James T.
Casper, Michael L.
Cassidy, Sean M.
Castro, Nelson C.
Catencamp, Curtis E.
Cates, Robert J.
Catlett, Walter C.
Catron, Michael
Caulfield, Christopher
Cavalier, Collette C.
Celis, Claire S.
Ceperich, Colin N.
Chacon, Victor F., Jr.
Chalmers, Dawn L.
Chapman, Neil B.
Chapman, William B.
Chase, Charles T.
Chatfield, Shoshana
Chatham, Anthony P.
Chatlin, Scott G.
Chatman, William
Chauncey, Wayne M.
Cheatham, Ira M.
Chebi, Carl P.
Check, Christopher J.
Chelsea, David E.
Chen, Paul
Chen, Stanley F.
Cherry, Jack K.
Cherry, Michael D.
Chesek, Paul K.
Cheshire, Paul A.
Chesser, Judy E.
Chester, Timothy M.
Chesterton, Gregory L.
Chiappetti, Charles F.
Chierici, Francesco A.

Chivers, Christopher J.
Choinski, Scott F.
Christensen, Marc B.
Christian, John J.
Chun, Tracy D.
Chunda, Jaime P.
Churchill, Kent A.
Cibula, Andrew L.
Cicero, Daniel M.
Cindrich, John M.
Claeys, Jeffrey D.
Clancy, David J.
Clark, David W.
Clark, Jackie K.
Clark, Kenneth C.
Clark, Lyle R.
Clark, Sean P.
Clarke, Stephen M.
Clarke, Ted K.
Clausen, John M.
Clawson, Larry A.
Clear, Stephen E., Jr.
Cobery, Steven T.
Cochran, David J.
Cochran, Felicia L.
Cockrel, Timothy S.
Cody, Shawn M.
Coester, Dean L.
Coghlan, Philip A.
Collins, Arthur
Collins, Dawn
Collins, Dean M.
Collins, Gary T.
Collins, Gordon D.
Collins, Joshua L.
Collins, Patrick C.
Collotta, Lincoln D.
Condon, Clifford G.
Condon, James R.
Conley, Michael V.
Conlon, Shawn P.
Connell, Daniel C.
Conner, Jeffrey T.
Conner, Sean A.
Conners, Kevin M.
Connors, John P.
Conoley, Roland M., Jr.
Conrad, Andrew J.
Cook, Alfred R.
Cook, Catherine D.
Cook, Edward L.
Cook, Eric L.
Cook, Jonathon P.
Cook, Thomas L.
Cook, Todd A.
Coons, Ronald D.
Coony, Thomas E.
Cooper, Gregory G.
Corbett, Mark W.
Corbitt, Scott M.
Cordek, Andrew T.
Corliss, Paul L.
Cornwall, Richard L.
Corrado, Michael C.
Corrao, Robert L.
Corrigan, Michael J.
Corrigan, Robert W.
Cory, Kevin A.
Cosgriff, Robert E.
Costello, Patrick
Cote, Johanne L.
Cotton, Derek W.
Couch, Vernon S.
Coughlin, Terence R.
Coulter, David B.
Coutant, Derek N.
Covert, Craig H.
Cox, George M.
Cox, Patrick F.
Cox, Raymond E.
Craig, Colin M.
Craig, Michael R.
Crake, Kurtis W.
Crall, Dennis A.
Crawford, Barry M.
Crombie, Kenneth M.
Cromer, Howard S.
Croskrey, Michael R.
Crowe, Kirstin M.
Crowe, Robert A.
Crudo, Eric P.
Crunelle, Trevor T.
Csencsits, Christopher J.
Cuddy, Andrew K.
Cullen, Steven J.
Cullis, Andrew S.
Cummings, Joseph D.
Cunningham, James M.
Curley, Donald E.
Curley, Owen J.
Currie, John A.
Curtin, John A.
Curto, Lisa A.
Cusano, Christopher J.
Cutting, Robert A.
Cyr, Brian P.
Dagnese, Anthony F.
Dahl, Douglas R.
Dahms, Michael D.
Dalessandro, Edward J.
Dalmas, Scott M.
Dangelo, Thomas J.
Daniels, Brendan
Danner, John P.
Dansby, Oscar F.
