SENATE—*Monday, December 6, 1982*

(Legislative day of Tuesday, November 30, 1982)

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

PRAYER

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

Let us pray.

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.—Psalm 23.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I shall now attempt to outline the schedule of the Senate as I see it for this week and next week. I have discussed this schedule with the distinguished minority leader, who is necessarily absent from the floor attending a committee meeting.

I see the acting minority leader is present, and I can assure him that I have attempted to apprise the minority leader of the details of this plan.

Mr. President, we are now in the process of trying to wind up the second session of the 97th Congress. The Speaker and I have previously announced that it is our hope that we can adjourn this session of the Congress on December 15, or no later than December 17. That leaves us very little time to do what should be done in the remainder of this session.

So, Mr. President, Senators should be on notice, from this day forward, that there is the distinct possibility of sessions beyond the usual adjournment or recess hour of 6 p.m. Indeed, late sessions should be anticipated for any evening between now and sine die adjournment.

SATURDAY SESSION

Mr. President, after I go over the list of items that I hope we can do in this session, most Senators will agree that my announcement in respect to a Saturday session is essential, and I do wish to announce now, with reluctance, that Members should anticipate that the Senate will be in session on this coming Saturday.

Generally speaking, this week will be devoted to legislative and executive calendar work exclusive of the continuing resolution. It is possible that we will be able to do many things other than those which I am about to list, but let me outline a plan and a proposal for this week.

MONDAY, DECEMBER 6

Today, Mr. President, I hope that the Senate might agree to proceed to the consideration of Radio Marti, H.R. 5427, which is Calendar Order No. 797. I understand there are serious problems with that measure by some Senators perhaps on both sides of the aisle. However, it is an important measure, and it is my intention to try to move to that matter today, if possible. I will cooperate with Senators to try to work out their difficulties. I especially understand that the Senators from Iowa have problems with a matter of frequency allocation for Radio Marti, and I urge that that be resolved by the administration so that we can dispose of that problem.

In that connection, Mr. President, I should have said at the outset that in these final 2 weeks, or what I hope is the final 2 weeks of this session, holds will be honored only sparingly and under the most urgent circumstances. Senators are aware, of course, that holds on both calendars, the calendar of general orders and the calendar of executive business, are matters of courtesy by the leadership on both sides of the aisle and are not part of the standing rules of the Senate. Therefore, Members should be on notice that in these closing hours of this session, as indeed was the case last year and I believe the year before, holds will become distinctly perishable.

Mr. President, in addition to Radio Marti, it is my hope that we might today do the neighborhood development bill, S. 2607, and the energy OCS bill, S. 2305.

There may be other matters that can be brought up today. Of course, I would be pleased to move any worthwhile legislation that can be brought to the attention of the joint leadership.

TUESDAY, DECEMBER 7

Tomorrow, Mr. President, the first order of business, after a time for the transaction of routine morning business, should be the D.C. appropriations bill, which I understand is available. It is not practical to try to deal with it today, but it is my intention to ask the Senate to consider it on tomorrow as the first order of business, that is, H.R. 7144, Calendar Order No. 951.

In addition to the D.C. appropriations bill, I hope that the Senate will turn to the consideration of S. 2000, the bankruptcy bill, Calendar Order No. 632. In addition to the bankruptcy bill, it is my hope that we can consider the California utility bill, H.R. 1524, Calendar Order No. 933.

WEDNESDAY, DECEMBER 8

As I announced earlier, Wednesday will be executive calendar day, and it is the intention of the leadership on this side to try to move as many nominations on the executive calendar as possible during the day on Wednesday. I fully recognize and understand that many Members, once again perhaps on both sides of the aisle but surely on this side of the aisle, have objections to certain nominees on that calendar and have placed holds on the calendar, but they should be aware that many of those nominees will be presented if the Senate agrees to proceed to the consideration of their items.

So if Senators have objections to particular nominations on the calendar, I urge that they be present during the day on Wednesday or else we are going to work through that list as best we can.

THURSDAY, DECEMBER 9

Mr. President, Thursday I hope that we can go to the highway/jobs bill. That is a good place for it. I am not sure what shape we will have it in, that is to say, whether we will have a House-passed bill or whether we will have a bill from one or more of the committees of the Senate. But in any event, Senators should be on notice that Thursday is the day on which I hope we will proceed to the consideration of a highway/jobs/gas tax bill.

I hope it is not unduly optimistic, Mr. President, to say that on Thursday is my hope that we might also do the energy water appropriations bill,

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

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H.R. 7145, if it is available and if time permits.

FRIDAY, DECEMBER 10

On Friday, Mr. President, it is anticipated that we should try to do H.R. 3809, the nuclear waste bill, if it is received from the House, as I anticipate, and the shipping bill, perhaps an Alaska railroad bill, and Senate Resolution 436, which is the resolution carrying the rules and regulations for televising the proceedings in the Senate.

SATURDAY, DECEMBER 11

On Saturday, I anticipate that we would continue debating the TV resolution in the Senate, if that is necessary, and other matters as they may be necessary or desirable on either of the two calendars.

Mr. President, as I said earlier, other matters may come up. I have assured the minority leader that I will consult with him as often and as throughly as the circumstances will permit me, meaning that as soon as I have information in addition to this list or to be deleted from this list I intend to convey that information to the other side so that no one is taken by surprise.

WEEK OF DECEMBER 13

Mr. President, it is possible that next week would not be consumed entirely with debate and action on the continuing resolution, but I would not bet on it. Some of these matters have a habit of taking on a life of their own. So the leadership on this side has suggested that we commit the entire time next week and prior to adjournment sine die to the consideration of the continuing resolution. That does not rule out other matters. It certainly does not rule out conference reports and other priviledged matters that may come before the Senate.

Members should also be on notice that they should expect late night sessions next week on any day and that we will stay as long as necessary to pass the needful and urgent legislation before the Senate. I believe we can do that before the 15th of December. It will require extensive cooperation by Members on both sides and, no doubt, difficult negotiations in some cases. But we have done it before, and we can do it again. We owe it to ourselves, to Congress, and to the country to transact this business before we adjourn sine die.

(Mr. HUMPHREY assumed the chair.)

BIRTHDAY GREETINGS TO SENATOR STROM THURMOND

Mr. BAKER. Mr. President, I am afraid I may have overstayed my welcome in terms of the standing order, but I cannot pass the opportunity to observe the presence of my friend and colleague, the President pro tempore of the Senate, STROM THURMOND, in the Chamber, following his duties which he performs with great diligence in opening the Senate each morning.

I wish to extend—with all my colleagues, I am sure—a very special message to our colleague Senator THURMOND. On behalf of the entire Senate, STROM, happy birthday to you.

I must say, in all candor, that I am of course delighted by this event, but also somewhat alarmed. I keep finding myself astonished less by Senator THURMOND's energy at that young age than by the disparity in energy and enthusiasm between Senator THURMOND and some of us who serve with him in the Senate who have not yet attained 80 years.

He is a tough act to follow and an even tougher one to keep up with. He is and always will be a Senate legend.

In honor of his birthday, Mr. President, this week's poem is written by a young and talented Southern poet, Joanie Whitebird. The poem is entitled "Star," and I ask unanimous consent that it be printed in the RECORD in tribute to Senator THURMOND on his 80th birthday.

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

STAR

Out of Chaos
came a man walking,
unsteadily at first
but walking all the same

a woman
looked out
saw him walking
and loved him for it
(because
from where she was
Inside
he looked like
a star
shining alone
at sun rise)

and she too
came out of Chaos,
timid and unsure
but walking all the same

when the man
looked back at her,
he knew
but he kept walking

they walked a long way
in the clean and precise
New World
gaining strength
and certitude
in their new selves
before he spoke to her

"as children
we dreamed
lovers to be inseparable—
as stars, we learn
only the limitless
can support
our polarity"
he kissed her once
and began to move away
turning and spinning
into the distance
where he touched her
one tear fell

then
came a great rushing
of wind and lights;
the known universe fell away
completely

and time and space
became a frozen blue
in the distance
shone one star
that kept her immobile
hypnotized

and she began to sing
the song of his light,
and she sang
until it became
her light also

slowly,
after cycles
and more cycles
had passed,
a third light came
then a fourth
a fifth

after eons
there appeared
walking and holding hands,
two children,
bathed in stars

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

Mr. BAKER. I yield.

Mr. THURMOND. Mr. President, I am very grateful to have the opportunity to serve in the Senate. This is my 28th year in the Senate, and I am very grateful to the people of South Carolina who have kept me here that long.

I also am grateful that we have such an able majority leader, who is thoughtful of others and who does an outstanding job. I wish to express my deep appreciation to him and the entire Senate for their courtesy and unfailing kindness to me. I assure them that it is always a pleasure to cooperate in every way I can, for the good of my State and for the Nation.

Mr. BAKER. Mr. President, I thank the Senator. He indeed stands as an example for all of us on both sides of the aisle.

STROM, we are proud of you.

Mr. THURMOND. I thank the Senator.

Mr. BAKER. Mr. President, I apologize to the acting minority leader for extending beyond my time, but I offer him a corresponding amount of time if the Senate will agree by unanimous consent.

Mr. PROXMIRE. I thank the majority leader.

Speaking for the minority leader, I think there will be no necessity to take more than the time allotted to the minority leader, and I will not take all of it.

Mr. President, I do join my good friend from Tennessee in congratulating our President pro tempore on his birthday.

Did the Senator say it was his 50th birthday? That is about how old he looks.

Mr. BAKER. About 40.

Mr. PROXMIRE. About 40, that is right. I know he is in magnificent con-

dition, as a weight lifter and jogger, and he is a great example to our country.

If more people were to do what Senator THURMOND does, we would have far less costly medicaid and medicare programs.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, is there an order for the transaction of routine morning business?

The PRESIDING OFFICER. There is.

Mr. BAKER. And it would occur automatically, I believe, under the order entered, at the conclusion of the time allocated now to the minority leader. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

DUBIOUS BENEFITS OF THE GASOLINE TAX AND ROAD BILL

Mr. PROXMIRE. Mr. President, as the distinguished majority leader has pointed out, we are going to take up the so-called gasoline tax and road bill on Thursday.

Frankly, I approach that with far less enthusiasm than other Members of the Senate. All indications are that this will not provide many jobs, if at all.

The Chairman of the Council of Economic Advisers, Mr. Feldstein, has given that as an opinion.

Just the other day, an article by Robert Pear in the New York Times states the following, and I will read the first paragraph:

> The road repair and construction bill being considered by Congress would provide hardly any special assistance to those industries and regions with the worst unemployment, economists said today.
>
> In addition, they said that the legislation, designed to create 320,000 jobs, would do nothing to help most of the nation's nearly 12 million unemployed workers.

A number of eminent economists are quoted. Donald Straszheim, vice president of Wharton Econometric Forecasting Associates, is one. Sar Levitan is another.

Mr. Straszheim said that after incorporating the gasoline tax increase and the highway program into this economic model, the Wharton team found only a trivial effect on the unemployment rate.

Mr. President, the article goes on to say that the Wharton forecasters see unemployment averaging 10.3 percent next year.

Similarly, Sar Levitan, a very capable economist—he has appeared many times before the Joint Economic Committee and is recognized as one of the outstanding economists in our Government, a man of solid reputation—says that the effect on the jobless rate would be "extremely little or nil."

He says:

> The gasoline tax is basically a regressive tax. Whether you make $100,000 or $10,000, you pay the same nickle on a gallon of gas. As a result, people have less money to spend on consumer goods.

Mr. President, I bring all this up particularly because, as the distinguished Senator from Michigan and I pointed out on Friday, our States are suffering much more severe unemployment than the rest of the country. We would be loser States under this legislation.

In other words, we would contribute far more in gas taxes than we would get back in spending on highways. We would get back only 70 cents on the dollar in Wisconsin and 60 cents in Michigan.

Ohio, Indiana, Michigan, and Wisconsin are States where unemployment is far higher than elsewhere, and there is no question that we would have fewer jobs if this is put into effect than if it is not put into effect, under present circumstances.

The bill may be modified and changed, and I hope so. No State will get back less than 85 or 90 cents on a dollar, but it will still be a marginal program. It will not do the job adequately.

Mr. President, I ask unanimous consent that the article by Mr. Robert Pear in the New York Times of Saturday be printed in the RECORD.

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

[From the New York Times, Dec. 4, 1982]

ROAD BILL BENEFITS VIEWED AS NARROW

ECONOMISTS ASSERT IT WILL GIVE LITTLE HELP TO AREAS HAVING HIGHEST UNEMPLOYMENT

(by Robert Pear)

WASHINGTON, Dec. 3.—The road repair and construction bill being considered by Congress would provide hardly any special assistance to those industries and regions with the worst unemployment, economists said today.

In addition, they said that the legislation, designed to create 320,000 jobs, would do nothing to help most of the nation's nearly 12 million unemployed workers.

The monthly employment report from the Bureau of Labor Statistics today documented much deeper, more pervasive problems than could be solved by the "highway jobs" bill, the economists said.

Donald H. Straszheim, vice president of Wharton Econometric Forescasting Associates in Philadelphia, observed that employment levels were still declining in most industries.

AN AID TO CONSTRUCTION

A major question being asked in Congess is whether the highway bill would funnel money into those industries and regions with the worst unemployment. It would help construction workers, who have a very high rate of unemployment because of a severe slump in housing. But, aside from that, there seems to be no reason to think the bill would specially help the most afflicted regions or industries, the economists said.

The unemployment rate for construction workers dropped slightly, from 23 percent in October to 21.9 percent in November. This probably reflects the recent decline in mortgage rates and an increase in home construction, economists said.

Sar A. Levitan, labor economist at George Washington University, said that the highway bill would assist some of the nation's better-paid hourly workers. Construction workers earned an average of $11.69 an hour in November, as against an average of $7.80 an hour for all production workers in private industry, the bureau reported.

On Thursday the House Ways and Means Committee approved a bill to increase the gasoline tax by 5 cents a gallon, raising it to 9 cents. The new revenue would provide $5.5 billion a year to finance President Reagan's proposal for a nationwide program to improve highways and mass transit systems.

Transportation Department officials said that the money would be distributed according to standard formulas established by statutes over the last 65 years. The formulas take account of such factors as a state's population, land area, postal route mileage and traffic load, the cost of completing its interstate highway system and the number of square feet of deficient bridges within the state.

The highway money will not be concentrated in any region, the officials said. A state's unemployment rate is not a factor in any of the formulas. But since population is a factor, the distribution of money will help states with large population and large urban areas, where unemployment is often a serious problem.

Reagan Administration officials have estimated that the highway program would create 320,000 jobs, directly and indirectly. There are now 111 million people in the civilian labor force. So for every 111,000 people who gain jobs, the unemployment rate declines by one-tenth of 1 percentage point. If the Administration estimate is correct, the highway program would reduce the unemployment rate, now 10.8 percent by a maximum of three-tenths of one percentage point.

Mr. Straszheim said that after incorporating the gasoline tax increase and the highway program into its economic model, the Wharton team found only a "trivial" effect on the unemployment rate. The Wharton forecasters see unemployment averaging 10.3 percent next year.

CALLS IT A REGRESSIVE TAX

Similarly, Mr. Levitan said that the effect of the legislation on the jobless rate would be "extremely little or nil."

"The gasoline tax," he said, "is basically a regressive tax. Whether you make $100,000 or $10,000, you pay the same nickel on a gallon of gas. As a result people have less money to spend on consumer goods."

At a news conference this afternoon, Lane Kirkland, president of the American Federation of Labor and Congress of Industrial Organizations, was asked whether he thought the highway program would reduce the unemployment rate. "It will be helpful to a degree," he said. "There is a case for it irrespective of the jobs issue. But we don't think it's adequate in terms of the dimensions of the problem that we have, the urgent necessity of attacking the economic distress this country is facing at its roots."

At a caucus next Tuesday, Senate Democrats plan to discuss proposals for a larger package of public works and road repair projects. These proposals, explicitly designed to reduce unemployment and stimulate the economy, could increase the cost of

the total program to $10 billion next year from $5.5 billion.

Unemployment rates were already high and rose further last month for several large occupational groups. The jobless rate for blue-collar workers rose to 16.5 percent from 15.9 percent. For workers in durable goods manufacturing, the rate rose to 17.1 percent from 16 percent. For automobile workers, the rate rose to 24.1 percent from 22 percent. For metal workers, primarily steelworkers, the rate rose to 26 percent from 23 percent.

Labor Department officials said that the hardship was cushioned for some households by the fact that there were two wage earners present. Among families with one person unemployed, 71 percent had at least one member who was still employed.

THE WAR OVER PENTAGON SPENDING

Mr. PROXMIRE. Mr. President, yesterday's New York Times carried an analysis of military spending by Rudolph Penner, one of the four eminent economists who write regularly in the Sunday Times about national economic policy. Mr. Penner is particularly recognized as a man with a strong sense of responsibility, as well as great economic judgment and training.

I think all of us appreciate—the present occupant of the chair (Mr. HUMPHREY) appreciates it perhaps more than many others—how important it is for us to get our fiscal policy back in order and how devastating for any kind of stable economy is a situation in which the deficits are expected to be $150 billion next year—I should say in the present fiscal year that began October 1—and perhaps as much as $200 billion, certainly very high, in 1984.

This is just a prescription for inflation with high interest rates for an economy that reels into unemployment and serious recession with heartbreaking bankruptcies.

We simply have to do this. It is going to be hard to do.

What Mr. Penner does is, without debating the wisdom of increased military spending he points out we have to have the courage if we are going to go ahead with military spending to match any increases in military spending with increases in taxes, that if we do not do that we are certainly going to have deficits which will be unacceptable, that we are going to have inflation that is going to be too high and in periods of recovery interest rates that will choke off that recovery, and we are going to have periods of very painful unemployment that are going to be very similar to what we have gone through over the last year or so.

Mr. President, the mammoth deficits facing this country over the next few years constitute an absolutely unacceptable prescription for inflation, high interest rates and an economy that reels from the deep unemployment that now plagues us to the devastating inflation that hit us so hard a couple of years ago and will certainly return unless we summon the will to take the tough medicine of bringing our Federal budget under control.

In this article, Dr. Penner rightly contends what most of us in the Senate must recognize to wit, that military spending is specially hard to control because of two elements. In the first place, the procurement constitutes a kind of public works program for the States where weapons systems are researched, developed, and produced. The programs bring jobs that push Congressmen and Senators into a full court press for congressional approval, regardless of the merit of the military program or its value to the taxpayer. Second, as Penner points out, the procurement takes a long time to show up in the budget. So the reward for cutting the budget and eliminating the expensive weapons system does not show up for some time, long after the commitment has been firmly locked up. We cannot improve the 1983 or 1984 oncoming budget significantly by knocking out the $7 billion we will have to spend for the two new aircraft carriers. They will not show up big in the budget for a couple of years and then they will plague us until the 1990's. Finally, Mr. Penner argues that we must spend what we have to spend for our military security and that will undoubtedly impose a heavier cost than we now sustain from the military. As Penner says, if there is no other responsible decision but to commit ourselves to a higher tax burden in the longer run unless nondefense programs are cut more than seems likely, then we must increase taxes. In the words of Penner: "The debate over weapons procurement in the 1983 and 1984 budget is really a debate over appropriate tax policy in the 1985-90 period."

Mr. President, I ask unanimous consent that the article to which I have referred in the Sunday New York Times be printed in the RECORD.

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

THE WAR OVER PENTAGON SPENDING

(Rudolph G. Penner)

As a nation, we are waging a war among ourselves over our ability to wage war.

On Nov. 22, the President fired off a salvo with one of his typically effective television speeches. He spoke of the need to spend more on defense so we can cajole the Russians into mutual reductions in defense spending in the future. In opposition, others argue that the Russians will not be impressed with increases in United States defense spending if they are inefficient and that there is no way that the huge increases sought by the President can be implemented efficiently. Still others—though a notable minority—do not see the Russians as much of a threat at all.

The higher levels of defense spending desired by the President are impressive. Between the fiscal years 1981 and 1987, outlays would grow almost 15 percent a year. The increase in the fiscal year 1983 alone will be almost $34 billion. For perspective, this far exceeds the entire amount of the President's originally recommended 1983 spending levels for housing assistance ($8.9 billion), food stamps ($10.3 billion), and Aid to Families with Dependent Children ($6.9 billion).

It is next to impossible for the layman—or the experts, for that matter—to judge the value of our defense effort. The effectiveness of any new weapons system depends on how potential adversaries respond by changing their policies. We, therefore have to forecast their response, judge its importance and then go on to design our response to their response, and so on.