Dant, Joseph C.
Dantz, Christopher R.
Darby, Jack A.
Dargan, David D.
Darke, Andrew D.
Darling, William M.
Darrow, Stephen M.
Dateno, George M.
Daugharty, Jeffrey T.
David, Richard W.
Davis, April L.
Davis, Brett A.
Davis, Bruce F.
Davis, Edward P.
Davis, Eric J.
Davis, James M.
Davis, Jeffrey P.
Davis, Leonard C.
Davis, Mitchell R.
Davis, Raymond J., Jr.
Davis, Robert B.
Davis, Scott B.
Davis, Stephen C.
Davis, William J.
Davison, John W.
Davitt, Patrick J.
Dawes, Karen L.
Dawson, Michael K.
Day, Glenroy E., Jr.
Day, James P.
Day, Robert
Dean, Brian J.
Dean, Sean M.
Deaton, William R., Jr.
Debold, James R.
Debraggio, Dennis G.
Deckert, Paul B.
Deeb, Gregory P.
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Glover, Michael E.
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Hansen, Eric W.
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Hansen, Peter T.
Hansen, Robert B.
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Johnson, Claxton R.
Johnson, Erik N.
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Johnson, Jeffery J.
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Johnson, Karl D.
Johnson, Kurt B.
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Johnson, Mark S.
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Johnson, Rodney W.
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Johnson, Thomas J.
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Johnson, William M.
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Langlois, Thomas L.
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Nevius, Paul
Newbold, Randal B.
Newcom, David A.
Newell, Dwight J.
Newton James P.
Newton, William C.
Nichols, David
Nieva, Fidelino E., Jr.
Nightingale, Steven A.
Nishimura, Bryan H.
Nix, David A.
Noiwan, Chinawat
Nolan, John H.
Noon, William D.
Norman, George P.
Norman, Philip L.
Northcutt, Darrien P.
Norton, David P.
Norton, Robert J., Jr.
Novack, Edward
Novaez, Guiomar
Nowadly, Francis W.
Oakes, Thomas J.
Oates, Michael W.
Oberhoffer, Edward C.
O'Bradovic, Michael J.
O'Brien, David E.
O'Brien, John J., Jr.
O'Brien, Kevin A.
O'Bryan, Stacey L.
O'Bryne, James E.
O'Connor, Michael J.
O'Conner, Sean R.
Odden, George C.
O'Dea, David P., Jr.
O'Dea, John M.
Odom, Willian D.
O'Donnell, Patrick S.
Oldfield, Mark E.
Oliver, Chris E.
Oliver, Lawrence J.
Oliver, Marie E.
Olsen, Karl R.
Olson, Eric J.
O'Mara, Kevin H.
Onda, Alex R.
O'Neal, Stephanie L.
O'Neil, Casey P.
O'Neil, Donald K.
O'Neil, Thomas E.
Oriold, Darryl W.
Ormond, Mark P.
Orne, Cynthia G.
Orosz, Mark L.
Orr, Alan L., II
Orr, Timothy S.
Oslick, Harvey R.
Otoole, Timothy R.
Ottignon, David A.
Overton, John P.
Owen, Stephen S.
Owens, Willie D.
Ozmer, Joseph W.
Pacious, Patrick S.
Paddock, Peter E.
Padgett, Douglas M.
Pagel, Donald S., Jr.
Pagiotas, John P.
Pagliaro, Anthony P., Jr.
Palermo, Joseph S.
Palm, Michael E.
Palmer, Craig E.
Palmer, Georgia L.
Palmer, Lyle R.
Palumbo, Nicholas E.
Pangelinan, Benjamin A.
Papa, Timothy L.
Papesh, Todd A.
Papp, Raymond A.
Parker, Dana M.
Parker, Donald W.
Parker, Steven D.
Parkey, Thomas J.
Parkinson, Scott L.
Parrillo, Joseph A.
Patton, Christopher D.
Patton, Jeffrey H.
Patzman, Mark A., II
Pavlioin, Robert W.
Peabody, Robert A.
Peace, William S.
Perrlman, Sheryle E.
Peck, Thomas L.
Peckham, Christopher M.
Peer, Thomas C.
Pelton, Charles O.
Pennell, George D.
Peoples, Anthony E.
Perkins, Kevin C.
Perkins, Tony L.
Perron, Robert A.
Peters, Christopher H.
Peters, Eugene M.
Peters, Sean M.
Peterschmidt, John C.
Petersen, Antonio P.
Petersen, Douglas K.
Petrowski, Michael P.
Petruccione, Peter A.
Pettigrew, Ronald
Peyton, Michael J.
Phillips, Brian R.
Phillips, Candade L.
Phillips, Michael J.
Phillips, Peters S.
Pichon, Eric J.
Picken, Edward C.
Pierce, Jerry D.
Pigeon, Raymond G.
Pinckney, John
Pipho, Stuart A.
Pippin, Ronald L.
Pizza, Michael J.
Plauga, Anna T.
Plofchan, Paul J.
Plummer, Marshall E., II
Plummer, Wendell R.
Poff, David B.
Poggenburg, Joseph D.
Polasky, Charles A.
Polgreen, Alison
Polk, Michael J.
Pollard, Todd E.
Pollock, Kevin E.
Pon, William L.
Ponte, Peter D.
Poorman, Daniel S.
Popovich, David J.
Porter, David E.
Porter, Stephen R.
Porter, Todd A.
Porubski, Richard L.
Potts, Amy J.
Preece, Joseph S.
Prell, Milton J.
Premi, Michael R.
Pevost, Nathaniel K.
Price, Deon L.
Price, Kevin T.
Price, Roderick J.
Prickett, John F.
Priest, Duncan T.
Pringle, Cedric E.
Pringle, Hebert L.
Prise, Kevin M.
Prochaska, Kurt V.
Prokopis, Michael T.
Pruitt, Rachel L.
Przybylski, John
Purdy, Edmund J., III
Purvis, Eston D.
Quenga, Silvino R.
Quigley, Thomas M.
Quinn, Paul E.
Quint, Jonathan
Quynn, Allen G.
Radulski, Matthew K.
Raffier, Mark J.
Ralph, John A.
Raman, Sanjay
Ramsay, Charles H.
Randolph, Lemuel P.
Rangel, Nicolas
Rankin, Troy M.
Rasmussen, Robert E.
Ratte, David A.
Raup, William E.
Ray, Byron J.
Raynor, Brett N.
Redrick, Patrick H.
Reed, Casey E.
Reed, Gregory L.
Reed, Kris J.
Regen, Benjamin C.
Rehor, Michael W.
Reichert, Daniel T.
Reid, Louis A.
Reilly, Michael J.
Reilly, Robert S.
Reimers, Gerald A.
Reinhart, Paul D.
Reino, John M.
Reinwald, Mary K.
Reiswig, Lora J.
Relihan, Kevin A.
Remick, Mark D.
Remington, Eric J.
Rempe, Daniel L.
Remsing, Robert A.
Reuck, Charles G.
Reyes, Cesar N.
Reynerson, Charles M.
Reynolds, John S.
Reynolds, Ralph R.
Reynolds, William F.
Rhie, Ann Y.
Rhoden, Christopher A.
Rhodes, Johnnie C.
Ricci, Ronald J.
Rich, William T.
Richardson, John W.
Richman, Paul A.
Richter, Mark W.
Rick, Paul M.
Ricks, Neal P.
Ridge, Michael A.
Riehl, Gregory J.
Riley, Bruce A.
Rinn, Kevin T.
Riordan, Robert P.
Rios, Leslie M.
Rishea, John V.
Ritchie, Wesley P.
Robbins, Greg R.
Roberts, Curtis
Roberts, Derrick J.
Roberts, Nannette S.
Roberts, Randy D.
Roberts, Stephen E.
Robins, Claren D.
Robinson, David A.
Robinson, Michael A.
Robinson, Ronald A., Jr.
Robinson, Thomas L.
Roble, Richard A.
Rock, Charles W.
Rodriguez, Edward H.
Rodriguez, Jorge A.
Roedl, Peter J.
Roelker, Randall S.
Roessler, Richard B.
Roger, Charlie P.
Rogers, Lewis C.
Rogers, Mary E.
Rogers, Philippe D.
Rogers, Scott T.
Rogers, Walter D.