Because the key issues are so difficult to analyze, we tend to ignore them and public discussions focus on peculiar rules of thumb and tangential issues. For example, there is much argument over the appropriate rate of growth of real defense spending and whether it should be 8 percent, 5 percent or 3 percent a year. But there is little discussion of what degree of protection is bought by different rates of growth.

There is also concern that the high growth rates of spending will distort economic efficiency, causing bottlenecks and perhaps an acceleration of inflation. I think this concern under-estimates the ability of our market system to respond to shocks and the Pentagon's flexibility to change the timing and composition of its purchases. But even if the distortion of our economy were a threat, the real issue is whether such distortions are worth it to gain greater security. In World War II, we completely rearranged our economy and few asked whether it was worth it.

Another argument raging within the Administration is whether the surprising decline in inflation should permit a reduction in the dollar amount for defense. Over all, prices may be as much as 5 percent lower in the fiscal year 1986 than projected as recently as last July, and that change alone would seem to warrant a $17 billion reduction in currently scheduled 1986 defense outlays.

But the Pentagon argues that the prices it has to pay have not been affected significantly by the drop in inflation. And it is not an easy argument to analyze. The pentagon's prices will be largely determined by the demands imposed on the economy by the growth in spending. Faster growth will almost inevitably be reflected in higher prices for defense-related goods and services.

Moreover, the Pentagon exerts considerable direct control over the prices it pays. Officials spend time negotiating over prices, and in the case of contracts with a clause that permits added costs, they even negotiate over key items such as the pay of workers in defense industries. While it seems reasonable to believe that lower inflation should result in lower defense prices, it is difficult for an outsider to get the relevant information to make the case since so much of the evidence is generated within the Pentagon.

My own conclusion is that such tangential arguments are not worth pursuing very far and that we cannot avoid the hard question: Are all of those expenditures worthwhile?

Military experts have convinced me that we have been deficient in defense spending relating to readiness—personnel, operations, maintenance and training—primarily be-

cause those expenditures are the easier to cut politically.

The more controversial expenditures involve weapons procurement. And there the military has given us considerable cause to be dubious about the efficiency of the decisions. We have an MX missile that cannot find an uncontroversial home; an F-18 plane that cannot fly very far; an Aegis cruiser that may be top-heavy, and a multitude of other questionable weapons systems.

There are two difficult political problems with cutting procurements. First, the production of a weapons system has a pork-barrel element. It is an effective jobs program in certain Congressional districts. Second, it takes a long time for a procurement cut to show up in budget outlays. Consequently, the reward for cutting the budget does not appear for a long time, while the complaints from affected districts show up immediately. For example, a Congressional Budget Office option to modify naval strategy and to dispense with two very expensive nuclear carriers—that had not been scheduled to be deployed until the early 1990's—saves $7 billion in budget appropriations immediately, but has its main impact on budget outlays in the second half of the 1980's. While the two nuclear carriers represent an extreme case, the same principle applies to almost all major weapons systems. A commitment to buy a system now commits us to a stream of outlays lasting years.

Somehow we must change the terms of the defense debate. If we focus on 1984 outlays, we are almost certain to make inefficient decisions—probably cutting the things that we need the most. Thus, it is essential to take a longer-term view of both defense outlays and the overall budget deficit.

While the high deficits projected for 1984 and 1985 represent a severe problem, I believe that the financial markets would take a more saguine view of them if the long-term growth of defense spending and the major domestic entitlement programs were slowed so that the deficit is put on a sharp downward path in the late 1980's.

And if after a reasonable debate, it appears that it would not be wise to slow defense spending growth significantly, then there is no other responsible decision but to commit ourselves to a higher tax burden in the longer run unless nondefense programs are cut more than seems likely.

Put another way, the debate over weapons procurement in the 1983 and 1984 budgets is really a debate over appropriate tax policy in the 1985-90 period. That point should be emhasized again and again until it is seared into our consciousness.

PLIGHT OF KURDS REMINDS US OF POTENTIAL FOR GENOCIDE

Mr. PROXMIRE. Mr. President, on October 24, 1982, the New York Times published a letter to the editor describing the terrible plight of the Kurdish people. The letter was written in response to Vincent Canby's October 6, 1982, review of "Yol," a movie which tells the story of a young Kurd who goes home on leave from prison to discover that his village is being terrorized by Turkish anti-Kurdish forces. The author of the letter, Vera Beaudin Saeedpour, commends the director, Yilmaz Guney, both for sharing a glimpse of Kurdish culture with the West, and for portraying the tools of oppression in Turkey today.

In her letter, the author also describes the efforts of the Turkish Government to eradicate the identity of the Kurdish people. She says that the Turks do not acknowledge the 8 to 10 million Kurdish people living in their country. The author includes a report from Amnesty International saying that a Turkish sociologist was imprisoned for 10 years for calling the Kurds a separate ethnic group.

In addition, the writer points out that Turkey is not the only country which oppresses Kurdish people living within its borders. She says: "Turkey is a terrible place to be Kurdish, but so is Iran, and so is Iraq, and so is Syria." Even abroad, many Kurds live in silence because they fear retaliation against their families at home.

Mr. President, this letter reminds us that terrible ethnic persecution takes place all around the globe. Sadly, it also reminds us that the potential for genocide still exists in the world today. And, although Americans detest such oppression, our Nation has not done all that it could to end this heinous practice.

Mr. President, since 1967 I have daily urged the Senate to ratify the convention for the Prevention and Punishment of Genocide. While it has remained in legislative limbo in our Senate, over 80 other nations have ratified it.

By neglecting to ratify the treaty, the United States falls short of its duty as a leader in the area of international human rights. No human right is more fundamental to all racial, religious, and ethnic groups than the right to exist. While the United States abstains from ratifying the treaty, thousands fear ethnic obliteration. We cannot afford to wait any longer—I urge the Senate to act now.

TRENDS IN CONVENTIONAL ARMS TRANSFERS TO THE THIRD WORLD BY MAJOR SUPPLIERS 1974-81

Mr. PROXMIRE. Mr. President, there have been some very interesting trends in conventional arms transfers to the Third World by major suppliers.

Mr. President, while it is important to pay attention to arms sales agreements, as was emphasized in the analysis by the Congressional Research Service I commented on earlier, in many ways the more timely statistics relate to actual deliveries, the culmination of prior sales agreements.

When looking at the statistics on actual deliveries, several distinct trends stand out. The first is that deliveries by all the major suppliers, the United States, U.S.S.R., Britain, France, and West Germany, have increased in real terms from 1974 to 1981.

I think many Members of the Senate have not been aware of the terrific increase of arms deliveries in real terms from this country, West Germany, France, Britain, and especially the Soviet Union.

Second, the most startling growth pattern has been that of the Soviet Union. They have almost doubled their deliveries in the 1977-81 time period compared to the 1974-77 years.

In terms of specific weapons delivered, the Soviets specialize in tanks, self-propelled guns, artillery, supersonic combat aircraft, and surface-to-air missiles. In fact during the 1978-81 period, the Soviet Union had significantly more deliveries than the United States in just about every major category.

Other trends worth noting are the emphasis by the United States are deliveries to East Asia and Pacific region Third World countries while the U.S.S.R. has concentrated heavily in the Near East/South Asia region.

In the meantime, the Western European suppliers have been busy lining up contracts and supplying hardware to Latin America. In some cases they have displaced the United States as the major supplier of weaponry there.

That did not use to be the case. We used to be the arms pusher. We still are selling arms and giving arms abroad at an enormously rapid rate and more rapidly than ever before, but the Soviet Union has surpassed even that.

Mr. President, this whole process of arming the world, particularly the underdeveloped nations, is completely counterproductive. It promotes war in these countries. It impoverishes these countries as they have to spend so much of their energy, efforts, manpower, and painfully limited resources in sterile military activity when they should be helping their economies recover so that people could live decent lives.

I do hope that we not only recognize this but begin to exercise the kind of positive efforts that Secretary of State Shultz has suggested in which we designate certain areas of the world as arms free, including South America and Central America, and do all we possibly can in every way constantly to remind our other nations that they should stay out with their arms sales and if they do we will.

Some kind of specific and constructive activity like that is essential if we are going to live in a better world and if we are going to have the kind of progress that we need for these underdeveloped countries to have any kind of an economic future.

Mr. President, I ask unanimous consent that part III of the CRS study be

printed in the RECORD along with the accompanying tables.

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

CRS STUDY

The data in table 2, 2A and 2B reflect the fact that values of deliveries by the United States, the USSR and the major Western suppliers have increased in both nominal and real terms from 1974-1981. The most notable increase in the delivery values has been that of the Soviet Union, which more than doubled the average value of its deliveries during 1977-1981 compared to 1974-1977. The data for the other major suppliers reflects a more steady growth in nominal terms and a more modest growth in real terms, when adjustments for inflation are made.

Table 3 shows the number of specific classes of weapons delivered to the Third World by the major suppliers from 1974-1977, 1978-1981 and 1974-1981. This table (and its regional counterparts) adds a qualitative dimension to this presentation by indicating the types and amounts of weapons the major suppliers transferred during these time periods, and which suppliers were most responsible for deliveries of the classes of weapons listed to Third World recipients.

The data in table 3 shows that the United States during the period from 1974-1977 led in four of the twelve categories of weapons deliveries, while the Soviets led in five. The four major West European suppliers led in three categories. During the period from 1978-1981, the United States led in no categories, the Soviets led in nine, while the major West Europeans again led in three. For the entire period from 1974-1981, the United States led in four categories, the Soviets in five and the major West Europeans in three. Overall these data indicate that in the most recent four years, the West Europeans are maintaining notable shares of the Third World markets in helicopters, other aircraft and naval craft—both in minor surface combatants and submarines. The Europeans are also gaining a greater share of the guided missile boat market, otherwise dominated by the Soviet Union. The United States does not manufacture and export a naval craft in this category. The Soviets lead over the eight year period has been consistently in four categories—tanks and self-propelled guns, artillery, supersonic combat aircraft and surface-to-air missiles.

When the Third World weapons delivery data is broken down into the major regions of the Third World, it becomes evident who are the major suppliers and who has and is now dominating the given region in deliveries of specific classes of weapons. Table 4 clearly indicates the dominance of the United States in weapons deliveries to the East Asia and the Pacific region from 1974-1977. The U.S. led in ten out of eleven categories of items actually delivered. The area became more competitive from 1978-1981, with the United States still leading in seven categories to four for the Soviet Union and one for the major Western European suppliers.

Table 5 shows that in the Near East South Asia region the Soviet Union dominated deliveries, ranking first in six categories from 1974-1977 compared to three each for the United States and the major Western European suppliers. In the period from 1978-1981 the Soviet Union led in deliveries of 10 weapons categories compared to two for the major Western Europeans and none for the United States.

Table 6 shows the increasing importance of the major Western European suppliers in arms transfers to Latin America. In the period from 1974-1977 the United States led in deliveries of six weapons categories and was tied in one with the major Western European suppliers. The Soviets led in three categories, the major Western Europeans in two. However, for the period from 1978-1981, the major Western European suppliers led deliveries in five categories compared to four for the Soviet Union and three for the United States.

The United States has not been the leading supplier of any category of major weapons to Sub-Saharan Africa during either the 1974-1977 or 1978-1981 periods as Table 7 indicates. The major arms supplier to this region in both the 1974-1977 and 1978-1981 periods has been the Soviet Union. In 1974-1977 the Soviets led deliveries in 7 categories to 3 for the major Western European suppliers, with a tie in one category. From 1978-1981, the Soviet Union led in 9 delivery categories to two for the major Western European suppliers.

In summary, these regional weapons delivery data collectively show that the Soviet Union has become the leading arms supplier to the Third World of several major classes of conventional weaponary from 1977-1981. The United States has also transferred substantial quantities of these same categories of weapons, but has not matched the Soviets in terms of sheer numbers delivered in the recent four year period. It is also clear that the major Western European suppliers have become, in the recent period, serious competitors for arms markets in every region of the Third World, especially in Latin America.

Despite these trends a note of caution is warranted. These aggregate data on weapons categories delivered by the major suppliers do not provide indicies of the quality, or level of sophistication of the weapons actually delivered by a given supplier to a particular region. As the history of conventional conflicts in the 1970s suggests, quality and/or sophistication of weaponry can offset a quantitative disadvantage. The fact that the United States may not "lead" in quantities of weapons delivered to a region does not necessarily mean that the weapons it has transferred cannot compensate, to an important degree, for larger quantities of less capable weapons systems delivered by the Soviet Union or others.

In addition, these data do not provide any indication of the capabilities of the recipient nations to use effectively the weapons actually delivered to them. Superior training—coupled with quality equipment—may, in the end, prove to be a more important factor in a nation's ability to successfully wage conventional war than the sheer magnitude of conventional weapons it may have in its inventory.

TABLE 2.—ARMS DELIVERIES TO THE THIRD WORLD, BY SUPPLIER [1]

[In millions of current U.S. dollars]

	1974	1975	1976 [2]	1977	1978	1979	1980	1981
Total	7,263	8,044	11,916	15,392	18,912	21,923	21,179	23,414
Non-Communist	4,343	5,014	7,666	9,652	11,702	11,733	12,379	14,234
Of which:								
United States	2,793	3,084	4,646	5,932	6,382	6,463	5,079	6,144
France	480	480	960	1,010	1,700	1,360	2,780	3,670
United Kingdom	450	400	530	725	1,030	770	1,600	1,200
West Germany	180	270	520	620	660	740	960	910
Italy	130	190	190	350	700	615	600	800
Other free world	310	590	820	1,015	1,230	1,785	1,360	1,510
Communist	2,920	3,030	4,250	5,740	7,210	10,190	8,800	9,180
Of Which: U.S.S.R	2,530	2,400	3,400	5,000	6,230	9,180	7,480	7,160
Other Communist	390	630	850	740	980	1,010	1,320	2,020
Dollar inflation index [3] (1974-100)	100	109	117	125	134	144	160	181

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1973 through Sept. 30, 1981). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the Military Assistance Service Funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF deliveries values for fiscal year 1974 were $1,159,000,000; for fiscal year 1975 $1,125,000,000. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $10,000,000 in fiscal year 1980 and $100,000,000 in fiscal year 1981. All data are current as of Jan. 1, 1982. Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, New Zealand.

[2] United States data for fiscal year 1976 include the transitional quarter (fiscal year 197T).

[3] Based on Department of Defense Price Deflator (minus pension funds).

Source: U.S. Government.

TABLE 2A.—ARMS DELIVERIES VALUES AVERAGES TO THIRD WORLD BY SUPPLIER, 1974–77[1]

[In millions of current U.S. dollars]

	1974	1975	1976[2]	1977	Average (1974–77)
Total	7,263	8,044	11,916	15,392	10,653.75
Non-Communist	4,343	5,014	7,666	9,652	6,668.75
Of which:					
United States	2,793	3,084	4,646	5,932	4,113.75
France	480	480	960	1,010	732.50
United Kingdom	450	400	530	725	526.25
West Germany	180	270	520	620	397.50
Italy	130	190	190	350	215.00
Other free world	310	590	820	1,015	683.75
Communist	2,920	3,030	4,250	5,740	3,985.00
Of which:					
U.S.S.R	2,530	2,400	3,400	5,000	3,332.50
Other Communist	390	630	850	740	652.50
Dollar inflation index[3] (1974=100)	100	109	117	125	

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1973 through Sept. 30, 1977). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the Military Assistance Service Funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF for fiscal year 1974 was $840,000,000; for fiscal year 1975 $544,000,000. All data are current as of Jan. 1, 1982, and reflect termination of all sales contracts. Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, New Zealand.

[2] U.S. data for fiscal year 1976 includes the transitional quarter fiscal year 197T).

[3] Based on Department of Defense Price Deflator (minus pension funds)

Source: U.S. Government.

TABLE 2B.—ARMS DELIVERIES VALUES AVERAGES TO THIRD WORLD BY SUPPLIER, 1978–81[1]

[In millions of current U.S. dollars]

	1978	1979	1980	1981	Average (1978–81)
Total	18,912	21,923	21,179	23,414	21,357.00
Non-Communist	11,702	11,733	12,379	14,234	12,512.00
Of which:					
United States	6,382	6,463	5,079	6,144	6,017.00
France	1,700	1,360	2,780	3,670	2,377.50
United Kingdom	1,030	770	1,600	1,200	1,150.00
West Germany	660	740	960	910	817.50
Italy	700	615	600	800	678.75
Other free world	1,230	1,785	1,360	1,510	1,471.25
Communist	7,210	10,190	8,800	9,180	8,845.00
Of which:					
U.S.S.R	6,230	9,180	7,480	7,160	7,512.50
Other Communist	980	1,010	1,320	2,020	1,332.50
Dollar inflation index[2] (1974=100)	134	144	160	181	

[1] U.S. data are for fiscal year given (and cover the period from Oct. 1, 1977 through Sept. 30, 1981). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the Military Assistance Service Funded account (MASF) which provided grant funding for Thailand, and South Korea. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $132,000,000 in fiscal year 1980; and $100,000,000 for fiscal year 1981. All data are current as of Jan. 1, 1982, and reflect termination of all sales contracts. Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, New Zealand.

[2] Based on Department of Defense Price Deflator (minus pension funds).

Source: U.S. Government.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with statements limited to 5 minutes each.

Mr. PROXMIRE. 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. BUMPERS. 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. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business.

TORNADOES AND FLASH FLOODS DEVASTATE ARKANSAS

Mr. BUMPERS. Mr. President, I want to speak for just a few moments about a relatively unknown—that is nationwide—tragedy that has just stricken my State. I had a remarkable experience Thursday afternoon as I flew into the Little Rock Airport headed south: I looked to the west and saw two tornadoes. I had not been there so I did not know there were tornado warnings out. But I knew that the humidity and the temperature and all of those things that those of us who have grown up with tornadoes watch so carefully were all ripe for a tornado. Yet, it is very unusual for it to happen in December. We consider the tornado season to begin about March and end in May. But there they were, two tornadoes about 8 miles off to the right of the airplane.

When I got inside of the terminal I realized that, in fact, tornadoes were hitting all over the State at that very moment.

Fifteen lives were lost in my State on Thursday and Friday and maybe one on Saturday. Those are terrible human tragedies. Some of those deaths were caused by tornadoes and some were caused by flooding. There were literally dozens of injuries that occurred as a result of the tornadoes. But the rainfall—all of which fell very heavily in a short period of time—caused flash flooding in a whole host of areas across the State.

In short, when the damage toll is taken in dollars, those tornadoes and that flash flooding, some of which still continues—if you watched the "Today Show" this morning you saw them still evacuating people, 5,000 people homeless—when it is all said and done, in economic terms, Thursday and Friday and Saturday will be the most devastating natural act ever to hit the State of Arkansas.

I have written to the President asking him to honor the request of our Governor that the entire State be declared a disaster area. I know that he just returned from South America and perhaps this is not on the front burner with him. But I wanted to do two things: I wanted to publicly urge the President to promptly declare all of those areas—Arkansas, Illinois, and Missouri—disaster areas and to simply make the point for the record that in our State, like every State where unemployment is very high and people are already having a tough time, we have had this terrible, terrible burden put on us.

In the little town of Clinton, about 1,250 people—one of the most beautiful little communities anybody could ever want to see—the water was up to the awnings on the businesses. One lawyer being evacuated from his office had water up to his chin when they finally got him out. It happened so quickly and so unbelievably. And this has just been repeated in Portia and East Camden and several other areas in the State.

And while we sit here in the dryness and the comfort of the Senate Chamber, or as we go out and get the morning paper and take it to the kitchen while we drink coffee and see what happened the day before, it is impossible to understand the human misery—people who have lost every single thing they own; businessmen whose businesses were absolutely, utterly, totally destroyed—it is hard for us to understand what a grave responsibility we who are in official positions in this country have for those people, to try to help them get back on their feet, relocate, if necessary, and give them all the assistance that a magnanimous government ought to give people at times like that.

So, Mr. President, I just wanted to put those few comments into the RECORD to alert everybody to the fact that there has been a terrible, terrible disaster which has received not a great deal of notoriety.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it would appear that the clearance process as a matter of courtesy to all Senators has not yet run its course on some of the

items that I identified this morning as possible measures to be disposed of or to be dealt with by the Senate today.