Rohloff, Anthony R.
Rojas, Thomas A.
Rolland, Nicholas M.
Rollins, Lamia
Rollinson, Derek J.
Root, Christopher R.
Roper, Allen F.
Rosdahl, Thomas P.
Rose, Hoke M.
Rose, Jefferey P.
Rose, Theodore R.
Rosenblatt, Michael A.
Rosenthal, John T.
Ross, Andrew J.
Ross, Bryon G.

Ross, Gregory C.
Rossi, Christopher G.
Rossignol, Steven P.
Rossio, Michael B.
Rotert, Daniel P.
Roth, Michael B.
Roup, Mark A.
Rousseau, Michael P.
Rowe, Gary B.
Rowland, Michael D.
Rozier, Timothy D.
Roznowski, Michael B.
Rueb, Jeffrey S.
Ruhland, Charles E.
Rush, Forrest R., Jr.
Russell, John J.
Russo, Samuel J.
Ryan, Peter M.
Rydell, Edwin R.
Ryland, Freddie L.
Sacchetti, Stephen A.
Sacco, Ernest J., Jr.
Sachrison, Jon E.
Salamy, Paul S.
Salas, Paul A.
Salinsky, Steven
Sallade, Robert D.
Saltzman, Richard S.
Salva, Steven G.
Salzer, David H.
Sampson, David J.
Sanborn, Kurtis R.
Sanchez, Mario A.
Sandberg, Susan M.
Sanford, John C.
Sanford, Mark A.
Sanford, Teresa S.
Sangster, Michael J.
Santangelo, Matthew L.
Santini, Victor W.
Saporito, Vincent P.
Saunders, Mark L.
Savard, Edward E.
Scarritt, Jeffrey M.
Schaedel, Tyson P.
Schaefer, Britton H.
Scharf, Todd K.
Scheper, Nicholaus R.
Scherer, Chris A.
Schick, Kurt E.
Schierling, John G.
Schilling, Craig M.
Schimpf, Mark E.
Schimpf, Michael W.
Schimpf, Peter W.
Schluter, Robert C., Jr.
Schmalfeld, Mark R.
Schmidt, Steven J.
Schmidt, Thomas S.
Schmitt, Eric L.
Schneider, Melissa A.
Schneider, William C.
Schnoor, Barry C.
Schnorenberg, David G.
Schoenle, Michael E.
Scholz, John M.
Schommer, James E.
Schoonmaker, Curtis R.
Schrenk, Michael L.
Schroeder, Kenneth A.
Schuerman, Todd J.
Schuller, Geoffrey H.
Schultz, Robert J.
Schultz, Theodore D.
Schulz, David, S.
Schwarz, Gregory T.
Schwarz, Patrick J.
Scola, Todd H.
Scott, David J.
Scott, John G.
Seagrist, Richard P.
Sease, Earnell.
Seaton, Daniel A.
Seksinsky, Jeanne M.
Selby, Lorin C.
Selnick, Arnold P.
Selvaggi, Joseph A.
Sewall, John O.
Sewell, Donald A.
Shah, Najeeb A.
Shank, Kimberly L
Shank, William R.
Shannon, Sean M.
Shannon, Thomas F.
Sharp, Thomas E.
Shaske, Jeffrey A.
Shea, John P.
Shebroe, Adam M.
Sheehy, Kenneth M.
Sheffield, Gregory J.
Sheils, Dennis J.
Sheldon, Scott D.
Sheldon, William J.
Shelton, Kevin D.
Shephard, William L.
Shepherd, Jason W.
Sherard, Thomas J.
Shereda, Robert P.
Sherlock, Christopher W.
Sherman, Eric S.
Shilling, Edward E.
Shimp, John A.
Shinego, Stephen A.
Shinick, Stephen P.
Shipley, Guy S.
Shiring, Michael T.
Shoemaker, William H.
Shook, Dawn M.
Shows, Benjamain A.
Shuey, Karin A.
Shutt, Joseph M.
Sieg, Richard L.
Siepel, Kevin W.
Siewert, Martin P.
Sifling, Mark A.
Silk, Bradford J. III
Silk, James G.
Silkaitis, John M.
Silliker, Roy S.
Simmons, Dennis S.
Simon, Mark A.
Simon, Thomas P.
Sise, Bernard F.
Sitter, Mark E.
Skinner, James W., IV
Skolnicki, Mark W.
Skubic, Thomas J.
Slavin, Ross A.
Sleeper, Lionel J.
Sliwinski, David J.
Sloan, David E.
Small, Alvin W.
Smallwood, Gayland D.
Smietanski, Robert J.
Smith, Ande A.
Smith, Andrew H.
Smith, Brian P.
Smith, Brian S.
Smith, Brian W.
Smith, David M.
Smith, Eric M.
Smith, Jeffrey J.
Smith, John G.
Smith, Kenneth R.
Smith, Mogan H., Jr.
Smith, Scott L.
Smith, Scott M.
Smith, Stepehen J.
Smith, Terry B.
Smith, Timothy N.
Smith, Timothy R.
Smith, Tracy R.
Smucz, Joseph S.
Smyser, Walter R.
Snider, Lance A.
Snider, Thomas S.
Snyder, Christopher A.
Snyder, John M.
Snyder, Paul E.
Snyder, Steven L.
Snyder, Steven M.
Snyder, Timothy L.
Sobnosky, Robert B.
Sofet, Merrie
Solowsky, Laura
Somers, Scott C.
Sorenson, Jeffry C.
Soriano, Jacinto S.
Souchet, Brian E.
Speigle, Russell A.
Spencer, Charles C.
Spilsbury, Paul A.
Sprenger, Matthew E.
Springett, John P., II
Squire, Todd J.
Stack, Charles J.
Stafford, Joseph J.
Stahl, John M.
Stalzer, Charles E.
Stanbro, Stewart W.
Standen, Craig T.
Stanley, Reginald O.
Stapleton, Craig A.
Stark, Christopher L.
Statnick, Theodore C.
Stearns, Christopher P.
Stearrett, David H.
Steele, Christopher S.
Steele, Gary L.
Steffen, George D.
Steffens, Carol L.
Stein, Lawrence J.
Steinauer, John J.
Steinberger, John F.
Stelling, Robert E.
Stephan, Andrew O.
Stettler, Andrew
Stevens, Eric W.
Stewart, John E.
Stewart, Michael R.
Stewart, Timothy P.
Stockwell, Jeremy J.
Stoffregen, Elliott
Stojkovic, Robert
Stokvis, Richard M.
Stoltz, Steven M
Stone, James T.
Story, Douglas B.
Stott, Francis M.
Stougard, Steve E.
Stpierre, Keith A.
Stradley, Karl L.
Straka, Kevin E.
Strand, Mark C.
Strasburg, Alan M.
Stricker, Michael H.
Strong, Mark A.
Strubel, Thomas J.
Struble, Mark E.
Struckmeyer, Thomas K.
Stuckey, Scott B.
Sturm, Daniel P.
Sulc, Brian
Sullivan, James B.
Sullivan, Maureen C.
Sullivan, William G.
Sumang, Vincent J.
Summerlin, Raymond M.
Supernor, William P.
Susman, Victor S.
Sutherland, Terrence P.
Sutherlin, Thomas J.
Sutton, Mary M.
Sutton, Stephen J.
Svoboda, Scott J.
Swack, James C., III
Swan, Stuart M.
Sweaney, Robert D.
Sweeney, Patrick S.
Sweeney, Stephen P.
Swengros, Thomas
Swift, John D.
Sylvester, Patrick W.
Szymanski, Bruce H.
Taddeo, Leo
Tade, Mark E.
Tague, Brian C.
Takvorian, John H.
Tanke, Robert J.
Tankel, Adam B.
Tanuyan, Lourdes M.
Tarner, Elisabeth A.
Taylor, Bryan F.
Taylor, Emily J.
Taylor, Gregory R.
Taylor, Keith T.
Taylor, Rena H.
Taylor, Thomas
Taylor, Wayne R.
Teare, Jon S.
Teltschik, Lonnie M.
Temple, Jeff A.
Terselic, Robert J.
Theis, Jack T.
Thelen, James F.
Theres, Michael J.
Theuer, James R.
Theunissen, Caniel J.
Thibodeau, Kristopher P.
Thieme, Donald J., II
Thomas, Richard E.