Therefore, in order to provide Senators with an opportunity to speak and transact other matters that are appropriate at this time, and to gain additional time to attempt to work out certain difficulties, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 1 p.m. under the same terms and conditions.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

A DAY OF SORROW

Mr. GORTON. Mr. President, the Washington State Chapter of the Congress of Russian-Americans, through its president, John Kovtunovich, has provided the following statement titled, "A Day of Sorrow," for me to include in the CONGRESSIONAL RECORD. The bulk of this statement details some of the many misfortunes to befall the Russian people since the Bolshevik Revolution some 65 years ago; and it is particularly important to consider as we come upon the first anniversary of the imposition of martial law by Moscow's puppet regime in Poland.

"A Day of Sorrow" ends by appealing to Americans to join "in prayers for those who perished at the hands of Communism and for the deliverance of those presently living under the yoke of Communism." This is an appeal Americans should heed.

I ask unanimous consent that the statement of the Congress of Russian-Americans be printed in the RECORD.

There being no objetion, the Statement was ordered to be printed in the RECORD, as follows:

A DAY OF SORROW

On the 65th anniversary of the "October Revolution", we, as Russian-Americans, wish to remind the Free World that on November 7, 1917 the Bolshevik Communist Party deprived the peoples of Russia of their liberty.

Since that day the Soviet government under the leadership of its Communist Party has continually perpetrated crimes that are an affront to humanity. Among them:

The creation of an Orwellian state founded on a basis of human fear and ignorance and maintained by a ruthless military police;

The "reedification" of the Russian peoples, a policy inaugurated by the heinous murder of the royal family and pursued in the hopes of stripping the Russian peoples of their heritage and thereby creating the ideal human cipher, Homo Sovieticus;

The desecration and destruction of over 50,000 churches and monasteries;

The forcible collectivization of peasants, an act which resulted in the death by starvation of seven million people;

The exploitation of workers and the reduction of peasants to the status of government serfs;

The abandonment of Soviet P.O.W.'s (branded "traitors" by the Soviet regime) in Nazi war camps, resulting in the death of 4,650,000 native sons by starvation and disease;

The forceable repatriation of Soviet citizens remaining in Western European countries after the war and the subsequent imprisonment of these citizens in concentration camps;

The extermination of tens of millions of people in concentration camps and prisons;

The mental and physical torture of countless millions without regard to human rights or dignities;

The military suppression of any popular uprisings within the Soviet Union or any of its satellite nations, particularly Hungary, Czechoslvakia, and Poland;

The creation, through the wanton exploitation of natural resources and environment, of an aggressive military machine which continues to grow at the expense of the people's needs and aspirations;

The suppression of the freedoms of religion, thought, speech and the press and the persecution of individuals for their religious convictions and their beliefs in basic human rights.

No document can enumerate the countless crimes perpetrated by the Soviet government against its peoples. Only the tears of an anguished and suffering people can serve to measure these atrocities. To these tears we direct our hopes, our prayers, and our actions.

The 7th of November, the day of pompous Soviet celebrations, parades and deceitful proclamations about the "struggle for peace" and about the "joyous life" of Soviet citizens, we designate as a Day of Sorrow and Irreconcilability.

This Day of Sorrow and Irreconcilability has been faithfully observed by Russian-Americans and by all Free Russians for the past six decades. Throughout all these years Russians free in mind and spirit have continually attempted to warn the Free World of the threatening Communist danger, but to no avail.

Once again, we appeal to the government of the United States of America to proclaim this day as a Day of Sorrow and Irreconcilability and we invite the citizens of this country to join us in prayers for those who perished at the hands of Communism and for the deliverance of those presently living under the yoke of Communism.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RADIO MARTI

Mr. HARRY F. BYRD, JR. Mr. President, I understand that there is an order that the legislation in regard to Radio Marti will be called up sometime today.

The PRESIDING OFFICER. There is no order to that effect. It was stated in an announcement.

Mr. HARRY F. BYRD, JR. I will change that to state that it is my understanding that the majority leader intends to call up that legislation today. My only purpose in rising at this point is that I have a very important engagement in Richmond, Va., this evening and it may not be possible for me to be present if this legislation is called up late this afternoon.

I rise to support the legislation. The Cuban people are wonderful people. Cuba is a wonderful island. I spent much time there in 1959, the year that Fidel Castro took over; thus, it will be 24 years on the first day of next month—January 1 of 1983—that Castro took over that island. That was a tragic day in the history of Cuba. Castro has turned Cuba into a Marxist dictatorship, yet Cuba is only 90 miles from the shores of the United States of America.

The purpose of the legislation, which presumably will be called up later today, is to attempt to bring to the Cuban people information which it is impossible for them to get through the state-controlled, Government-controlled, Castro-controlled news media in Cuba.

The Cuban-American community is one with which I have close ties and kept in close touch with for nearly 24 years now. The Cuban-American community is very much interested in this legislation.

As I mentioned earlier, I spent much time in Cuba in 1959. I want to go to Cuba again. I want to go to Cuba at the first opportunity, but I shall not go to Cuba so long as Fidel Castro maintains his Marxist dictatorship there.

I hope that before too many months pass, there will be some change in Cuba. I hope that at the earliest possible date those Cuban immigrants, most of whom live in the State of Florida, will have the opportunity to go back to their homeland and find their homeland free of dictatorship by Fidel Castro.

If a vote is taken in this session on Radio Marti, I ask that the record show that if this Senator from Virginia were present, this Senator would vote in the affirmative.

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

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

HOW WORLD WAR III WAS LOST

Mr. ARMSTRONG. Mr. President, as Congress considers various proposals to further reduce President Reagan's defense budget, I urge my colleagues to also consider Herb Stein's recent article in the Wall Street Journal, "How World War III Was Lost." It is a sobering message.

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

[From the Wall Street Journal, Dec. 3, 1982]

HOW WORLD WAR III WAS LOST

(By Herbert Stein)

There were people who never accepted the term World War III. George Will, a respected columnist of the Carter-Reagan period called it "The War Against the Totalitarians, 1939- ." The implication, of course, was that it was all one war, first against the Nazis and then against the communists. Today, if he were still writing, Mr. Will would be able to complete the dates, making it 1939-1987. For, whatever the war was called, by 1987 the democracies had lost it.

Not a shot had been fired, and no articles of surrender had been signed. But the defeat was clear to all when the U.S. agreed to a United Nations resolution establishing a committee to monitor the world press, television and radio to prevent the dissemination of anti-peace-anti-people statements, the committee to be composed of delegates from Bulgaria, Cuba, Nicaragua, Angola and Cambodia. The Wall Street Journal and Commentary magazine were closed.

There had been other signs of course. In 1983 the OECD had agreed to an economic arrangement with the Soviet bloc under which the West would extent credit to the bloc at a fixed interest rate of 5%. In 1984 the convention of the Democratic Party had ruled the candidacy of Senator SAM NUNN for the presidential nomination out of order after the Stockholm International Peace Research Institute denounced him as a militarist.

In the same year the Republicans refused to renominate Ronald Reagan, choosing instead Senator CHAMBERLAIN, who had just returned from Moscow with a letter from Comrade Andropov offering to buy one million American automobiles a year on long-term, low interest credit. The leaders of an effort to establish a Freedom Party disappeared.

But the beginnings of this defeat came earlier, when the U.S. decided that it wouldn't pay the cost of defending the Free World or itself. For a time it had looked as if the U.S. had made the contrary decision, and would turn to rearming itself adequately after a decade of somnolence. America's humiliation in Iran and the invasion of Afghanistan had awakened even President Carter to the need for strengthening the armed forces.

Ronald Reagan ran for the presidency, and was overwhelming elected, on a platform of rebuilding military strength. He proposed a substantial increase in the defense budget. This would have raised real defense expenditures by 9% per annum, raising them as a share of GNP from about 5.5% to 7%, which was still less than the 10% spent in the Eisenhower-Kennedy years. There were some experts, such as the Committee on the Present Danger, who thought the Reagan defense budget was inadequate. Still, the Reagan program was a significant movement toward a stronger military posture. And it was adopted without much dissent by the Congress, Democrats as well as Republicans.

CUTS IN DEFENSE SPENDING

But in the winter of 1981-82 and the spring of 1982 things began to change. The president had to agree to some cuts in his defense budget. On June 10, 1982, the Republicans and conservative Democrats in the House adopted a budget which cut the president's proposed 9% annual increase in defense spending to 7%—a cut of more than 20%. That was regarded as a triumph. Even people devoted to defense agreed that it was the best the president could get. But it clear then that the rebuilding of America's military strength was bogged down in a morass of special interests and that the U.S. would not pay the costs.

This became even clearer after the 1982 election, when Congress returned with a determination to cut the defense budget. This attitude was a reflex to the high rate of unemployment, though no one had shown that cutting defense was a way to increase jobs. So in a special session of Congress in December 1982 the defense budget was cut a further 10%.

In a cliche expression of those days, this action "sent a signal." As the Committee on the Present Danger had said: "Any budgetary revision by the Congress cutting the projected levels of defense funding or deferring or stretching out the proposed five-year program, against the will of the president, would give a dangerous signal to the Soviet Union and to our Allies."

The Soviets got the signal that they did not have to worry about America's rearmament. The U.S. strategy of confronting the Soviet Union with a choice between arms limitation and an arms race was defeated because the threat of an arms race was seen not to be credible.

The Western Europeans also got the signal. They saw that they could no longer count on defense by the U.S. and therefore felt it necessary to cozy up to the Soviet Union. That accounted for the European drive, to which the U.S. acceded, for larger economic relations with the Soviet Union, even if on concessionary terms from the West.

And that gave the U.S. a signal back. With the Soviet Union increasingly adamant and Western Europe decreasingly cooperative with us, the value of what remained of the U.S. military buildup was increasingly in doubt. More and more it appeared that the choices for the U.S. were conciliation or suicide. And this led to a whittling down of the military program to a point at which the Soviets could simply instruct the U.S. not to seek military parity or survivability.

Those months between October 1981 when the Reagan defense program seemed invincible and December 1982 when it was clearly impossible are crucial for the history of the loss of World War III. What happened then?

Of course, there had always been people who opposed the program, either because they thought the Soviets were weak, or because they thought they were peace-loving or because they didn't mind adapting to the Soviet way of life. These people were quiet during the year following Mr. Reagan's election, which was the period of his maximum popularity and power. The country was all conservatives, nationalists and hawks then, and the few doves had no desire to expose themselves to ridicule.

But as the year wore on Mr. Reagan began to suffer the fate of other presidents. Overexposure, trivial mistakes, and inevitably controversial policies cut him down to a size that made attack at least feasible. When that happened the anti-defense "propeace" chorus in the country rose. This was undoubtedly reinforced by the worldwide "peace" movement which was, in part, a Soviet reaction to the fear of Western rearmament after the invasion of Afghanistan. (See "The Peace Movement and the Soviet Union," Vladimir Bukovsky, Commentary, May 1982.)

But the rising resistance of the peaceniks wouldn't by itself have been sufficient to turn the tide. What ended the Reagan rearmament effort was the disaffection or weakening of people who considered themselves, and were, supporters of a strong defense program. They had registered their support in 1980 by electing Mr. Reagan and again in 1981 by backing his defense budget. But they had done that when they thought that the defense program was free—that they wouldn't have to give anything up for it. The magic wand of economic growth would provide for everything.

As 1982 progressed it became clear to many of those people that defense was not free. And when that happened they discovered that while defense was important it wasn't the most important thing.

SACRIFICING NATIONAL SECURITY

For some, a defense expansion of the Reagan magnitude was less important than maintaining the growth of nondefense programs, mainly social programs. For others defense expansion was less important than preventing the budget deficit from exceeding a certain magnitude, which for some unclear reason turned out to be $150 billion. For others, defense expansion was less important than holding down taxes.

None of these people thought or said that they were prepared to sacrifice national security for some other objective. They all maintained that their combination of less defense and more of something else was the best strategy for national security. Those who preferred larger social programs held they were essential for the social solidarity which was a prior requirement for national security. Those who preferred to hold the deficit down said that was necessary to prevent an economic crisis which would make a continued defense buildup insupportable. Those who put lower taxes first said they were indispensable for the economic growth that was essential to national survival.

It happened that many in each group that placed the military buildup second to some other objective had a special interest in the other objective. Those who were most protective of the nondefense social programs in the budget tended to have constituencies which thought themselves the direct beneficiaries of those programs. Those who put restraining the deficit first tended to have an interest in financial markets which was not equally shared by the rest of the country. Many of those who put low taxes first were large taxpayers.

This didn't mean that they were insincere. They all honestly saw matters from their

own perspective. Of course, they were all wrong. As the country learned later—to late—the danger to the free world was not the inadequancy of American social programs, or the size of American budget deficits, or the height of American taxes. It was the inadequacy of the actual and prospective American military establishment.

In any case, the upshot was that, even though a large majority of the people thought that defense was important, they couldn't agree on how to pay for it. They couldn't agree on what to give up in order to have a larger defense program and could, therefore, agree only on a smaller one.

The tragic irony is that in the end, after World War III, the American people paid more than it would have cost to defend the country. They paid more even in the common coinage of taxes and deficits, because they had to raise the fund assessed by the U.N. upon America as its contribution to WEEP—the World Economic Equalization Plan. But far beyond that, they paid more in the rare coinage of freedom and the lives of those who would fight for it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a moment I believe the distinguished chairman of the Committee on Foreign Relations (Mr. PERCY) will ask unanimous consent to call up a resolution in respect to Poland.

Mr. President, I ask unanimous consent, if that measure is made pending today and if there is a rollcall vote ordered today, that rollcall vote occur at 2 p.m. tomorrow.

Before the Chair rules, I may say I do not plan to ask for a rollcall. I believe the Senator from Illinois does not plan to either, but in the event someone should ask for the yeas and nays and they were granted, this would provide a time certain for the disposition of this measure.

I put the request.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, there will be no objection from this side on the conditions that have just been set forth by the distinguished majority leader.

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

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

POLISH SOLIDARITY DAY

Mr. PERCY. Mr. President, on behalf of myself and Senator MURKOWSKI, and also Senators HELMS, GLENN, ABDNOR, HAYAKAWA, MATTINGLY, CHAFEE, LUGAR, ZORINSKY, RANDOLPH, KENNEDY, BIDEN, KASTEN, PRESSLER, HOLLINGS, PELL, SASSER, GORTON, LEVIN, BUMPERS, DIXON, INOUYE, D'AMATO, SARBANES, JACKSON, ROTH, HEINZ, GARN, QUAYLE, MOYNIHAN, NICKLES, and THURMOND, I send to the desk a resolution.

Mr. ROBERT C. BYRD. Mr. President, will the Senator add my name?

Mr. PERCY. Yes; I am happy to.

Mr. METZENBAUM. As well as mine.

Mr. PERCY. Mr. President, I ask unanimous consent to add the names of the distinguished minority leader as a cosponsor as well as the distinguished Senator from Ohio.

I send to the desk a resolution and ask for its immediate consideration under the terms and conditions specified by the majority leader.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 501) expressing the sense of the Senate that the American people continue to protest martial law repression in Poland and wish to see it ended, remaining detainees released, and full and free dialog resumed with the Church and Solidarity; and urging the President to proclaim a national day of solidarity and prayer with the Polish people on the first anniversary of the imposition of martial law.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. PERCY. Mr. President, December 13 will mark the first anniversary of martial law repression in Poland. We scarcely need to be reminded of that, but we all feel a need to commemorate this sad occasion in some public and prominent way. We want to tell the Polish people that Americans have not forgotten them.

I am pleased that Lech Walesa is now back with his family, but I am concerned that he will not be free to speak out, or to participate in the shaping of Poland's future.

I hope that recent reports that martial law will soon be lifted are true, but I think we all can agree that Poles need real, not cosmetic, change and significant movement toward restoration of their freedoms.

It seems fitting that the Congress and Executive join in giving focus to our Nation's tribute to the courage and free heritage of the Polish nation by proclaiming December 12, the eve of this first anniversary of the repression of Poland's freedoms, a national day of solidarity and prayer for the people of Poland.

Senator MURKOWSKI has joined me and provided invaluable assistance in drafting a resolution calling for this day of prayer and solidarity, which I now introduce and ask for its immediate consideration.

Mr. President, earlier this year I was in Chicago at a Solidarity meeting with then Secretary of State Haig and heard the emotion and feeling expressed by many people of different national heritages. I presume that a very high proportion in that huge meeting in the city of Chicago were of Polish heritage. Chicago Polish Americans are almost a million strong. The feelings expressed there I think are shared by all American people, feelings of deep sadness for a nation that has been in the suppressive orbit of the Soviet Union. Poland professes to represent the workers, yet when these workers speak out in what is presumably a worker's state, simply asking for the right for workers to organize and to have something to say about the conditions under which they work, they were suppressed and their voices stilled, and martial law was imposed in Poland.

It is for this reason that those of us who have joined together in this resolution feel so strongly. We are not only saying to Polish Americans that we are not forgetting the dedication and feelings of deep sorrow and regret that you have as to what is going on in your native country, but also that we want, through Radio Liberty and Radio Free Europe, all the people of Eastern Europe to know that we have not forgotten. We want progress resumed in Poland toward our goal of workers being able to speak out on issues of importance to them, toward church and state being able to work together, not in opposite directions. We want those who are still jailed released, not punished so harshly for simply expressing a point of view that is shared by millions of people throughout the world.

I thank my distinguished colleagues for their consideration and for the support that they give to this resolution.

Mr. President, I ask unanimous consent that Senator GRASSLEY be added as a cosponsor.

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

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it gives me great pleasure to join with my esteemed colleague (Mr. PERCY) in bringing before the Senate this resolution pertaining to Poland.

Senators may recall that some time ago I introduced a similar resolution, S. 497. Since that time, Senator PERCY and I have conferred and our staffs have prepared the resolution which we bring before the Senate today. As an American of Polish descent and as the junior Senator from the State of Alaska—the only State, I might add, with which the Soviet Union shares a common border, just as Poland—I urge the adoption of this resolution calling for the show of solidarity with the Polish people by all Americans.

Most Americans are aware that martial law was imposed in Poland late in the evening of December 13, 1981. The 21-member Polish military junta led by General Jaruzelski has, since that date, engaged in a systematic eradication of the precious few civil liberties which the Polish citizens and their chosen trade representative, Solidarity, had previously negotiated. The brief period of democratization which Poland experienced during the months before last December 13 has ended, but must not be forgotten.

The Polish people stand today deprived of basic human rights and freedoms by General Jaruzelski's regime. The swiftness with which the military moved and the severity of the military's response to opposition in Poland were startling. The brutality and oppression which the Polish people have suffered at the hands of their own Communist government should be recognized and remembered by the citizens of all free nations as evidence of the need for unfailing vigilance in defense of democracy.

The purpose of this resolution is to establish December 12, 1982 as a day of national prayer and reflection on which all Americans pause to consider the plight of the Polish people and to reaffirm their commitment to the ideals of freedom and democracy. I hope that through this expression of support and unity all Americans can symbolically demonstrate to the people of Poland and to the world our commitment to the goal of freedom.

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. MURKOWSKI. 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. MURKOWSKI. Mr. President, Senator Percy has asked for the roll-call vote tomorrow, and I concur in that request.

The PRESIDING OFFICER. Is the Senator asking for the yeas and nays?

Mr. PERCY. Mr. President, in accordance with the request of the majority leader, the request for the yeas and nays would then result in a roll-call vote at 2 p.m. tomorrow.

I ask for the yeas and nays.

Mr. MURKOWSKI. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New Jersey (Mr. BRADLEY) be added as a cosponsor.

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

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

● Mr. BIDEN. Mr. President, it has been 1 year since the iron doors of martial law slammed shut on the people of Poland. This is, therefore, a somber anniversary, but one we must not fail to observe.

We cannot, of course, celebrate what has happened in Poland over the past year. Repression strikes at the liberty of free people everywhere. And, however sadly, we must face the fact that the Jaruzelski regime has largely succeeded in its effort to suppress the Solidarity movement and apply totalitarian solutions to the social and economic problems that continue to plague Polish life. Even the welcome release of Lech Walesa appears to symbolize nothing more than the confidence of a successful dictatorship.

But if the events of the past year offer us no cause for celebration, we would do a tragic disservice to the Polish people to mark this anniversary only as a milestone of a journey into bondage. The hopes and aspirations of a free-spirited people cannot be eradicated by the edicts of an authoritarian government. To believe otherwise would be to abandon a people who have given the world, throughout a long and difficult history, an inspiring and enduring example of courage and determination.

By the resolution we are introducing today, we recognize their national agony—but we also affirm their independent spirit with our own dedication to freedom and self-determination and we assure them of the continuing friendship and good will of the United States.