Thomas, Thomas
Thomas, Tommy D.
Thome, Stephen J.
Thompson, Christopher M.
Thompson, Kevin L.
Thompson, Ritchard R.
Thompson, Stuart D.
Thomson, Patricia P.
Thomson, Robert W., Jr.
Thorpe, Mark A.
Thrash, Gervernia T.
Tiberii, David A.
Tidwell, Kevin D.
Tillman, Hugh V.
Tillman, Jesse M.
Timbol, Julius J.
Tinkler, Catherine
Tinner, Timothy G.
Tinsley, Mark E.
Tiplady, Timothy J.
Tipton, Leslie A.
Tobias, Robert J.
Tobik, Steven E.
Tobin, S.W.
Todd, Graig E.
Tokofsky, Steven
Tolley, George A.
Tomascak, Peter D.
Tomazic, Michael A.
Tordera, Virginio F.
Tormenti, Michael A.
Torres, Enrique
Torres, Nicholas A.
Townsend, William W.
Toye, Robert A.
Traffas, Gary D.
Trammell, Wilfrid C.
Tran, Van K.
Tranthien, Baoquoc
Travers, Terence R.
Trembly, Lisa A.
Treuting, William T.
Triola, Richard B.
Triou, Scott D.
Triplett, Jadel D.
Trovato, Michael R.
Tsiantas, Karen A.
Tuey, Kirk D.
Tuite, Michael L.
Turgeon, Fredrick K.
Turner, Christopher E.
Turner, Jack L.
Turner, James R.
Turner, Joseph L.
Turner, Mark L.
Turner, Ronald E.
Tyer, Jeffrey S.
Ude, Mark F.
Umphlet, Brian S.
Upton, Mark W.
Upton, Michael B.
Urbanek, John A.
Utke, Michael J.
Utz, Thomas C.
Vair, John A.
Valdez, Richard J.
Valentine, Paul D.
Vance, John C.
Vandam, Leslie B.
Vande, Matthew P.
Vanderbloomer, Geoffrey D.
Vanderhijde, Stephen D.
Vangorder, Kristil
Vansickle, Michael R.
Varani, Peter J.
Varner, Donald R.
Vaseghi, Karen E.
Veilleux, Robert L.
Vela, Oscar
Velasco, Carlos
Vena, Peter D.
Veneziano, Joseph M.
Vento, Robert J.
Veraldi, Anthony S.
Verbeck, Donald G. Jr.,
Verges, Vincent M.
Verheul, Daniel F.
Vermilyea, Scott D.
Versfelt, James E.
Villaflor, Anthony A.
Vinkavich, Michael L.
Vivar, Juan C.
Vogan, Kurt R.
Voigt, Richard K.
Voss, Mark A.
Voytko, Thomas J.
Vreeman, Steven J.
Wadkins, Douglas L.
Wagoner, Michael R.
Waite, Joseph P.
Walcher, Anthony S.
Waldrop, Marianne S.
Walker, Benjamin H., IV
Walker, Brynne V.
Walker, Charles L.
Walker, Gordon E.
Walker, Stuart J.
Walker, Thaddeus O.
Wall, Kevin J.
Wall, Mastthew B.
Walsh, Daniel T.
Walsh, Thomas F.
Walters, Mary C.
Walton, James G.
Warburton, Edward B.
Ward, Christopher L.
Ward, Michael N.
Ward, Robert R., Jr.
Ward, Torilus O.
Warfel, Tracy K.
Warn, Brian
Warnement, Robert W.
Warren, Thomas H.
Watkins, Eric D.
Watkins, James R.
Watson, Howard M.
Watson, Rodney J.
Watts, John W.
Waugh, Craig M.
Waurio, Arthur D.
Way, Frederic J.
Weaver, Albert C., III
Weaver, Michael A.
Webber, Matthew A.
Webster, Jeri L.
Webster, Timothy M.
Weck, Thomas J.
Weede, Daniel R.
Weeks, John M.
Weiding, David B.
Weigel, Henry D.
Weisbrod, Edmond J., Jr.
Weisenberger, Timothy G.
Weisz, Bradley
Welch, Charles M.
Wells, Jon M.
Wells, Shannon B.
Welsh, Mark S.
Welsh, Timothy K.
Weltz, Christopher M.
Werner, Lawrence G.
Werth, Mark A.
Wesner, Stephen M.
Western, James W.
Weston, David C.
Weston, Michael A.
Wetz, Jon H.
Wharton, Andrew S.
Wharton, Stewart B., III
Whitaker, Matthew B.
White, Charles A.
White, Curtis J.
White, Frankie L.
White, John L.
White, Kirk L.
White, William E.
Whitehouse, Thomas W.
Whiting, Philip V.
Whitney, Chris
Whitson, Mark A.
Whittaker, Jacob T.
Whitty, Richard J.
Wickline, Mary B.
Wilber, Tracy L.
Wilborn, Clifford M.
Wilbur, David A.
Wilcoxon, Kerry T.
Wilde, John W.
Wilkerson, Douglas S.

Wilkinson, Timothy C.
Willcox, Lawrence G.
Wille, Kirk C.
Williams, Bartholomew R.
Williams, Dale F.
Williams, David G.
Williams, David H.
Williams, George S.
Williams, Kenneth M.
Williams, Wendell C.
Williamson, Charles E.
Williamson, Michael D.
Williamson, William T.
Willingham, Mark C.
Willis, Marvin P.
Wingate, William B., III
Winkelman, Perrin D.
Wintermeyer, Karl A.
Wise, Robert W.
Witt, Darrell L.
Witte, Richard C., Jr.
Witzig, William P.
Wolfe, Eric R.
Wolfe, Gregory W.
Wolters, Timothy S.
Wondra, Robert J.
Wood, Fred A.
Wood, Mark C.
Woodburn, Christopher P.
Woods, Paul C.
Woodside, Mark D.
Woody, Tanis M.
Wooten, Moody G., Jr.
Worcester, Scott A.
Worthington, Julia P.
Wortman, Richard A.
Wright, Lawrence E.
Wusstig, Stefan M.
Wyllie, David A.
Yahr, Timothy E.
Yarsinske, Raymond J., Jr.
Yates, Scott D.
Yeager, Peter E.
Yokoi, David R.
York, Kevin R.
Young, Christopher G.
Young, Kyle W.
Young, Robert W.
Younger, Jeffrey M.
Zachary, Daniel S.
Zakarian, Daron
Zalek, Steven F.
Zanin, Eric F.
Zarrillo, Eugene M.
Zeamer, Matthew R.
Zecca, Louis
Zerby, Robert J., Jr.
Zimmerman, Jeffrey W.
Zimmerman, Joseph S.
Zimmerman, Kenneth A.
Zimmerman, Scott P.
Zinckgraf, Eric P.
Zolla, Matthew R.
Zolper, Andrew C.
Zonder, Howard P.
Zurray, Charles E.
Zwingle, Michael S.

IN THE NAVY

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Beckwith, Paul D.
Bell, Michael A.
Bettendorf, Robert J., Jr.
Boynton, Scott A.
Broschak, John P.
Brurud, Brian B.
Cho, Mansung
Correll, Richard A.
Ferretti, Vincent E., III
Fortunato, Michael J.
Gleason, Brian D.
Goggin, Jerry M.
Greenfield, Thomas J.
Harris, Peter M.
Hayden, Brian J.
Holmes, Robert E.
Horan, Michael D.
Hubek, James R.
Icenhour, Alan S.
Karlsson, Paul E.
Kirby, John F.
Kringle, Brent L.
Lancaster, Jeffrey D.
LeFere, Patrick A.
Lewis, Peter R.
Lindsey, Yancy B.
Lobur, Josehp J.
Loessberg, Coby D.
Marshall, David R.
McCarthy, Shannon E.
McConnel, Stephen P.
Miller, Kurtis B.
Nicol, Christopher C.
Page, Paul N.
Parisi, Perry
Pietrazak, John D.
Rauth, James T.
Rosebrock, Alan W.
Sad, Danny M.
Shute, Dana S.
Smith, Anthony D.
Sprecher, Jeff A.
Stacy, Steven R.

James M. Jacquet, Jr., ex-U.S. Navy officer, to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Blackenship, Leonard C.
Hicks, James M.
Jacobs, Mark