Mr. President, this resolution would not only declare the view of the Congress on the events in Poland but would also call upon the President to proclaim a national day of solidarity and prayer for the people and nation of Poland. It is time for us, as a nation, to join together again with hope and prayer and renewed spirit.●

Mr. PELL. Mr. President, I am cosponsor of the resolution calling for an end to martial law in Poland and I strongly support its adoption by the Senate.

When the Polish people formed the Solidarity Labor Union in 1980 their message was clear. The Polish people told their government, the Soviet Union and the world that they valued the principles of individual liberty and freedom from governmental repression. Their courage, strength of conviction, and solidarity won international respect. I have often reflected on the appropriateness of their chosen banner, "Solidarity." It so aptly expresses a nation of 36 million people standing firmly, solidly together in defense of their culture, church and national pride. Under this banner all Poles, including clergymen, laborers, farmers, and intellectuals are unified in the resistance against oppression. Polish supporters of Solidarity have demonstrated undaunted courage in the face of threats and hardships.

December 13 marks the anniversary of the brutal crackdown on the spontaneous expression of the Polish people for freedom. It was 1 year ago on that date that the Polish Government imposed martial law. Official repression in Poland has been at times violent and often brutal. Through the past year thousands of patriotic Poles have suffered physical hardships in prison because of their support for Solidarity. These brave patriots have demonstrated that they cannot be intimidated or deflected from their commitment to freedom. Yet, it is clear that their human rights and civil liberties are being denied in blatant violation of the U.N. Charter, the Helsinki final act, and the universal declaration of human rights.

As a member of the Helsinki Commission. I am grieved by this breach of international agreements. In their actions the Communist officials flaunt their lack of respect for the rights of the individual, international law and their own people. The imprisonment for many months and the clumsy attempts to discredit labor union Lech Walesa with blackmail underscore this lack of concern for human rights and the gap between the Polish authorities and the Polish people. The gap widened when authorities thwarted the will of the Polish people by outlawing the free lawful trade union Solidarity in October 1982.

I support this resolution urging the President to proclaim a national day of Solidarity and prayer with the Polish people on the first anniversary of the imposition of martial law. In so doing, the American people express support for the many brave Poles, their protest of martial law and their desire to see the repressive measures lifted. The American people also wish to see the remaining detainees released and a full free dialog resumed among the church, Solidarity and Polish authorities.

Mr. BAKER. Mr. President, earlier, the Senate gave unanimous consent that the rollcall vote previously ordered on the Poland resolution occur tomorrow at 2 p.m. Implicit in that arrangement was that we complete action on that measure today and have the final vote tomorrow.

I should have included, and I now ask unanimous consent, that no further action on this measure be in order, except for a vote on final passage.

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

BUDGET WAIVER

Mr. BAKER. Mr. President, it is my understanding that the distinguished chairman of the Foreign Relations Committee is prepared to proceed to consideration of the so-called Radio Marti measure. There is a budget waiver on the calendar relating to that, which is calendar No. 923.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 923, Senate Resolution 480, waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 5427.

Mr. ZORINSKY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I move that the Senate proceed to the consideration of that measure.

The PRESIDING OFFICER. The motion is not debatable.

Mr. BAKER. Mr. President, I think a point of order will be made.

Mr. ZORINSKY. Mr. President, I rise to a question of order.

It is not in order to consider the budget waiver resolution for H.R. 5427, since that waiver resolution was originally reported by the Committee on Foreign Relations in contravention of rule XXVI 5(a) of the Senate.

Though it lacked special leave, the committee met beyond the first 2 hours of the Senate session on September 21, 1982, and ordered the resolution to be reported at that time.

Mr. BAKER. Mr. President, it is my understanding that the factual situation alleged by the Senator is correct, and no dispute is made on that point. I assume, therefore, that the Chair will uphold the point of order of the distinguished Senator.

The PRESIDING OFFICER. The point of order is well taken, and the resolution is before the Foreign Relations Committee.

Mr. BAKER. I thank the Chair.

Mr. President, I make a parliamentary inquiry. Is it not in order at this time, under the provision of section 904(b) of the Budget Act to move to waive section 402(a) of the Budget Act itself with respect to this measure?

The PRESIDING OFFICER. That is in order.

Mr. BAKER. And that motion is debatable, is it not?

The PRESIDING OFFICER. It is debatable.

Mr. BAKER. In accordance with the provision of section 904(b) of the Budget Act, I move to waive section 402(a) of the Budget Act with respect to the consideration of H.R. 5427, a bill to authorize appropriations to provide for broadcasting of accurate information to the people of Cuba.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. BAKER. Mr. President, will the Senator from Nebraska permit me, before he begins his presentation, to make one statement at the request of the chairman of the Budget Committee?

Mr. ZORINSKY. I yield for that purpose.

Mr. BAKER. Mr. President, the purpose of this motion relates to the timeliness of this legislation and is not meant to have any effect on the fiscal considerations of this bill. Both the Foreign Relations Committee and the Budget Committee met with live quorums present. The point of order involves the timing of when these committees met under Senate rule XXVI 5(a) and does not involve the substance of the budget waiver resolution.

By waiving the section 402 budget waiver resolution request, the Senate will expedite the consideration of this bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. Mr. President, I do not believe that titles III and IV should be waived, because there is a serious entitlement question involving the waiver of titles III and IV.

Section 6 of H.R. 5427 addreses the potential problem of Cuban interference with U.S. broadcasting.

I believe that this section also creates an entitlement because it provides sufficiently broad authority to obligate the United States to make reparations payments to broadcasters damaged by potential transmission interference by the Cubans.

Although section 6 does not authorize specific funds for this purpose, it does authorize the Federal Communications Commission to make payments to U.S. radio and television licensees and provides for criteria to evaluate financial claims submitted by these licensees.

This provision creates a new set of rights which meet the definition of entitlement under section 401c(2)(c) of the Budget Act, and that section defines an entitlement as spending authority to make payments the budget authority for which is not provided for in advance by appropriation acts to any person or government if under the provisions of the law containing such authority the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Under the Budget Act if any committee reports out a bill containing such entitlement authority, the bill must be referred to the Committee on Appropriations for at least 15 calendar days following the date of reference. Even though it has been estimated that reparation payments could cost the U.S. Government as much as $40 million in the coming fiscal year, there has been no appropriate reference of this question to the Appropriations Committee. Thus, it is not in order in my estimation to proceed to the consideration of H.R. 5427 at this time.

Mr. President, I ask for the yeas and nays on the motion to waive the Budget Act provisions.

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

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I wish to speak at this particular time to alert my colleagues in this body to some of the history of this Budget Committee's involvement with this bill and also to express some of the concerns that I have.

First, there was a Budget Committee meeting back in the last of September on the question of the cost of this legislation and whether or not it was open ended, as has been suggested by the Senator from Nebraska, and also on the integrity of the budget process itself.

I commend the Senator from New Mexico (Mr. DOMENICI) for his cooperation in arranging that meeting, for it was very difficult to arrange in light of the heavy legislative agenda that we faced before our October recess. But I felt it was important that each member of the Budget Committee fully understand the problems related to H.R. 5427.

I wish to say that I voted for the motion before the committee because it was without recommendation and so that this issue could come before the Senate as it is now before this body. My major concerns at that time as well as now with granting the budget waiver are that we would be approving a waiver for untold millions of dollars and thus jeopardizing the integrity of the Budget Committee's process. Section 6 of H.R. 5427 authorizes the Federal Communications Commission to instruct the Board of International Broadcasters to compensate U.S. radio and television broadcasters for "expenses that they incur in mitigating the effects of the activities by the Government of Cuba which interfere with the transmissions of reception of the broadcasts of those licensees." The

problem is that we have no reliable estimate of what this cost might be.

I have absolutely no objection to compensating our broadcasters for the damage that might result if we get into a what is termed a "radio war" with Cuba. Moreover, the U.S. Government should bear the responsibility for its foreign policy initiatives and not unduly jeopardize the private interests of our country. Compensation, however, must serve only as a partial remedy and not a solution. The U.S. Government should be willing to take other actions to minimize and prevent Cuban interference.

It seems to me with the process we have now gone through and the time that has elapsed that we should have more answers to these questions now than we did in October. But I think that the issue is more than one of dollars and cents. In times of severe budget crunches, massive budget deficits, we have to give careful considerable time to the costs that are involved here.

At this point, about the only estimates that we have for the cost of this legislation are the actual appropriation request for the administrative, programing, and facility costs for fiscal year 1983 and an estimate by the Congressional Budget Office of over $40 million for compensation. The Congressional Budget Office used the National Association of Broadcasters' estimate that over 200 AM radio stations in 32 States are threatened by Cuban interference and multiplied the number of stations by $100,000 to $200,000. Unfortunately, this cost estimate covered only the costs of adjusting the facilities of our broadcasters in order to minimize interference. It ignores completely the costs incurred for lost advertising revenues, an expense that this legislation could well cover.

I do not have estimates of lost advertiser revenues from all stations, but I do have them for WHO Radio in Des Moines, Iowa, and I might say for the benefit of my colleagues, that my interest in this legislation goes to the property interests and rights of all broadcasters in America. It happens that of all the radio stations in Iowa, even though there may be more than one potentially affected by this legislation, at least the one most talked about and one that is most affected is WHO Radio and the reason for the concern about WHO Radio is that earlier in this process of the administration consideration of Radio Marti, there was a preliminary decision based upon very limited criteria that 1040 kilohertz would be the ideal frequency for Radio Marti. It happens that WHO Radio, Des Moines, Iowa, is a major radio station in my State, for both daytime and nighttime broadcasting and it has FCC licensed and protected service radius of 800 miles. It does reach a large area of the country. Unfortunately, broadcasting to these areas could be destroyed as a result of a jamming or counterbroadcasts to Radio Marti by Castro.

In the process, the loss for this one radio station has been calculated as high as $1,150,000 to $1,350,000 in net losses.

Although it might be difficult to claim that every American broadcaster would suffer to the same extent, it is easy to see that the Government could be paying out hundreds of millions of dollars per year. It was even suggested during the Senate Foreign Relations Committee markup of H.R. 5427 that we might be talking about the loss of revenues of many times that amount.

In light of the above it is extremely difficult for me to agree to the wisdom of rushing this piece of legislation. In light of the fact that we are in the final days of this session and that we only have 10 out of 13 appropriations bills that have not been passed yet, I would raise the question of whether in the lameduck session, as we are trying to close down the 97th Congress, that this is a time to be bringing this up.

But I think if we are then, of course, we are going to have to bring adequate understanding to my colleagues of the issues that are involved, particularly the costs.

As the Budget Committee staff pointed out in a memo it sent out on Senate Resolution 480, establishing a new Federal program such as Radio Marti is inconsistent with an overall freeze in discretionary appropriations unless compensating reductions are made in other programs under the jurisdiction of the Appropriations Committee.

I surely, as a member of the Budget Committee, would never put myself in a position, short of offering an amendment myself, to tell the Appropriations Committee what they ought to do, and I have great respect for their consideration of all these costs. But I do not think there has been any suggestion that the funds will come from some other part of the budget, that there has been any shifting, and I think that is something we need to take into consideration as well.

Although the staff found there is sufficient funding remaining under the Senate Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary section 302 allocations to cover the $7.5 million of H.R. 5427, no suggestion is made in that document of a tradeoff that may be necessary to cover the additional millions of dollars that might be involved.

We are talking about the rights of individual business people in America, individual businesses, and it seems to me, as my senior colleague from Iowa said at the Senate Foreign Relations Committee, we must retain respect for individual property rights. That here we are in our Government trying to decrease regulation, the readjustment of taxes to encourage investments to revitalize our economy, and we are always concerned about the impact of Government on business. It seems to me that we need to recognize, through the consideration of Radio Marti, the potential costs to businesses, the potential damage that Radio Marti might cause to those businesses. We ought to give the same weight to the rights of the businesses as we usually do in this body in light of our concern about the Government's impact through regulation, taxes, and paperwork on businesses.

It would be wrong, it would be a dual standard, if somehow we in a very general vein address the problems that Government is causing business in America generally and in the abstract, but then at the same time not be equally concerned when there is a specific impact we could be making upon a large segment of American business, the broadcasters of America.

I am sure there has been no attempt to justify why this needs to be done right now. I assume the distinguished chairman of the Senate Foreign Relations Committee, Senator PERCY, in his discussion of this issue will state his views, and maybe even those of the administration, as to why this should be passed at this point.

I will have to admit that about 8 weeks have passed since it was considered by the Budget Committee to address my concerns at that particular time. But I think on these general issues of costs these general concerns about the impact it is having on business, they have not been answered yet and, of course, in this debate they can be answered. I hope in the process of considering this legislation that there is not going to be any insinuation that this is something that ought to be rushed through and not given the consideration that is its due, particularly for those of us who are concerned about budget costs.

I guess when I say those of us concerned about budget costs, it is a reflection of the rhetoric of the last election. Whether they be Members of the minority party of this body or Members of the majority party of this body, it seems to me that there was more concern in every region of the country, in almost every race, about the huge budget deficit and what ought to be done about that. And I am sure that concern is impacting greater in this lameduck session than it was in the period of time before the October 2 recess to go home to the grassroots and find out what people's views are.

I am not implying that the people of this country have any specific views on the issue of Radio Marti. But I do say that my constituents and those of every other Member, are more con-

cerned about budget deficits now. That is going to be a major influence on the debate in both this body and in the other body as we deal with those last 10 appropriations bills.

I thank the Members of this body for their kind attention.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EXON. Are we working on a so-called privileged matter with regard to the budget waiver that has been advanced by the majority leader?

The PRESIDING OFFICER. It is a privileged motion. It is a debatable motion to waive section 402 of the Budget Act.

Mr. EXON. A further parliamentary inquiry, Mr. President: Is it an unlimited debate that is now taking place on this bill or is it controlled time?

The PRESIDING OFFICER. There has been no time agreement.

Mr. EXON. I thank the Chair.

Mr. President, let me echo the sentiments of my colleague from Nebraska and my colleague from Iowa and add to them, that I think the message should go forth very loud and very clear from this body right now that we are indeed wasting our time.

I think the leadership should understand, I think the chairman of the Foreign Relations Committee, my good friend and colleague from Illinois, and all in the Senate should understand, that starting now we are filibustering this Radio Marti measure. There are those of us who will stand on this floor as long as is necessary to see that this matter does not pass the Senate in this special session.

Mr. President, it seemed very clear, as the Senator from Iowa has just spent considerable time on in debating, that there is no reason whatsoever for us taking up this kind of a bill, even if it had merit which, in my opinion, it does not have, in this special session.

Everyone here who understands the procedures here knows full well that in a special session or any kind of a session where time is limited because of the calendar, it is not very difficult for anyone to oppose almost any kind of an action that one or more Senators would hope to take.

Therefore, I call very early in this debate for the managers of the bill and indeed the majority who brought this up to recognize and realize now that there will be those of us who will take advantage of every parliamentary procedure that we can to kill this bill, at least in this special session.

I say, Mr. President, that this bill is a dead duck and the quicker we recognize it as a dead duck then the better off we are going to be, as far as addressing the supposedly key matters that we were called back here after the election to address.

I only wish that the backers of Radio Marti had the wisdom and the foresight of other people that have other types of legislation that they think is necessary. I just wish that the backers of this bill would see the wisdom of those who were proposing a coal slurry pipeline that they wanted to rush through this session. I would hope that the backers of this bill would have the wisdom to recognize that there are a whole series of what is generally referred to as special legislation that was perceived to be appropriate to bring up during this special lameduck session. Such is not the case.

I simply say that I just wish that the advocates of Radio Marti were as wise and considerate of the devastating perils of our time, of which Radio Marti is not one that should be addressed by the U.S. Senate.

If we could get on with the critical business of this Nation that confronts us, then I suggest that we would not be perceived as so hapless and, at times, hopeless in the minds of many of the people of this country. I simply say, again, Mr. President, that we indeed are wasting our time as we debate the motion presently before us, which is the budget waiver.

But since that is before us, let me address myself to that for at least a period of time. I also am a member of the Budget Committee. I voted against this waiver.

Yes, I know that it is commonplace for people to say that whatever the Budget Committee does cannot be that important because it can be waived. Just come to the floor and make a motion, have debate and override the Budget Committee.

Now while I agree that at first blush the amount of money proposed under President Reagan's Radio Marti is not a staggering sum. It is certainly not staggering when you recognize the size of the Federal deficit today, which is staggering indeed. Certainly it is a relatively small amount when you recognize the size of our national debt today which is somewhere between $1.2 and $1.3 trillion and going up each and every hour.

But I think that regardless of the amount that Radio Marti proposes to add to the deficit—and that is what it will do, for what, in this Senator's mind, is not a good reason—then I think that if you are even for Radio Marti, which I suppose some people may be in the end, you should not be automatically voting for a budget waiver.

Mr. President, I am not familiar with the technical violations that may have occurred inside the committee headed by my friend from Illinois, our Foreign Relations Committee, the point that was brought up by my friend and colleague from Nebraska. I simply say, Mr. President, let us not at this particular juncture be willy-nilly in waiving the budget restraints of the Budget Committee. I think, to a considerable extent, not paying attention to the Budget Committee has been one of the main reasons that we find ourselves in this Nation today, in serious financial difficulties. Yes, it has been too easy, indeed, to waive budget considerations by the Budget Committee.

In fact, I have been critical, Mr. President, that the Budget Committee itself is too prone and too quick to endorse budget waivers on matters that it had previously either considered and not acted upon or, as is more often the case, with such budget waivers that is something that we did not consider and therefore as a second thought, as an afterthought, or upon further consideration we should proceed.

(MR. ABDNOR assumed the chair.)

Mr. EXON. Mr. President, I think it should be made clear once again that the only reason that this matter is being brought up on the floor of the U.S. Senate is that the President of the United States wants it. Somehow, Mr. President, the President of the United States seems to feel that it would be wise to continue his macho approach with regard to Cuba.

I would simply say that I share the concerns of the President of the United States with regard to the insurgence of Cuba into the affairs of many other countries. I certainly realize and recognize and, indeed, am most concerned about the increasing role that the Cubans are playing with regard to the havoc being caused in certain places in Central and South America today, a concern that the President of the United States himself is fully conversant with and one of the main reasons for his trip to Central and South America just a few days ago.

But, Mr. President, Radio Marti is one of those macho approaches that is going to be another step, I say, in shooting ourselves in the foot while we attempt to take macho actions against some country that we do not consider friendly. I intend to go into this in more detail in remarks that I will make during the ongoing portion of this debate, which I emphasize once again will be an ongoing debate.

But it seems to me that if we are going to try to broadcast the truth as we see it to the Cuban people, the leadership of Cuba are not going to sit idly by and let this happen. It seems to me that we should begin at least to consider what action the leadership of Cuba are likely to take against us if and when we see fit to go ahead with the proposal by the President of the United States. This is something else,

Mr. President, that I will be talking about in future and prolonged debate.

The facts of the matter are, as many of our friends in the broadcast industry have pointed out, that indeed, with the threat that the Cuban leadership have made, they would be able to carry on extensive jamming of some radio frequencies in the United States. And, as my friend from Iowa has just pointed out, who can tell what damages the U.S. Government would incur from lawsuits that likely would be filed against our action which provoked the initiation of jamming devices from Cuba?

You see, Mr. President, it is one thing to take action—ill-advised or otherwise—against those whom we consider unfriendly a long, long ways off. It is quite another, Mr. President, for us to be taking the action, which I term a macho action on the part of the President of the United States, that would boomerang not to our betterment but make Fidel Castro a new hero in certain parts of the globe for the relatively inexpensive action that he could take in response to this later plan by the President.

I would hope that at some appropriate time we could hear in some detail from the chairman of the Foreign Relations Committee not only what the cost would be now but what the majority of the Foreign Relations Committee feel the cost would be in the long term, or the possible cost that would be incurred by the American taxpayer for Radio Marti, which I would dub as President Reagan's folly.

Mr. President, the key matter before us is simply to recognize and realize that the leadership has called up before the Senate a time-consuming matter that is not going to be resolved. I would simply hope, Mr. President, that the leadership of the Senate would realize that there are many more important matters, of critical importance, which should be addressed at this time.

Therefore, Mr. President, I would hope that we would not even have to take a vote on whether or not to bring up the budget resolution, but if that vote is taken, if the budget waiver is approved by the Senate, then I can simply say that there will be more endless debate because I see no way that this measure has the votes to pass because of the time constraints of this special session.

I oppose the waiver, and I certainly will oppose every step of the process, as I have said, to obligate this country for Radio Marti because it is not in the best interests of the farmers of this Nation who depend on some of the radio stations that have been referred to, but even beyond and above that it is my conviction that this is not in the best interests of the United States in either the short or the long run.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, my comments will be very brief at this point. I will not make any comments on the substance of the bill itself at this point, but merely to the point of order which has been raised and the pending motion of the majority leader.

Mr. President, on September 21, 1982, the committee met and ordered reported by a vote of 12 to 4 a budget waiver resolution in accordance with section 402 of the Congressional Budget Act of 1974. That meeting took place 2 hours after the Senate convened and was thus technically in violation of the Senate 2-hour rule.

However, at the time of the vote, I was confident that I had the agreement of the full committee to proceed. I support, therefore, Senator BAKER's motion to waive the Budget Act.

The compensation provisions of this bill are subject to the authorized amounts contained in this legislation, that is, $7.5 million, or to any further authorized and appropriated funds. This bill does not provide for open-ended entitlements.

The Budget Committee has studied the cost of this bill. It is not recommending any amendments to restrict any possible entitlements.

This vote, therefore, is not at all on the merits of Radio Marti. It is also not on the Radio Marti budget. It is simply on a technical point that should not be allowed to hold up the consideration by the Senate of this bill.

Mr. CHILES. Will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. CHILES. I just want to say to the distinguished chairman of the Foreign Relations Committee that I sat on the Budget Committee. This matter did come before the Budget Committee. One time it came through in a way that we often waive the Budget Act, sort of by passing a slip and receiving the consent of the membership. There was some objection to that in regard to this even though the amount of money in this was relatively small. But some of the members felt that we should look at it and actually hold a meeting on it.

Because of those objections, the Budget Committee did hold a formal meeting. At that time, we did waive the matter, formally, at the Budget Committee meeting. Normally, sitting on the Budget Committee, I would be kind of constrained to be against a waiver of the act itself, as the majority leader has made, but I think in no way does this jeopardize the Budget Act or the Budget Committee's action because we actually met on this provision. We did formally waive the act. That was taken. Now the problem appears to be this technical one as to whether the Foreign Relations Committee in fact was meeting while the Senate was in session. But I think that in no way—and I want to concur with what the chairman has said—does that raise a budget question because the Budget Committee did carry out its duty and its responsibility in every manner and means.

So the majority leader's motion to waive the act is to simply get around this technical requirement that has now been raised in regard to the meeting time of the Foreign Relations Committee.

I certainly concur with what the chairman has said.

Mr. PERCY. I thank my distinguished colleague. I would like to make it clear that at the appropriate time, after debate has concluded on this particular point, there will be a request for the yeas and nays on the majority leader's motion.

Inasmuch as the Senate lameduck session is a very limited session, and the majority leader has already announced that there is a certain amount of business that has to be taken care of, and he has announced the schedule that he intends to adhere to, I would hope that everyone would recognize that though we have a technical point here, from a practical standpoint, if we are to really give serious consideration to Radio Marti—and I hope that we will—the committee favorably reported it out by 2 to 1, and I know my distinguished colleague from Florida favors this bill—to really be practical about it the majority leader's motion should prevail. I intend to support it and vote for it. We should debate this issue. We should proceed with it and hopefully adopt the bill.

Mr. CHILES. I certainly concur. I think because it is purely a technical motion now, and that the Budget Committee did actually hold a meeting on this bill, did actually give the waiver after due consideration of it, simply the waiving of the act is to just take us around the dilemma of the technicality of the Foreign Relations Committee meeting a couple of hours after the Senate went into session. If we stopped every bill on which that has been done, there probably would never be any legislation that would pass this body, or very little.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. Mr. President, as a matter of clarity I ask unanimous consent that the following remarks be considered an extension of my initial remarks on the motion for purposes of the two-speech rule.

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

Mr. ZORINSKY. Mr. President, I understand that the Budget Committee was sufficiently disturbed by the creation of an entitlement by H.R. 5427 to the extent that it reported the

budget waiver without a recommendation. Generally, in the time that I have been in the Senate, if a committee felt in reporting out a bill that they had sufficient support, they generally reported it out with a recommendation.

I think it should be pointed out that this bill came out without recommendations. One of the main reasons for that nonrecommendation was the fact that they were concerned about the creation of an entitlement by H.R. 5427.

Mr. President, we ought to be clear about what we are doing here. I wish to bring to my colleague's attention an article I received from a Miami newspaper within the past week. The headline says, "Latin radio solicits tips from Cuba." It is by the Herald staff writer, Ana Veciana-Suarez. It goes on to say:

Emboldened by an increase, in transmitting power, Spanish-language radio station WQBA—which I assume is in Miami, Florida—is extending its tip line from Little Havana across the Florida Straits and into the heart of Cuba.

Monday,—

this is two Mondays ago—

the station asked its listeners on the island to phone or write the studios at SW Eighth Street and 27th Avenue with information about news and social events in their hometowns.

"We are interested in anything, including traffic accidents," news director Tomas Garcia Fuste said. "We obtain very little information from the island, so whatever material we can get is important for our listeners, both in Florida and in Cuba."

WQBA, 1140 on the AM dial, is trying to live up to its name of *La Cubanisima* (the most Cuban) by relaying all the news that can be leaked out of the island, Garcia Fuste said. Last week, WQBA inaugurated a new 50,000-watt transmitter that makes it one of the most powerful stations in South Florida.

I ask my colleagues to bear in mind that we are today debating something so important that the rest of the Nation wonders and sits in amazement as we continue to have over 10 percent unemployment, as we continue to have a huge deficiency in our foreign policy, and as we continue to go along our merry way with trying to pass a continuing resolution while not having the time for important things like passing appropriations bills on the floor of the Senate.

It is no wonder no one wants us to get a raise in salary. We do not deserve a raise in salary when we debate Radio Marti to the detriment of unemployment in the United States of America. It is even more ludicrous when you get an article from a friend in Florida which says there is a radio station right now doing the same thing we are spending all this time trying to get another radio station to do for them.

There is a big difference, I must point out. That is, the Radio Marti that we are debating is paid for by the taxpayers, whereas the radio station WQBA is meaningless to the taxpayers because it is only private enterprise and certainly would not be qualified to pay off any patronage that may have been promised by politicians of either party by its creation.

The increased power also helps the station overcome the high-pitched tone that the Cuban Government uses to interfere with nightly broadcasts.

During the morning news show Monday, the broadcasters invited their Cuban listeners to join the station's "award-winning corps of correspondents" by writing or phoning news items to the studio. Garcia Fuste said employes of the station will continue to recruit "correspondents" during the station's regular programming.

"This is something we decided unofficially," Garcia Fuste said. "It is not a management decision. Our duty, first and foremost, is to the listeners in South Florida and then to the people of Cuba who do not receive any news from the outside or from within their own country."

I point out to my colleagues that, as a member of the Committee on Foreign Relations, during our hearings, I asked, "What is Radio Marti going to do after they broadcast the news to the so-called Cuban people in Cuba who are not aware of what is happening in their country?"

The reply was the main thrust of our broadcasting, besides the news, will be baseball games and Spanish music

Mr. President, I know the American people will love to hear that their tax dollars will be used to pay for broadcasting baseball games and Spanish music to the Cuban mainland. Those poor people must have no other way of getting that type of transmission without spending American tax dollars to do that.

It is not known how many people listen to WQBA in Cuba, but Garcia Fuste said the station receives about 10 letters a week from listeners there. Most of the letters are addressed to hosts of religious and musical shows.

Before the increase in transmitting power, WQBA's listeners in Cuba were scattered in the provinces. Now, WQBA management believes the station will be heard throughout the island, including Havana.

"We expect the response from Cuba to increase." Garcia Fuste said. "Just a couple of days ago, we received a call from a man in Camaguey who had heard about his brother's death during our news show."

Though WQBA intends to continue its pitch for Cuba-based listeners, Garcia Fuste said he is worried the Fidel Castro government will try to find a way to jam the Little Havana station.

"We are trying to keep this as much a secret as we can." he said.

I apologize for not helping keep it a secret, although I felt it was important, when talking about spending millions in taxpayers' money, that we do point out the fact that there is a radio station contributing to that news and obviously, Radio Marti would not be secret in its essence, either, if by some quirk of the imagination, it were allowed to pass in this Congress.

Mr. President, we ought to be clear about what we are doing here. The bottom line of the Radio Marti proposal is that we are prepared to spend millions of dollars on a fancy foreign aid program in a time of economic hardship and cuts in domestic areas from assistance to farmers to aid to the poor. We are willing to spend those millions with the full knowledge that not the first minute of Radio Marti broadcasting will ever be heard in Cuba. Not any individual in this assembly can assure or guarantee the American public and the American taxpayers that Radio Marti, upon its completion, will ever have one broadcast received in Cuba, due to the jamming ability of the Cuban radio industry. Not 1 minute of guarantee.

In all probability, it will be jammed and the jamming will wreak havoc on the American broadcasting industry and its listening audience. So we shall be sacrificing our taxpayers' right to listen to the truth in an effort known in advance to be futile to offer the same to the Cubans and we shall do it with our taxpayers' money and at the risk of a possible dangerous confrontation and an entirely avoidable radio war.

Let us be clear about it, Mr. President, so that when the chickens come home to roost, no one can claim ignorance about who laid the egg. Mr. President, to speak plainly, this is a stupid idea. We are spending millions of dollars in construction, operation, and compensation costs for a radio station whose broadcasts in all probability will never be heard.

This particular concept of Radio Marti is a bomb that will not explode, a plane that will not fly, a ship that will not float. How can such a silly notion ever be justified to the American taxpayer? When our constituents awake to Radio Havana instead of the morning news and weather reports, which of us will feel comfortable in saying, "Yes, I voted to spend millions of our tax dollars to bring the American public this kind of service"? Will the taxpayers be outraged that Castro denies Cubans the truth or will they be outraged that their own Government has done the same to them? How that outrage will flow when they learn that the Cubans have never heard the first minute of a Radio Marti broadcast, despite the millions of dollars, while their local stations have been replaced by Radio Havana by the courtesy of the U.S. Senate. Even if Radio Marti could be heard, the only likely result would be to increase the flood of refugees to our shores.

I heard one of our people during the course of debate in committee indicate that if truly the Cuban population finds out how great our country really

is, imagine the refugees that would want to come to our country in addition to those who have already made a beeline and created an almost intolerable condition in the State of Florida.

Last year we debated emergency aid during the refugee influx in Florida. That cost a few hundred million of the Federal tax dollars that we do not have. Inasmuch as we are currently spending in deficit, here is more money we are going to spend that we do not have.

As I said before, with the hundreds of millions that we—and I supported it—sent to Florida to help in the current refugee problem, this will exacerbate the situation because the philosophy is to enhance awareness in Cuba of how great our country is, in the hopes that more refugees will seek shelter and haven in Miami and other places in Florida.

Our taxpayers will be very happy to also fund that adventure with dollars we do not have.

We already have 1 million Cubans in this country, and that is 10 percent of the Cuban population. What percentage are the proponents of this amendment aiming for—20, 30 percent, or higher? And how much is another wave of Cuban immigration likely to cost the taxpayers of America?

Mr. President, this is a vote to spend millions of dollars. The Congressional Budget Office estimates that compensation costs will be at the level of at least $40 million. Broadcasters estimate the potential damage to them in the hundreds of millions of dollars. There are construction costs already borne by the Department of Defense. There is another $2 million for an additional transmitter in the future if the station is ever to reach the more populous eastern part of Cuba. The costs to the American radio audience deprived of their ability to listen to local radio stations cannot be expressed solely in terms of dollars and cents. All of this on top of the costs for operation of the station requested by this amendment.

Yes, Mr. President, this is a vote to spend, a vote for foreign aid, and a vote to enshrine nonsense in law by funding a radio station that will broadcast but never be heard.

Mr. President, I did not oppose the Soviet grain embargo because I favored the invasion of Afghanistan, nor did I oppose the European gas pipeline embargo because I agreed with the suppression of freedom in Poland. In the same way, I do not oppose Radio Marti because I support Fidel Castro or Cuban communism, I have opposed all three because they harm us far more than they do the Communists.

Mr. President, I think that we should make ourselves aware of some of the background concerning Radio Marti, and Senators who are not members of the Senate Foreign Relations Committee I think will be very interested to hear the Radio Marti final report, which is a few hundred pages, but I think in the essence of intelligently voting on this type of legislation they should be made aware of it. I will begin to read the Radio Marti final report which was prepared by the Presidential Commission on Broadcasting to Cuba dated August 17, 1982:

The members of the Presidential Commission on Broadcasting to Cuba were appointed in January 1982 with a mandate to develop a recommended plan for radio broadcasting to Cuba. Based on research conducted by the Commission's staff, information provided by the State Department and other Government agencies, testimony and materials received in open meetings and its own deliberations, the commission has concluded the following:

The concept of Government-sponsored broadcasting to Cuba by a surrogate home service along the lines of Radio Free Europe and Radio Liberty, delivering impartial news and information and designed to provide the Cuban people with the accurate information needed to make informed judgments on their Government's policies and actions, is both sound and important.

Mr. President, I should like to digress from reading the Commission's report to a piece of literature which was published by Harper & Row, by Hugh Thomas, and it is entitled "Cuba in Pursuit of Freedom." I would like all of those who support Radio Marti to listen to what Jose Marti wrote himself. It is in chapter 26 of this document by Hugh Thomas. Radio Marti, our proud transmission system, is being proposed to help this bastion of freedom of ours, the United States of America, this wonderful land of ours and our great democracy impart the truth to the Cuban people.

I read, and I hope JESSE HELMS is listening also:

Jose Marti had acted fast for more than one reason. In May Jose was to write:—

And this is who we have named this freedom radio station after—

It is my duty . . . to prevent, through the independence of Cuba, the United States of America from spreading over the West Indies and falling with added weight upon other lands of Our America. All I have done up to now and shall do hereafter is to that end—

To prevent the United States of America from spreading over the West Indies.

He goes on to say:

I know the Monster, because I have lived in its lair—and my weapon is only the slingshot of David.

Now, this is a fellow whose name is being chosen to head the radio station which our taxpayers will pay for; that we will all proudly say is representative and symbolic of freedon in our country, an individual who recognizes the United States of America as a monster and who will dedicate his life to making sure the United States does not spread its dominance over the area.

I think that is a rather curious way of using Federal tax dollars, even when you put it up against priorities such as the MX missile, which some people have even talked about as of late. In the other body, I think they are currently debating that on the floor, and it is of current concern in our country.

The concept of government-sponsored broadcasting to Cuba by a surrogate "home service" along the lines of Radio Free Europe/Radio Liberty (RFE/RL), delivering impartial news and information and designed to provide the Cuban people with the accurate information needed to make informed judgments on their government's policies and actions, is both sound and important.

The already incorporated but non-operational Radio Broadcasting to Cuba, Inc., patterned after RFE/RL, Inc., is the most appropriate vehicle to conduct such broadcasting, using the name "Radio Marti."

Oversight and supervision of federal grants to RBC, Inc. might best be lodged in the Department of State during the initial start-up phase; thereafter, an informed choice for oversight could be made from among several options, including the International Communication Agency (ICA), the Board for International Broadcasting (BIB), or a separate, new agency. The Commission recommends that its term be extended for a period not to exceed one year from the effective date of legislation authorizing and funding RBC, Inc., so that it can make further specific recommendation on permanent oversight authority based on Radio Marti's first year of operation.

Credibility is crucial and to be credible, the programming of Radio Marti must be accurate and impartial.

I would imagine that the baseball portion and the music portion would have no difficulty being impartial, and I cannot see the credibility being very crucial, inasmuch as it would be the voice of truth.

In order to reach the majority of Cubans effectively, broadcasting should be conducted on the AM band. The Commission recommends that Radio Marti operate on one basic, well-established frequency on the AM band. Although 1040 kHz has already been identified and assigned as the frequency for Radio Marti, the selection of a frequency may have to be repeated if proposed legislation passed by the House of Representatives is adopted and passed by the Senate. This process would ensure that the most appropriate frequency for Radio Marti is chosen, while taking into account the interests of U.S. broadcasters.

Cuban interference with U.S. AM broadcasting has been a growing problem for many years. While Radio Marti may be made the scapegoat for Cuban interference, the Commission believes that abandonment of Radio Marti would certainly not eliminate nor probably even reduce such interference now or in the future.

Just recently, I might add, due to Radio Marti's advent in the committee, the Cuban Government was able

to demonstrate their jamming ability when, one morning not too long ago, we woke up to Spanish music on WHO in Des Moines, Iowa, and several other radio stations throughout the Midwest. So they do have that capability and have demonstrated that.

The Commission recommends that the Department of State keep the door open to opportunities to address the interference problem through diplomatic channels.

The Commission considers the Administration's request of $10 million for first-year funding to be reasonable. Effective coverage of Cuba will require two transmitters, one located at a Caribbean site. Effective programming will require a sizable, well-trained professional staff because of Radio Marti's unique research and development requirements, including the need for extensive information gathering.

INTRODUCTION

A. Commission's authority

The White House announced on September 22, 1981 its intention to begin radio broadcasting to Cuba, establishing a radio service to be called "Radio Marti." The text of the White House statement is at Appendix A.

The Presidential Commission on Broadcasting to Cuba was established by Executive Order 12323 of September 22, 1981 (see Appendix B). The functions of the Commission are to "develop a recommended plan for radio broadcasting intended for transmission to Cuba" and to "examine issues related to effectively carrying out such a plan for radio broadcasting to Cuba. These shall include, but not be limited to, possible program content, information gathering, writing and editing needs, staffing requirements, legal structure for a broadcasting organization, proposed legislation, sample budgets, and the location, structure and function of possible broadcasting stations."

The President appointed ten members of the Commission on January 19, 1982, with F. Clifton White as Chairman. An eleventh member was named in June. A list of Commission members is at Appendix D.

The Commission held closed meetings on February 5, March 2, March 30 and May 3. Open meetings were held on March 2, March 30, and May 3. The open and closed meetings scheduled for April 16 were postponed to May. Summary minutes of these meetings, together with testimony received, may be found in Appendix E.

Chairman White testified before the House Committee on Foreign Affairs on March 3 and the House Subcommittee on Telecommunications, Consumer Protection and Finance on May 10. He also testified before the Senate Committee on Foreign Relations on July 1, as did Senator Stone. Copies of these statements are in Appendix F.

B. The concept behind Radio Marti

The Commission believes that radio broadcasting to Cuba is the logical extension of an important concept begun with the establishment of Radio Free Europe and Radio Liberty more than thirty years ago. Radio Marti would fill an important informational void created by more than twenty years of censorship and control of the Cuban media by the Castro government. Because of that control, the Cuban people are not only denied the fundamental human right of free access to information and ideas but are largely unaware of their government's mismanagement at home and adventurism abroad.

The Administration has proposed the creation of Radio Marti as part of a general foreign policy effort to increase the domestic cost of Cuban adventurism and to moderate Cuba's foreign policy. The purpose is to provide the Cuban people with the information needed to make informed judgments on their government's policies and actions so that they may be better able to hold their government accountable.

That should mean we are going to create the radio station to make sure that the Cuban people are made aware of their government's policies and actions so that the Cuban people may be better able to hold their Government accountable.

I think that is a rather unique task to set out for them to do in a Communist nation such as Cuba.

The Commission strongly endorsed this concept at the outset.

The Commission believes that the proposed name of the broadcasting entity, Radio Marti, is entirely appropriate to the concept outlined here. Jose Marti, the Cuban liberator, was indeed sometimes a critic of the United States. But he was always passionately dedicated to democracy and freedom, to the truth, and to the independence of Cuba from foreign dominance from whatever quarter. This credo should be mirrored by Radio Marti. Marti is a symbol of a free Cuba to Cubans of all political views, and Radio Marti should emulate those values.

C. PREVIOUS BROADCASTING TO CUBA

The Commission reviewed the history of U.S. broadcasting to Cuba in an effort to draw lessons for Radio Marti. The U.S. once maintained a clandestine radio station, Radio Swan and later Radio Americas, which broadcast extremely partisan views, information and material designed for short-term psychological effect. Those broadcasts ended in the 1960's. From the early 1960's until 1974, the Voice of America broadcast a Cuba-oriented daily program called Cita con Cuba ("A Date with Cuba"). It was taken off the air in 1974 because the United States Information Agency considered that its general Spanish language broadcasts sufficiently covered that agency's specific information objectives in Cuba.

The Commission's review served to reinforce the conviction that Radio Marti should be an overt activity with full Congressional approval and that it be, from the beginning, a long-range, non-confrontational effort clearly identified as a U.S. Government-sponsored activity. Radio Marti must not be, nor appear to be, identifiable as an emigre undertaking nor as reflective of any partisan view or perspective. Rather it must be objective, non-partisan and thoroughly reliable so as to earn for itself a reputation as fully credible.

D. INTERIM REPORT AND RECOMMENDATIONS

This Final Report affirms the Commission's earlier Interim Report of May 23, 1982, adds to it additional information received and casts most of its preliminary conclusions and recommendations in final form. It does not make a recommendation concerning legislation because the Administration submitted proposed legislation to authorize radio broadcasting to Cuba to the Congress before the Commission's members were appointed. If its mandate is extended, the Commission intends to make additional recommendations based on one year after Congress authorizes and funds Radio Marti.

FINDINGS

Based on statements submitted at its open meetings, information it requested, and its own deliberations, the Commission has made the following findings.

A. THE NEED FOR RADIO BROADCASTING TO CUBA

For decades the United States has found radio the most effective means at its disposal to provide the truth to the peoples of the Soviet Union and Eastern Europe. Radio Free Europe and Radio Liberty have proven their worth in this effort. Yet in Cuba itself, Communist propaganda has no similar competition and there is no alternative view of the Castro government and its actions. Radio broadcasting aimed specifically at Cuba would provide such alternative views.

I wonder what the administration would say if one of our amendments that we include to this piece of legislation were to offer a separate radio broadcasting facility to broadcast into the People's Republic of China because obviously their people have no alternative view of their government also.

Communism well understands the power of ideas and devotes enormous resources to propagating its ideology and view of events with considerable emphasis on radio broadcasting aimed at specific countries. The Soviet Union outspends the U.S. by 7 to 1 in the area of international broadcasting and information. The Soviet Union and its Caribbean client, Cuba, outbroadcast the U.S. in Latin America by a ratio of 5 to 1 in terms of hours on the air. Radio Moscow is retransmitted to Latin America from Cuba, and Cuban radio propaganda echoes Radio Moscow themes. Cuba alone broadcasts 280 hours a week to Latin America and the Caribbean. The U.S. even lags behind some of its Western allies in broadcast hours around the world, but especially in the Caribbean, an area of strategic concern to the U.S.

Some critics have questioned whether Radio Marti would find an audience among the Cuban people, claiming that the Cuban population is largely antagonistic toward the United States. Statements by Cuban officials, including several by President Castro, indicate that the Castro government is very concerned about the effect Radio Marti could have on the Cuban people. This suggests that the Cuban people, and especially the young (44% are under 20, 66% are under 35), may be a more receptive audience than those critics are willing to admit. Other critics argue that any news from a U.S. Government source is suspect in Cuba. Yet, Cuban officials themselves readily admit to listening to the VOA because it is comprehensive and accurate.

Other critics have suggested that Cuba is a more open society than generally believed, that the range of information available in Cuba may be greater than recognized, and that there is wider political participation and greater freedom of expression than assumed. But, according to several Cuban analysts, the recent increase in mass organizations, the Mariel exodus, the ascendency of hardliners among top-level decisionmakers, and the implementation of a new, tougher penal code in November 1979 are all evidence of a decreased liberalization of Cuban society since early 1980. The "Country Reports on Human Rights Practices" submitted to Congress under this Administration and the last document show little free ex-

pression and political freedom exists in Cuba.

According to the 1979 Human Rights Report, "all political, economic, social, and cultural activities are under close control of the Communist Party. No political opposition is allowed. The press is owned and controlled by the Party apparatus. Freedom of speech is severely circumscribed." The 1979 Inter-American Human Rights Commission Report on Cuba noted that "the legal system in Cuba prevents free expression and any expression of disagreement with the socialist system. There are individuals who are in prison for the mere fact of having expressed their opposition to the system." According to the 1981 Human Rights Report, "All group activities in Cuba are controlled and monitored by the Communist Party and political block committees." While Radio Marti can do little about the limited outlets for expression in Cuba, it can significantly increase the availability of information to the Cuban people. Like RFE and RL at the beginning, Radio Marti will need to carefully establish its credibility and earn its audience. Whether people live in Gdansk or Havana, those in a closed society thirst for more information.

Artistic autonomy does not exist in Cuba. Infringement of intellectual freedom is accomplished through a Cuban form of "social realism" which punishes by law any "ideological deviation." Writers, filmmakers, educators and artists face the choice of conforming, departing or facing imprisonment.

Mr. President, at this time I ask unanimous consent to yield the floor to the distinguished Senator from Rhode Island (Mr. PELL) for the purpose of a statement without losing my right to the floor and without this being considered the end of the speech for the purpose of the two-speech rule, and I ask that I be recognized at the conclusion of the Senator's remarks.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? The Chair hears none, and it is so ordered. The Senator from Rhode Island.

Mr. PELL. I thank the Senator from Nebraska very much indeed, Mr. President.

I congratulate him and felicitate him, on his remarks and on the thrust of his argument, and I support him to the hilt.

I join him in rising in opposition to the motion to waive the Budget Act with respect to the Radio Marti measure.

Certainly in this brief session of Congress, with its first week already beyond us and with only 2 weeks left, there are many more urgent issues with which we might well be dealing. But with the issue at hand, one which I have strongly opposed in the past, one that I think the national interests would be best served by omitting at this time or in fact any time, I rise to take the floor.

Amid the accolades for President Reagan's bold initiative to bring peace to the Middle East, the Senate Foreign Relations Committee—in a little-noted action—and without the vote of this particular Senator—approved this administration's proposal to beam anti-Castro broadcasts into Cuba. This could be the first step in a process that threatens to undermine the prospects for peace at our back door, that threatens to destabilize even further the relations between our two nations.

According to the administration, Radio Marti's purpose is to help the Cubans know more about their country, and thus hold their government accountable in ways it is not now. This sounds harmless, although to my mind it evokes memories of Radio Swan, a CIA-sponsored station run by Cuban exiles who broadcast inflammatory propaganda to Cuba in the early 1960's. I remember I was concerned and opposed to the action of Radio Swan almost 20 years ago, and I still remain opposed to actions of this sort which seek to exacerbate and to destabilize relations. I think at this point the national interests of the United States would best be served by achieving some small degree of normalization and not go in the opposite direction and on an opposite course.

In any case, there are indications that putting Radio Marti on the air will set off a chain reaction of retaliation and counterretaliation. This could create such a heated confrontation with Cuba that it would destroy whatever chance there is of persuading Fidel Castro, through quiet diplomacy, that it is in his interest to abandon his interventionist policies.

The administration is apparently willing to take that chance in the belief that a policy of bluster and confrontation will succeed in the 1980's, even though it has failed miserably in the 1960's and 1970's. I imagine that if there is no change we will have the continuation of this policy right through the century, and I see no possible good achieved from it.

I think we can look at our relationship with Cuba now or 20 years ago and find not only no improvement but even greater worsening. Cuba is today, Castro's Cuba today, what it is, in part, because of earlier American policies. Only different policies can alter the behavior of the Frankenstein monster that we have helped create.

We mounted one major invasion against Cuba, the Bay of Pigs, and only the CIA knows how many minor ones, as well. We sought to strangle and isolate her economically, sponsored several attempts to assassinate its chief of government and wonder why Cuba supports the most virulent strain of anti-American communism in the world today and why it is so closely bound to the Soviet Union. We have helped give it cause in this direction.

But the Reagan administration still seeks victories over communism, which makes it difficult for the lessons of history to be applied. Cuba was targeted for tougher treatment by an administration eager to discredit President Jimmy Carter's efforts to engage Castro in a peaceful dialog. According to Wayne Smith, who was until recently the head of the U.S. Interests Section in Havana, the administration has ignored several Cuban overtures to resolve differences through diplomacy.

The proposal would be more palatable if it had been accompanied by formal diplomatic relations with Cuba. Radio Free Europe, which I support, broadcasts to countries with which we have diplomatic relations. But Radio Marti appears destined to prevent rather than coexist with normal diplomatic relations.

Administration witnesses have testified that it would be wrong to rule out trying again to negotiate with Cuba. Yet those same spokesmen rejected less provocative proposals. Now there is the very likely prospect that Cuba will interfere with American broadcasts in response.

One of these proposals, which I offered in the committee, would have assigned Radio Marti's mission to the Voice of America, which Castro has tolerated and whose integrity would insure that no propaganda or incitements to riot would be broadcast. Moreover, the Voice could do the job at half the cost of Radio Marti, an important consideration when domestic programs are being slashed to the bone.

The attitude of the Reagan administration, however, can only lead me to suspect that it welcomes a confrontation with Cuba over Radio Marti.

I am convinced that Cuba will react in kind and the administration will escalate and react in turn. But how? That is what worries me. Representative TOM HARKIN recently told Congress that, according to administration officials, Cuban retaliation through broadcast interference would constitute an act of war justifying American military strikes against Cuban transmitters.

If such actions are seriously contemplated, which I trust they are not, the consequences would be to boost Castro's prestige and aggressiveness—and, more important, to create the same kind of rift in United States-Latin American relations that the sanctions against participation in the trans-Siberian pipeline have created in Europe.

The administration was justifiably praised for its Middle East peace initiative, and the reason for that praise was that its objective was to advance the cause of peace. A similar objective should be pursued closer to home. The Senate should reject Radio Marti—not because broadcasts to Cuba are wrong, but because the policy of which Radio Marti is an integral part is wrong.

If we want to broadcast the truth to Cuba, hurrah, but let us do it under the umbrella of the Voice of America with a proven record which will not es-

calate or destabilize the situation more.

For all these reasons, I congratulate the Senator from Nebraska for the viewpoints he expressed and I am glad to support him.

I yield the floor back to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. I continue:

The large number of Cuban intellectuals resident abroad testifies to this fact. No dissent is tolerated. Likewise, while the press in Cuba may not always cover events in the same manner, story lines are predetermined and criticism of the Revolution or national issues is not permitted. American newsmen and others who have visited Cuba report that there is no non-communist printed material available to the public.

The Communist Party is the only legal party. "Citizens have some limited participation in discussion of local issues such as transportation, sanitation, and crime prevention, but only at the local level." (1980 Human Rights Report) But there is no serious debate of national issues. These are precisely the issues which Radio Marti will try to cover.

The Inter-American Press Association (IAPA) at its 37th General Assemby in Rio de Janeiro in October 1981 resolved "to encourage free journalists of the continent, especially IAPA members, to make every effort to bring about the end of the news blackout for the people of Cuba, and support any means that would help achieve that objective."

For these reasons, the Commission believes there is a need for Radio Marti.

Mr. President, I would like to interject a personal view at this point and at this juncture. I do not take issue with the need for an expression of the truth in Cuba to its inhabitants and to its citizens. But I have a quirk in my background that is on my reumebut not often cited. And that is, I, for 23 years, was a businessman, and I ran a business and attempted to use commonsense and logic in how I ran that business. Having been thrust into this awesome body where I see a $10 million expenditure for an issue such as Radio Marti being validated by an austere commission such as this, I do not take issue for the need of people in Cuba to realize the truth that goes on within their country.

However, as a former businessman, my concern is this—and I must relate to you a conversation I had with members of the State Department. I said, "Just suppose, for example, although Cuba has demonstrated their ability to jam a so-called Radio Marti, just suppose, for instance, if they really have that capability,"—which again I will reiterate they do have and have already demonstrated they have—"I know of several taxpayers that would think that commonsense and logic would dictate an alternative to spending $10 million to test the waters in that area."

That is the recommendation I made to the State Department, that we package a format for an existing Spanish-speaking radio station in Miami, Fla., put it out for bids for 6 months.

It would accomplish everything that spending $10 million of the American public's tax dollars would, and, in this day and age, with hard-earned tax dollars, I might add, for testing those waters. At the end of 6 months, we would have a very obvious demonstration of what would happen in beaming messages into Cuba. But there would be a difference: It would not be reinventing the wheel. We would not be recreating another broadcasting station using tax dollars.

We would merely pay for the service of broadcasting a news period. Obviously, the other broadcasts that Radio Marti had intended, such as baseball game broadcasting and Spanish music broadcasting, are being done free of charge to the American public at this very moment.

Also, I might add, in creating Radio Marti you create additional Federal employees who are ultimately entitled to Federal pensions, to sick leave, to days off for holiday, and to all the numerous benefits that any other Federal employees would be entitled to. And that is forever, as long as that radio station is in existence.

So as we are speaking about $10 million today, that, in the term of many of us in past administrations, is called peanuts. That is a small sum of money compared to the money over the period of years for people retiring from Radio Marti who will be eligible for Federal pensions and other fringe benefits accrued as a result of their Federal employment.

As a former businessman, I am looking at this this way: Let us agree with the conclusions of the Radio Marti Presidential Commission on Broadcasting to Cuba that there is a need. Let us also agree with the credibility of the Cuban broadcasting industry to be able to jam radio stations. That is even more than an assumption. When you wake up to Spanish-speaking music from Havana in the morning in Des Moines, Iowa, that is more than an assumption. That is a reality. So I think we can assume that as being true.

Then putting those both on the scales, we have an option to use people's hard-earned tax dollars versus established Spanish-speaking radio broadcasting stations given a format trial period for 6 months for the American public to see is this a good thing or a bad thing.

That is almost so logical it is frightening, and yet the State Department refused to even consider it. I know why that is. I have been contacted by every supporter of this genesis of Radio Marti who has an interest in any form or shape whatsoever with it, asking me to lay off, asking me to stop the filibuster, asking me not to oppose it, for one reason: Generally, each and every one of those people, directly or indirectly, has an economic vested interest in the creation of Radio Marti.

I might point out to my fellow colleagues whom I hold in very high esteem, whom I respect immensely, that unemployment to those who have no jobs in America is even more important than to those people who are pushing Radio Marti with a vested economic interest.

I have had numerous people call me from Florida, people who are known in Florida in the broadcasting industry, and even federally elected officials and local State and municipal elected officials in Florida. They have called my office within the last week. Some of them have even visited my office. I asked if I could use their names, and they said, "Heavens no, my constituency is Cuban." If it is somebody affiliated with radio broadcasting, it is, "Do you not realize that the Cuban business people pay me to advertise on my radio stations? I cannot say anything publicly about this." It would be political or economic suicide for them to say anything.

What they do say is, "Senator Zorinsky, we know in Nebraska you are not faced with the same situation and you are doing the right thing."

I have had calls from Cubans in the broadcasting business who tell me I am on the right track.

I would like to read a letter from the National Radio Broadcasters' Association dated November 23. This is not too long ago, about 2½ or 3 weeks ago.

It says:

Dear Senator:

The National Radio Broadcasters' Association, representing nearly 2,000 radio stations in the United States, has previously expressed its misgivings about the proposed Radio Marti authorization bill, which is now being considered by the Senate.

We do not presume to be experts in the area of foreign relations, and we accept the decision of our Government that the establishment of Radio Marti would be in the best interests of the United States.

We do believe, however, that the many millions of dollars could be saved by making use of the present, underutilized Voice of America facility on Marathon Key, or by buying air time on South Florida commercial radio stations.

Politicians during election time have to buy air time on radio stations. I do not think it was such a bad idea for them to make a recommendation for the Government to possibly buy air time, for a very short period of time, to find out what jamming capability would be used if, in effect, it is used.

With these excellent AM transmission facilities in place and available, it seems to us to be inappropriate in times like these to spend millions of dollars for unnecessary duplication of steel, brick, and electronics. Furthermore, we urge that if Radio Marti must be built, that it operate on frequencies beyond those used by commercial radio stations in the United States. The effect of ex-

pected Cuban jamming on United States radio stations is now well known to you and the financial damage to these stations will be catastrophic.

Mr. HEINZ. Will the Senator yield?

Mr. ZORINSKY. Mr. President, I ask unanimous consent to yield the floor to the distinguished Senator from Pennsylvania for the purpose of making a statement or a unanimous-consent request without losing my right to the floor and without this being considered the end of a speech for the purpose of the two-speech rule, and I ask that I be recognized at the conclusion of the remarks of the Senator from Pennsylvania.

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

Mr. HEINZ. I thank the Senator from Nebraska for yielding.

(The remarks of Senator HEINZ which were presented at this point in the proceedings appear later in the RECORD.)

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. Mr. President, in connection with the letter previously read from the National Radio Broadcasters' Association, I should like to conclude with the last two paragraphs:

We strongly urge that any Radio Marti transmission bill include and full compensation for expenses and losses incurred as a result of Cuban interference with the signals of American commercial radio stations.

So when you bring this facet into the Radio Marti discussion, you are not talking about $10 million in expenditures; because, as they have already illustrated by jamming, if any monetary economic negative effect results and accrues to the private sector in the broadcasting industry, then the Federal Government must recompose and compensate these stations for that interference, loss of billing incurred by a lesser amount of advertising on those radio stations, possibly refunds they would have to make on advertising.

In committee, we discussed how much money that would be. How much money it would be was voiced by some in terms of billions of dollars rather than the $10 million we are being told Radio Marti would cost.

So, obviously, the other end of the spectrum, the cost that could be incurred as a result of this bill to indemnify the broadcasters, could be astronomical and, again, would be money we do not have, inasmuch as we are in deficit spending at the current time.

The last paragraph reads:

Negotiation is the only true solution to the Cuban interference problem. But American broadcasters should not be expected to bear the brunt of a government policy and action which results from the failure of such international negotiations.

It is signed by the President of the National Radio Broadcasters Association.

I point out that we are putting our private sector of the broadcasting industry in a position of bearing the brunt of any political retaliation as an act of Congress, specifically of the Senate, in its action on the Radio Marti issue.

I know how I would feel, as a former businessman, and so do my colleagues, I am sure. When you have an investment in anything and have worked hard to attain that investment and you have paid off with hard endeavors and hard work a business or the purchase of something tangible, you hate to see it destroyed by others, through no control of your own. That is exactly what we are doing to the broadcasting industry, and that is the exact position we place them in by the actions we take on this floor with respect to Radio Marti.

B. BROADCASTING ENTITY

The commission believes that the Voice of America would not be the appropriate entity for Radio Marti. The Charter granted to the VOA by the Congress in 1976 mandates the Voice to serve as a window on America, projecting American society and institutions and explaining U.S. policies. The VOA charter does not contemplate a surrogate "home service" like Radio Marti. The Commission, therefore, believes that Radio Marti should follow Radio Free Europe and Radio Liberty in maintaining a separate identity and operation from those of the VOA.

In other words, what the Commission is inferring is that we should have a special radio station for each nation that we fear is not getting the truth of the matter or factual realities from their government.

Similarly, there is a plan currently before the Congress for a new radio station (Radio Marti) to broadcast to Cuba news and events that affect the Cuban people. The plan calls for the new station to construct transmitter facilities in Florida and the Caribbean. This is being done at a time when VOA is planning to rebuild its Marathon Relay Station, which has been broadcasting to Cuba for 20 years, and to construct several new transmitter facilities in the Caribbean. VOA transmission schedules indicate that Marathon is used only about 6 hours a day.

That means, according to my calculation, that there are approximately 16 hours or 18 hours available which are being unused.

There are no indications that VOA or Radio Marti will share existing or planned facilities.

Again, instead of reinventing the wheel, this particular piece of legislation is reinventing the airwaves, with its own personal facility paid for by the taxpayers of America.

We believe that efforts should be made to consolidate similar transmitter requirements of U.S. Government radio operations.

We, being the U.S. General Accounting Office, the GAO, in having made a report to the Director of the U.S. International Communication Agency regarding the fact that the Voice of America should address existing problems to insure high performance.

So the General Accounting Office believes that efforts should be made to consolidate similar transmitter requirements of U.S. Government radio operations.

Joint use of facilities should, at a minimum, be explored in new construction projects and in negotiations with host governments before being precluded from consideration.

* * * * *

The absence of an appropriate existing broadcasting entity suggests that a separate corporate entity patterned after RFE/RL, Inc. is required, particularly if it would enhance the credibility and efficiency of Radio Marti. Such an entity, called Radio Broadcasting to Cuba, Inc. (RBC, Inc.), already exists. RBC, Inc. was incorporated as a private non-profit corporation in the District of Columbia in September 1981, and was recognized as a tax exempt organization by the Internal Revenue Service in January 1982. Pending the enactment of Federal legislation, RBC, Inc. has remained essentially a non-operational corporate shell.

C. OVERSIGHT

The Commission recognizes that if broadcasting is to be conducted by a separate, non-profit corporate entity, formal governmental supervision and guidance will be necessary. While federal oversight need not extend to the minute details of daily management and operations, the Commission believes that close guidance on content (to ensure a balanced, credible broadcast) and careful supervision of expenditures of federal grant money are essential.

Exactly what the Senate or Congress needs is more oversight. We do not know what is going on in half of the grants and pieces of legislation we perform thus far and here we are going to say we are going to give careful supervision to the expenditures of this Federal money. It is pretty hard to make the taxpayers who are paying for this realize that we do not have enough to do yet and we are looking for more to do and we need more oversight.

I might even go a step further. I have had taxpayers tell me they feel the oversight that we currently give would be better done if we did it diligently and in a responsible manner rather than in the slipshod manner that we are currently doing that.

For RFE/RL, Inc., the Board for International Broadcasting now performs this oversight role. For RBC, Inc., the Commission believes that the four logical entities to which oversight responsibility could be assigned are: (1) an independent agency, (2) the Department of State, (3) the International Communication Agency (ICA), or (4) the Board for International Broadcasting (BIB).

1. Independent Agency: The scale of operations contemplated may be insufficient to warrant creation of a separate agency.

I would take issue with that because every time we create something new here not only eventually will they need a separate agency, they will need several separate buildings that can be

constructed at the cost of the very generous U.S. taxpayer.

The establishment of an independent board could be excessively complex and costly.

To make that recognition is a wonderment when we probably have so many independent boards and organizations that we have created that have caused the very nature of our deficit spending complex that we have back here in Washington.

2. State Department: Since State provides RFE/RL with continuous policy guidance, it should perform a similar role for Radio Marti. However, State is not now structured to provide the permanent day-by-day supervision of Radio Marti required.

I wonder how much instruction and structuring would have to take place for that to happen. There is no indication of that made by the Commission on broadcasting to Cuba.

3. ICA: ICA has a global view and considerable regional Latin American expertise and experience both directly and through the Voice of America. But Radio Marti should be kept separate from the VOA, as its mission and structure are sharply distinct.

4. BIB. The BIB would seem to be a logical supervisory agency given its experience with managing RFE/RL. But, because the BIB is regionally oriented at all levels, grafting a much smaller Latin American activity to its Europe-oriented board and management could cause serious problems.

I am sure the farmers of America would like to hear about all of those serious problems it would cause a regional organization to absorb a smaller Latin America activity.

As indicated in recent BIB Annual Reports, the BIB has been experiencing board/management problems in recent years, so that an added responsibility like Radio Marti might be unwise, particularly if the BIB must adjust to the changes introduced by the Pell Amendment at the same time.

I wonder how they would like to experience banks coming and foreclosing on all of their problems and all the years endeavors as the farmers of America currently are having done to them.

Legislation proposed by the Administration to the Congress specifies the State Department as the temporary grantor of federal funds and supervisory authority for Radio Marti, pending the statutory designation of an appropriate federal granting and oversight agency. The Commission considers this a sensible arrangement until Radio Marti is fully operational. The Commission would prefer to defer recommendation on a permanent oversight agency until one year after Radio Marti has been authorized and funded by Congress.

By one stretch of the imagination they say that we should have oversight over them but, on the other hand, they would like to defer recommendation on a permanent oversight agency until a year after Radio Marti has been authorized and funded by Congress.

Mr. President, I ask unanimous consent to yield the floor to my distinguished colleague, the Senator from Nebraska (JIM EXON) for the purpose of debate without losing my right to the floor and without this being considered the end of the speech for the purpose of the two-speech rule, and I ask that I be rerecognized at the conclusion of Senator EXON's remarks.

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

Mr. EXON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank the Chair, and I thank my colleague from Nebraska.

Mr. President, H.R. 5427 sent over to the Senate from the House of Representatives is a bad bill in many respects.

While it could be argued that the budget waiver request as advanced by the majority leader should go forward, I think it is entirely proper that those of us who are fundamentally concerned about and are opposed to H.R. 5427 take every opportunity to raise our voices as long as is necessary to bring the Senate leadership to the place where they realize and recognize that the macho approach to international policy embodied in H.R. 5427 authorizing Radio Marti is not good for a whole series of reasons.

Let us discuss some of those.

Mr. President, this is an ill-conceived measure which is just another example of the macho foreign policy approach which in the end will hurt no one but the American farmer on the domestic scene and some independent free enterprise businessmen known as broadcasters but probably even more important it could do great harm to the radio broadcasting industry of this Nation.

But the foreign policy implications of this action are even more far reaching than the possibilities that I have just cited.

Mr. President, the State Department says that H.R. 5427, Radio Marti, must go forward so that the Cuban people will know the truth about Cuban adventurism in Africa and Central America, and this can only be done through Radio Marti.

Mr. President, I for one do not undervalue the adventurism and expansionism of the Cuban Government which by and large is a satellite nation or a surrogate nation of the Soviet Union.

But when we contemplate actions we are contemplating in H.R. 5427, I think it is critically important that we recognize and appreciate very fully the international complications this could set off. In the first place, I do not believe most Cubans are naive enough to believe or are particularly concerned about what their Nation is doing around the world.

The reason why Castro came to power in Cuba in the initial instance was because the people there were searching for a better life. I do not believe they have it under Castro's communism, but I cannot be convinced because of the risk that we take or contemplate with Radio Marti that it might not blow up in our faces as far as any significant accomplishment that would be rendered therefrom if we put it in place.

The fact of the matter is, Mr. President, that almost any inhabitant of Cuba today can tune in his AM radio to a whole host of radio stations in the United States, certainly those presently located in Florida, southern Florida.

I have not seen the piece, Mr. President, but I understand there was a recent article in a Florida newspaper which said there was a free enterprise radio station providing essentially the same information that the State Department and the Reagan administration propose to pump into Cuba at taxpayer expense.

If they can turn on their radios now and listen to the news, the editorials in either English or almost any other language they might be interested in, what makes us think they are going to be sufficiently entertained or sufficiently interested to listen to our expensive broadcasts that would blanket that nation?

The State Department says that Radio Marti is a nonconfrontational and peaceful means of making the Cuban Government accountable to its population. That sounds a little weak to me. It sounds like very poor salesmanship.

It seems to me that we know and Fidel Castro has demonstrated that if we go ahead with Radio Marti at millions and millions of dollars of expense to the American taxpayer, and the additional millions and millions of dollars that will be added to the present Reagan deficit, we are going to get nothing from our investment, and we are going to get nothing from the increase in the deficit and the increase in the national debt that, of course, is driven by the deficit because, as I said a moment ago, the Cuban leadership has demonstrated their ability to jam significant radio signals in the United States.

Mr. President, I ask that there be order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. I ask the aides to cease speaking while the distinguished Senator from Nebraska is making his statement.

The Senator from Nebraska may continue.

Mr. EXON. I thank the Chair.

Mr. President, it seems to me that if we go ahead with Radio Marti we are not only inviting but we can expect renewed jamming techniques to be brought upon the broadcasting industry of this Nation, far more than what the Cuban leadership has evidenced they can do up until this time, which is considerable.

Let us consider for a moment what position the United States would be in a few weeks or a few months from now if we proceed with the ill-conceived H.R. 5427 in relation to the prospects of our international posture. I think we should consider that there is a distinct possibility—in fact, Mr. President, I would predict it as a near certain outcome—that we will make Fidel Castro, if we proceed, bigger in life and a bigger threat to us than he is right now from the standpoint of being a man who can stand up to what he calls the big bully up north.

Let us assume, Mr. President, that H.R. 5427 eventually becomes law or something akin to it becomes law, and let us assume that the Reagan administration continues with its macho approach to international policy by showing up or attempting to show up the island off the southern shores of our Nation. It seems to me we are running the risk through Radio Marti of making Fidel Castro even bigger in life than his activities now, which certainly remain to be of great concern to the democracies of this hemisphere.

Radio Marti will not have a major moderating effect on Cuban foreign policy even if it is successful, as the State Department and the Reagan administration claim it will be. All it will do is to raise the noise level appreciably and very likely to our detriment and not to the Cuban Government's detriment.

While Radio Marti will have a questionable effect on Cuban foreign policy at best, and I underline at best, it could, and very likely will, have a definite adverse effect on AM broadcasting in the United States, especially affecting our farmers. Cuba has already demonstrated its ability to jam U.S. AM radio broadcasting.

Mr. President, let us put ourselves in Castro's place if we proceed as outlined in H.R. 5427. Castro would and could jam the Marti broadcasts, thereby eliminating their effectiveness to carry out what the supporters of H.R. 5427 claim. Of course, you would have Castro there with an easy victory when he was able to jam the signals which would cost millions of dollars broadcasting into Cuba. There you would have another victory for Castro over the United States, and there is little if anything we can do about it.

But as long as I have said that, let us explore that possibility for a moment. Let us assume that H.R. 5427 passes and let us assume that we begin broadcasting, and we do not have to assume, we know what Castro will do, he has already said it, and he has demonstrated his ability to carry out that threat. He would not only jam the frequency of Radio Marti, but he would also jam other AM radio stations in the United States. Then what would we do, Mr. President? The State Department has not very well addressed that. They have made some grand general statements about what they would or could do.

In that regard, we would have to say, "Well, we quit, we give up the broadcasting, or we might take some other action." What other action would we take?

I am sure if that happens there would be some suggestions, and I do not think they would be acceptable at the White House or anyplace, that we just in some way eliminate the jamming devices in Cuba. I recognize that that might be a suggestion that some would make.

I say that, Mr. President, simply to understand that this action of propaganda that we are taking, however well-intentioned, against the leadership of the Cuban Government will not work and it invites even worsening relationships with the Cuban Nation than we have today. And I for one cannot imagine how H.R. 5427, embodying the principles of Radio Marti, could be of any real benefit to us or to the furtherance of freedom-loving ideals around the world.

Mr. President, I ask unanimous consent that the remarks I have just made not be considered the end of my speech for the purpose of the two-speech rule.

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

Mr. EXON. I yield back to my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that I may yield the floor to the distinguished Senator from Massachusetts for the purpose of debate without losing my right to the floor and without this being considered the end of a speech for the purpose of the two-speech rule and that I be rerecognized at the conclusion of the remarks of Senator TSONGAS.

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

The Senator from Massachusetts.

Mr. TSONGAS. Mr. President, let me begin by dispensing with the preliminary formalities.

My view of Fidel Castro is very simple, and that is I consider Castro to be a product of what Batista left behind, not unlike the kind of legacy that Somoza has bequeathed to Nicaragua. One could well argue that Castro was motivated by a sense of injustice at one time in his career. My own view about Castro is that, for one reason or another, he has submitted to being a prostitute of the Soviet Union and that his interest in his country, although I am sure they exist very strong, have become secondary to his dependence upon the Soviet Union, not only in terms of economics but also ideology.

As someone who has spent part of his life in the Third World and is very committed to the Third World and has a respect for the issue of nonalinement, I think the role Castro has played has done serious damage to the Third World and to those who profess and are committed to sincerely true nonalinement.

I think that issue was best revealed, or at least Castro's position, when the U.N. voted on the issue of Afghanistan. Here you have Castro, who tends to be nonalined and concerned about injustice, concerned about national independence, who turns around and leads the battle for the Soviet Union in trying to put the stamp of approval on the Soviet invasion of Afghanistan. And whatever else Castro may do, that one act, I think, lays bare any claim that he would have to true nonalinement.

There are reasons why people become captive to various interests. This Senate body is no different. But at least, in Castro's case, I would hope that he would dispense with some of the piousness that has marked his career.

All of that notwithstanding, the issue before us today is Radio Marti. Radio Marti would fit under the category of what is referred to by some as "feel good" legislation. Not many people think it will do any good, but they feel good if it somehow is in place and beaming our message to the Cuban people.

I will not repeat what has been said by my predecessors and I will be brief. But I would like to have printed in the RECORD the statement of Wayne Smith, who was the former head of the U.S. interests section in Havana and the comments he made to the committee on August 19, of this year in response to Radio Marti. I will just read a brief portion of it.

> Mr. Chairman, as Americans, we are all committed to the free flow of ideas across borders, and the argument against Radio Marti, at least my argument does not flow from some objection to providing more information to the Cuban people. There are, however, serious doubts that Radio Marti is the best way to go about it.
>
> The consideration of U.S. interests must come first. What is the United States going to get out of this? What are the costs and risks? Do the possible gains outweigh the possible losses? I have seen no evidence of such calculations. Indeed, it seems to me that the administration's most glaring failure is to explain exactly what the United

States hopes to achieve by spending $17 million to establish Radio Marti, a new station.

And it goes on and on about his view that the effort, in fact, will be counterproductive.

It seems to me, the United States would be well served by the end of the Castro regime that has done virtually very little, in my mind, to bring his people into the modern world. Granted the progress made in things like health care and education, but what he has done in doing that is simply impose an ideological view that has made that country an economic basket case dependent upon the infusion of outside money.

I think, in trying to be as nonideological as possible, that the people of Cuba would be served by a transition away from Fidel Castro to someone that is more pragmatic, less ideological, and more committed to a mixed economy.

Radio Marti, in my mind, will probably do Castro more good than ill, for the reasons raised by the junior Senator from Nebraska, giving Castro something he can point to to evoke empathy among his own people.

But even if that is not the case, the obvious question is: Who is going to listen to Radio Marti, given the access they have already to existing American radio and television programs?

If you try to postulate a situation whereas the average Cuban family has a choice between listening to Radio Marti, with its obvious governmental sponsorship and, by definition, at least, in their view, a lack of objectivity, or tuning in to a Miami radio station or a Miami television station that provides them a window into the American culture—or, put another way, if you had the choice of listening to propaganda or watching Monday night football, despite Howard Cosell—I would suspect that most people would probably pass up the chance to listen to Radio Marti. That is probably true all the way down to the "Little House on the Prairie" and even "Dallas."

Once you get beyond those examples of American culture and try to figure out who is left in Cuba to listen to Radio Marti, you have a very narrow constituency, most of whom probably have serious problems anyway, if they have nothing better to do than to listen to American propaganda.

I doubt if the leadership of opposition to Castro would be well founded in that kind of constituency.

Let us say we are wrong. Let us say that everybody in Cuba is going to be tuned to Radio Marti and consider it the best thing since life's breath. Indeed, that we are incorrect, that Radio Marti will be the major factor in knocking Fidel Castro off his governmental perch. Let us grant all that.

I think it is an absurd assumption, but let us say it happens.

In that case, Radio Marti will have served a national interest, and all Americans will be better off for that process. If Fidel Castro has any brains at all, and there is no reason to suggest that he does not, he will fight back, and the way that he will fight back is to try to get everybody in the United States to be as committed to Radio Havana as everybody in Cuba will be to Radio Marti.

Given the technology available, it may well be the case if you live in Nebraska and many other parts of this country and you want to listen to Monday night football, the only way you will listen to it is by tuning in Radio Havana.

So let us say Castro has nothing to do in this situation, and is certainly willing to introduce Soviet nuclear weaponry on his island and would certainly not blanch at the notion to sending over signals on the airwaves. Let us say he uses the technology available to him potentially and floods the U.S. broadcasting bands with Radio Havana. What do we do?

We have a number of options. One is to go into Spanish and have a crash course of Spanish lessons around the country so everyone understands what they are talking about.

Assuming there is no money in the budget to do that, the other alternative is to engage in either the destruction of the transmitter physically, which, as you know, would qualify as an aggressive act, or changing the technical equipment used by American radio stations.

Put another way, if we go ahead and do this, and I acknowledge why some would want to—I may not agree with it but I can acknowledge it—the fact is the most likely people to endure response and recriminations are those in the American broadcasting industry.

When the Foreign Relations Committee, on which I serve, took up this issue, I introduced an amendment that reads as follows:

Any United States radio and television broadcasting station licensee which suffers a loss of advertising or other revenues as a result of Cuban interference with its broadcasts which is greater than the average daily interference over the 12 months immediately preceding the enactment of the Radio Broadcasting to Cuba Act shall receive compensation from the Board equal to the economic loss incurred.

Getting past the gobbledegook what this says is, in essence, If the Cubans retaliate and in the course of that retaliation and interference do damage to an American broadcaster, he shall be compensated for that loss; that Radio Marti is in pursuit of a national interest and the cost of that national interest should be borne by all of us, not simply a narrow segment of our constituency.

That amendment lost in committee by a 9-to-7 vote. It was very close. It is my intent, should this matter be deliberated, to raise the issue and give my colleagues an opportunity to vote on it.

I think it would be very difficult for a Member of the Senate to argue to a broadcaster why, in our desire to see this thing passed, we could not, at a minimum, guarantee that clear economic interest would not be harmed. If the Cubans react as everyone suggests they are going to, then it seems to me that innocent broadcasters in this country who have no say over these kinds of matters should be made whole, and if we are doing this as a national matter, then the losses incurred should also be incurred nationally, not by just a small constituency.

There are two associations of broadcasters. One is the National Association of Broadcasters and the other is the National Radio Broadcasters Association. They have both taken positions on the issue of compensation.

Before I read those letters, let me say at the outset there is a distinction between my point which talks about economic loss and their point which refers to managerial compensation for expenses in changing signals. I wanted to get that distinction on the record before I read the letters.

The first is November 23, 1982, by Sis Kaplan, president of the National Radio Broadcasters Association.

Dear Senator: The National Radio Broadcasters Association, representing nearly 2,000 radio stations in the United States has previously expressed its misgivings about the proposed Radio Marti authorization bill which is now being considered by the Senate. We do not presume to be experts in the area of foreign relations. We accept the decision of our Government that the establishment of Radio Marti would be in the best interests of the United States.

We do believe, however, that many millions of dollars could be saved by making use of the present underutilized Voice of America facility on Marathon Key or by buying air time on south Florida commercial radio stations. With these excellent AM transmission facilities in place and available, it seems to us to be inappropriate in times like these to spend millions of dollars for unnecessary duplication of steel, brick, and electronics.

Furthermore, we urge that if Radio Marti must be built, that it operate on frequencies beyond those used by commercial radio stations in the United States. The effects of expected Cuban jamming of U.S. radio stations is now well known to you and the financial damage to these stations will be catastrophic.

We strongly urge that any Radio Marti authorization bill include full compensation for expenses and losses incurred as a result of Cuban interference with the signals of American commercial radio stations. Negotiation is the only true solution to the Cuban interference problem, but American broadcasters should not be expected to bear the brunt of Government policy and action which results from the failure of such international negotiations.

I think that letter is rather straightforward.

The second comes from the National Association of Broadcasters. This is a statement that was sent in a letter which was distributed to every Member of the Senate.

Cuban interference to U.S. AM radio stations is a grave problem which is likely to become worse. Already, numerous stations in Florida and facilities spread from Texas to Utah to Connecticut are experiencing interference from Cuban broadcasts. If Cuba implements its stated plan to drastically increase the number and power levels of its AM operations, over 200 U.S. radio stations in 34 states will suffer, and millions of Americans will lose service to which they've become accustomed.

In the Radio Marti authorization bill now pending before the U.S. Senate, there is a provision intended to provide financial help to U.S. broadcasters for expenses incurred in mitigating the effects of Cuban interference. The bill gives discretionary authortiy to the FCC to direct government reimbursement to affected broadcasters. As a trade association which represents 4430 radio stations and all the major commercial radio networks, the NAB asks you to support a change in the current provision to make such compensation mandatory.

The NAB has repeatedly stated that there is no adequate unilateral solution to Cuban interference and jamming. A program of compensation cannot substitute for a diplomatically negotiated agreement between the U.S. and Cuban governments on standards for AM broadcasting. The latter is the only sensible course of action and one that our government must vigorously pursue. NAB's All Industry Cuban Interference Task Force is working with the State Department and other involved parties to encourage and facilitate negotiations, and we would welcome your participation in that effort.

Though a compensation program does not provide a truly adequate answer to Cuban interference, NAB nevertheless believes that at least some measure of financial relief should be guaranteed to broadcasters attempting to maintain service to their listeners. It is certainly appropriate to include such a guarantee in the Radio Marti bill since the relationship between Cuban interference and the establishment of the station is becoming increasingly clear. On August 30, at least twenty-two U.S. stations on five frequencies were the victims of jamming generated by Voice of Cuba broadcasts on U.S. AM frequencies. Cuba stated that its actions were in retaliation to the Radio Marti proposal.

NAB has not taken a position on the establishment of Radio Marti because it is essentially a foreign policy issue. We believe, however, that if the station is indeed authorized, there are proposals for its operation that could minimize its potential to exacerbate an already intolerable situation. In addition to supporting mandatory reimbursement, we ask that you give serious consideration to those proposals. They include: (1) put Radio Marti at either end of the AM band outside of commercial radio frequencies; (2) operate Radio Marti on shortwave; (3) permit government leasing or airtime on existing commercial AM stations for Radio Marti; (4) allow Radio Marti to share the frequency now used by the Voice of America at its Marathon station; or (5) expand the operating hours and mandate of the Voice of America to include the kind of programming envisioned for Radio Marti.

NAB and radio broadcasters across the nation will appreciate your attention to these important concerns.

Sincerely,

EDWARD O. FRITTS,
President.

Mr. President, I simply conclude by reiterating that if this matter is taken up, I shall be introducing this amendment and shall give my colleagues a chance to vote on it. To those who may be reluctant to do so, I simply suggest that when those 200 stations in 34 States get overwhelmed with Radio Havana and come knocking on your door, it may be in everybody's interest to have been able to say you voted for the amendment.

I think the case is going to be compelling in terms of the justice and equity that they not be thrown into economic chaos because of this situation. If we are intent on pursuing the Radio Marti alternative, and there are good people on both sides of that issue, at a minimum, those in this country who are going to be hurt by the venture should be protected. I shall give all of my colleagues a chance, if this bill is to be discussed now or in the next session, to show that that is not the intent and that there is a sensitivity on the part of the U.S. Senate to those who would be damaged by the process.

I thank my colleague, the Senator from Nebraska.

Mr. ZORINSKY. I thank the Senator from Massachusetts.

Mr. President, I continue reading from the Radio Marti final report of the Presidential Commission on Broadcasting to Cuba dated August 17, 1982.

Examination shows that neither FM nor television broadcasts would be feasible from the United States side to Cuba with adequate reception there, since each requires line-of-sight transmission. Furthermore, FM and television listenership is not as broad as it is in the United States. While a shortwave signal could readily reach Cuba, few would hear it. In Europe or the Soviet Union, availability of shortwave receivers is almost universal. In some countries—for instance, the U.S.S.R.—shortwave is sometimes used for domestic broadcasting.

In Cuba, on the other hand, shortwave is not used for domestic broadcasting. There are no reliable estimates on the number of shortwave receivers in Cuba. The Commission has consulted a variety of sources, including the VOA, the FCC, and the intelligence community. Logic and all available information indicate that shortwave receivers are not widely held in Cuba.

Cubans who arrived in the United States in 1980 also reported this.

One American expert on Cuban broadcasting, who visited Cuba in 1981, has recently reported in comments submitted to the FCC that since the revoloution, shortwave sets have become very difficult to acquire in Cuba. Authorities even disable shortwave receivers whenever they can. Shortwave could thus be expected to reach only the government and Communist Party officials and a few others with old or informally acquired sets.

The AM radio band, the medium wave, is what the Cuban Government uses to reach its own populace. Cuba maintains an interlocking system of five national AM networks, each with local transmitters registered with the International Communications Union.

The Cuban Government even rebroadcasts on the AM band those Soviet shortwave broadcasts which it wants to be widely heard in Cuba. The 1981 edition of the World Radio And TV Handbook reports 2.12 million radios in Cuba. Virtually all are likely to be AM receivers, most being inexpensive transistor models.

If Radio Marti is intended to reach the general Cuban populace, the man and woman on the street, or in the fields, it would appear that only AM can reach them effectively.

That is why I think it is even more meaningful to evaluate the comments made by radio station WQBA in Miami, Fla., that they are currently already doing that. This is indicative by the letters they are receiving from Cuba in addition to interviewing people that come from Cuba.

While the international radio regulations state that in principle the AM band is for domestic national service, in practice the AM band is used extensively by international broadcasters throughout the world. Some of the principal users are the BBC, Deustchwail in West Germany, Radio Moscow, Radio Havana, and the Voice Of America. RFE also operates an AM transmitter in Germany to broadcast to Eastern Europe.

When planning for Radio Marti began, the Federal Communications Commission was asked in September 1981 to recommend a frequency for its future use. In conducting the frequency search, the FCC considered three criteria:

1. Minimization of interference from Radio Marti to United States domestic stations;

2. Maximization of service from Radio Marti over Cuba, and

3. Minimization of interference of Radio Marti to other stations in the Western Hemisphere.

All 107 commericial channels in the AM band were reviewed to assess the usability. It was determined that approximately three United States class 1-A clear channel frequencies, one of which was 1040 kilohertz, showed greatest promise. Through computer analysis it was determined that 1040 kilohertz met the criteria noted above to the greatest extent. These studies did not take into account Cuba's plans to use 1040 kilohertz, since Cuba had not notified the International Frequency Registration Board of this intent at the time the FCC made its recommendation. The FCC formally identified 1040 kilohertz as the recommended frequency for Radio Marti in a letter dated October 29, 1981.

The MTIA formally assigned it for use by the United States Government in January of 1982. Therefore, Radio Marti's use of 1040 kilohertz would be entirely legal. In fact, United States use of 1040 has already been accepted by the ITU on the list B of its frequency assignments plan.

H.R. 5427 passed by the House on August 10 establishes a specific procedure and specific criteria to be followed in making a final selection for frequency for Radio Marti. Taking into the account the interests of the United States broadcasters, if this proce-

dure becomes law, a new determination of frequency for Radio Marti would be required.

The Commission has received and considered proposals that Radio Marti use a frequency off the regular AM commercial broadcast band. The Commission believes that this would be unwise for several reasons. Some inexpensive transistor radios have limited tuning capability and cannot pick up transmissions outside the normal range of 535 to 1605 kilohertz. In addition, the fringes of the AM band, 525 to 535 kilohertz and 1605 to 1705 kilohertz, are largely validated to other uses by international regulations to which the United States is a party. Finally, since the offband frequencies are not covered by international aggreements, the United States would have weaker ground for complaint under international law against possible Cuban jamming.

CUBAN INTERFERENCE IN JAMMING

The administration's proposal to establish Radio Marti has generated concern that Cuba may retaliate by jamming Radio Marti and by increasing interference with the United States broadcasters.

JAMMING

The Cuban Government could try to jam the reception of Radio Marti broadcasts in Cuba by locating a number of low-powered transmitters at appropriate points, probably along the north coast. This could be done at moderate cost with partial effectiveness. In the past 23 years, however, Cuba has seldom jammed the Voice Of America. Jamming is rarely fully effective, and the Commission would expect it to enhance the credibility of Radio Marti for the Cuban people. Jamming would probably have little effect on broadcasters in the United States including stations using the same frequency as Radio Marti.

INTERFERENCE

During the course of its public hearings, the Commission was made acutely aware of the problems for United States broadcasters caused by interference from Cuban broadcasts. This Cuban interference is in violation of both the letter and the spirit of international treaties or agreements to which it is or has been a party.

It is a serious problem which should be addressed jointly by the Federal Government and the broadcasters. Cuban radio interference with American broadcasts on the AM band, caused by transmitting radio signals, frequently at high power, on the same frequencies used by U.S. radio stations, is not new. It has been going on for at least 15 years, affecting primarily stations in the southeastern United States, especially Florida, as indicated by the Florida broadcasting associations in their statements to the Commission.

In the mid-1960's, the Castro government embarked on a program to redesign its domestic AM broadcasting system and to initiate broadcasting directed toward the United States and other neighboring countries. New Cuban plans to increase significantly the number and power of its AM radio stations to meet both internal and external requirements were announced in 1979 as part of a five-year plan and were submitted to the International Frequency Registration Board of the ITU in May 1980. Were Cuba's plans to be implemented, its stations would cause greatly increased interference to U.S. broadcasters.

Cuba's current inventory of operating and proposed radio stations includes two high-powered stations using 500 KW transmitters, announced in 1979. One 500 KW station began broadcasting in the fall of 1981 (but not at full power) on 1160 kHz, the same frequency used by KSL of Salt Lake City, which has experienced serious interference as a result. This interference ceased in July 1982.

The Cubans told U.S. officials in August 1981 that the other 500 KW station would utilize 1040 kHz, the same frequency used by WHO in Des Moines. However, Cuba has never broadcast and is not now broadcasting at high power on 1040 kHz. Cuba's plans to use 1040 kHz, as well as a number of other frequencies which would cause interference to U.S. stations, have not been accepted by the ITU, which instead accepted use of 1040 kHz by the U.S. in November 1981.

Cuba's broadcasting plans were made known well before the U.S. announcement in September 1981 that it intended to establish Radio Marti. They cannot be considered, therefore, as retaliation against Radio Marti. The problem of increasing Cuban interference is a separate and distinct issue which will remain whether Radio Marti goes on the air or not.

While recognizing that there is some degree of risk from Cuban interference on any frequency selected for Radio Marti, the Commission believes this contingency should not deter the United States from implementing its plan to put Radio Marti on the air.

Again, I personally cannot help wonder why, instead of putting Radio Marti on the air, there is not a format which a current Spanish-speaking radio station could utilize on behalf of Radio Marti for a trial period, to further confirm or deny the hypothesis which this Commission believes would be a degree of risk. The big difference, of course, is that with the building and construction of Radio Marti, it puts the taxpayers' dollar at stake; whereas, a radio station in existence is a functioning entity, with a profit motive structure, which, in the event of the format being unsuccessful, can revert to its current use of transmission facilities.

HOW WILL CUBA REACT TO RADIO MARTI

Cuba may do nothing: The VOA has been broadcasting to Cuba for 23 years and Cuba has rarely tried to jam these broadcasts.

Cuba could jam: Low-powered transmitters could be used to block reception of Radio Marti's signal in Cuba, if the Castro government wants to prevent the Cuban people from hearing Radio Marti. Such jamming would not fully prevent reception of Radio Marti in Cuba.

Cuba might try counterbroadcasting: President Castro in an April 1982 speech suggested Cuba might counterbroadcast. This could consist of a so-called "Radio Lincoln" appealing to minorities in the U.S. Cuba used this approach in the early and mid-1960's. Whether such broadcasts might cause interference in the U.S. would depend on the frequency used and the power of the signal.

Interference: Blocking reception of Radio Marti by creating radio interference through counter-broadcasting makes no sense. Were Cuba to use high power and an omni-directional antenna on 1040 kHz, it would cause interference not only with Radio Marti and WHO but also with radios on that frequency in several neighboring countries including Mexico, Venezuela, Nicaragua and Grenada, with which Cuba wants good relations. If Cuba were to use a highly directional antenna on 1040 kHz, Radio Marti might still be heard in Cuba depending on where the Cuban antenna is targeted.

National Association of Broadcasters Study: A study by the National Association of Broadcasters released in March 1982 indicates that over 200 U.S. radio stations in 32 States would experience interference and reduced listening areas should Cuba fully implement its proposed inventory of broadcast facilities. The U.S. stations listed in the NAB study would not be affected by Cuban interference in the manner projected unless Cuba operated its full inventory of stations at maximum power and under ideal conditions. Some of the stations listed exist now but many others are proposed and may not be built. Further, many of the existing Cuban stations do not broadcast at the power shown in the Cuban plan. Bearing in mind the limitations of Cuba's electric power generating system, which is dependent on increasingly scarce imported Soviet oil, it is doubtful that Cuba will put all the stations listed in its plan on the air or at the power indicated. Thus, although theoretically possible at some time in the future, such "maximum" intereference may not occur.

And I am sure that the broadcasters would love to see that word changed to "shall not occur" because I think it is very simple for any commission in the report to be able to say "may not occur" and not be held to the liability of their commitment. Obviously, the people who wrote this must adhere to that old adage that if you live by the crystal ball, you may have to end up eating glass and certainly glass may cause some of them indigestion and therefore the use of the word "may not occur" must have seemed much safer for them to use.

How to Address the Interference Problem: The 15 year old problem of Cuban interference, now assuming national proportions, needs to be addressed as an issue separate from Radio Marti, as suggested in H.R. 5427. That Act includes the following provision: "It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problems."

The Commission notes that Section 6 (a) of H.R. 5427 authorizes the Board for International Broadcasting to compensate U.S. broadcasters for expenses incurred in mitigating the effects of Cuban Radio interference. The estimate that compensation payments could exceed $40 million, submitted by the Congressional Budget Office, appears to be exaggerated and highly speculative. This estimate is based on compensation costs of $100-200 thousand projected for each of the 200 AM radio stations identified by the National Association of Broadcasters study as affected by Cuban radio interference if Cuba should implement fully its ambitious plan to build a variety of new, high-powered radio stations.

And God forbid if they build it during an election time and start using them for the indemnification that

would be required to these radio stations for the politicians not being able to spend all those wild hours that we spend at election time expounding our ego and our views to the general public as to why we should be returned to this den of inequity.

Since many of these stations may not operate at the power indicated, or may not even be built, the $40 million figure is clearly high.

I do see the Commission did not go on to say that they would use that as a minimum figure being that confident that it would never exceed that figure.

Some of these people back home in the broadcasting business seem to think they have very expensive equipment and I can vouch personally from having paid the rate structures as a politician they have very high schedule fees for advertising for politicians which I am sure this Commission could not indemnify.

While the Commission is well aware of the problem of Cuban interference and the need to deal effectively with it, it believes that any plan to compensate U.S. broadcasters should be the result of careful analysis of the problem and its impact, in view of the technical complexity and question of precedent involved. The task force called for by H.R. 5427 to deal with the interference problem, as provided for in Section 6(b), may be the logical body to address the question of compensation as well.

Some members of the broadcasting industry told the Commission that the U.S. should seek to resolve the interference problem through negotiations. Unfortunately, the record of past attempts to negotiate this issue with Cuba indicates that Cuba may not be ready for meaningful negotiations. State Department officials and industry representatives reported to the Commission that the Cubans showed no flexibility or real interest in accommodation during several bilateral talks in 1981.

I feel it is very curious they showed some accommodation and interest in returning hijacked airplanes to our country and sat down and negotiated and talked with us; whereas, the Commission reports that the Cubans showed no flexibility or accommodation or interest in these types of talks.

The State Department has indicated it would continue to explore all possible means to address the problem.

I would think that one of those means would, experimentally, for a 6-month period, develop a format, a trial period to see what happens, without building or committing the Federal Government to the expenditure of these sums of tax dollars.

It is working, that is the State Department, with the National Association of Broadcasters and others in the industry to develop a provision acceptable to U.S. broadcasters should the opportunity for talking seriously to Cuba about this present itself.

The State Department has indicated it would continue to explore all possible means to address the problem. It is working with the NAB and others in the industry to develop a position acceptable to U.S. broadcasters should the opportunity for talking seriously to Cuba about this present itself. While endorsing these efforts the Commission feels strongly that Cuban interference and Radio Marti are separate and distinct issues, and should be addressed as such.

4. TRANSMITTERS

Two medium wave transmitters would be required for full coverage of Cuba with a strong signal, one for western Cuba, including Havana, the other for the eastern half of the island. The best location for the first transmitter would be in south Florida as close to Cuba as possible. Eastern Cuba, the most heavily populated part of the island, cannot be reached effectively by AM broadcasts from Florida, except for some scattered night-time service. Consideration would therefore have to be given to establishing a second transmitter site in the Caribbean.

The Commission considered proposals that Radio Marti use VOA's AM transmitter at Marathon Key in south Florida. The Commission found, however, that prime time would not be available for broadcasting Radio Marti programs on this facility. The Commission has heard from Cubans themselves that if Radio Marti is to succeed, it must broadcast on prime time, i.e. in the early morning before the Cubans go to work and in the evening after they return. According to the VOA, the Marathon transmitter and its other transmitters planned for the Caribbean will be fully utilized during prime morning and evening hours, precisely when Radio Marti programs should be broadcast. Nor would there be significant financial advantage to co-locating VOA and Radio Marti transmitters in the Caribbean since each would require its separate directional antenna arrays, the most costly element of these systems.

The Commission also considered proposals that Radio Marti use commercial stations in the U.S. and in Caribbean countries to broadcast Radio Marti's programs, and found such an approach not feasible either. Because of their distance from Cuba, insufficient power, and antennas which are not designed for broadcasting to Cuba, U.S. stations can be heard in only limited areas of Cuba and cannot provide blanket coverage, as envisaged for Radio Marti. Moreover, commercial stations are often identified with positions that are too partisan either to serve U.S. interests or to be credible in Cuba, whereas Radio Marti would be nonpartisan. Finally commercial stations might also be reluctant to give up prime time for Radio Marti, since this might affect their own commercial viability. The cost to Radio Marti, therefore, for leasing this prime time might be quite high.

Well, you can see that no effort was really made to find out because again using that bureaucratic word "might" in the phrase "might be quite high" is indicative to me that they do not know, because had they found out it would have been either quite high or quite low, but the word "might" need not have been used.

Again I cannot help going back to my former position as a businessman in the equation of commonsense and logic, where we always took bids and we had them down in black and white and we had them on paper, and we knew what we were getting into before we went that far.

It is quite obvious that this Commission at that time was not aware of the capabilities of station WQBA which is reported to have the ability to reach the great portion of, the majority of, people of the listening audience in Cuba.

As with VOA facilities, the use of commercial stations would not result in substantial savings, particulary if Radio Marti can use other government facilities which may be available. Separate office space, studios and regional bureaus will still be needed for Radio Marti. The costs of programming, operations and administration, which would amount to about 90 percent of the overall operating budget, would be the same regardless of transmission facilities used.

Clearly, U.S. comercial stations do not offer a real alternative. The Commission agrees with the South Florida Radio Broadcasters Asssociation, which in a statement submitted to the Commission stated that "commercial operations are a poor substitute for the proposed Radio Marti."

Information is not available on which radio stations in Caribbean countries can be heard in Cuba. There is no reason to believe that any such stations would be willing to broadcast to Cuba on our behalf.

5. OFFICES

Because close policy and operating guidance is essential, consideration was given to locating RBC's headquarters and main studio near the oversight agency in Washington. Radio Marti's non-partisan image would be enhanced by locating its primary programming operations outside areas identified in the American and Cuban public minds with partisan ethnic groups.

The Commission believes it would be desirable for Radio Marti to have two small regional bureaus in New York and Miami. New York is a major news center, including such news sources as the United Nations, where Cuba conducts much of its diplomatic business, and in Miami, recognized as a major center of news for and from Latin America.

I wonder if the poverty that currently exists in Cuba would just give a bare clue as to the mismangement of the economy without even the broadcast being heard?

Some people even in this Nation are talking about mismanagement of our own economy, especially over 11 million unemployed Americans who are beginning to look at where, how, and when the management of this economy will once again return in our country.

The Revolution's record of broken promises in improvements in standard of living and, the availability of housing, foodstuffs, consumer goods, etc.

Now, obviously the revolution's record of broken promises have to be self-evident in that country. I assume people just do not walk in and purchase a filet mignon or whatever luxury items they so desire in Cuba, as we do here in our country. And if they do not and cannot and are not able to, I imagine the God-given brain given to them will deduce and deduct the same logic that we would if it happended to us, and that is that our Government

and its revolution may not be well managing commodities and housing and consumer goods, and so forth, as we are going to tell them and alert them to through the creation of Radio Marti.

Examples of how economic mismanagement and the allocation of scarce resources to foreign adventurism exacerbate the daily hardships and shortcomings experienced by the Cuban people.

Comprehensive news focusing on developments such as the repression of workers in Poland, the Soviet subjugation of Afghanistan, the Cuban military role in Angola, Ethiopia and South Yemen.

Cuba's increasing economic dependence on the U.S.S.R.

The privileged status of a ruling elite despite a commitment to egalitarianism.

The primary target audience should be the general public, with particular emphasis on youth. Special segments should also be designed for select sub-groups such as government employees, the military, blue collar workers and farmers. "News and views" should be the core of programming, but care should be taken to assure an objective, sophisticated approach tailored to the existing Cuban milieu, and to avoid harsh, strident or obviously ideological presentations or concepts to which the average Cuban cannot relate.

To attract and keep the audience for the news and views segments, Radio Marti should also be entertaining, while seeking to fill voids left by Communist censorship. For example, radio dramas are extremely popular throughout the Caribbean, yet the most popular ones (often Colombian or Venezuelan) are not broadcast to Cuba. Properly selected series might be aired, with the advertising "spots" used for commentary. Popular American and Latin "Top 40" hits are not aired in Cuba, yet Cuban youth are as enamored of their generation's rhythms and songs as are their counterparts elsewhere.

I am sure the American taxpayers will be ecstatic to find out that we are going to beam the top 40 hits of the week to Cuba with their money and their hard-earned tax dollars. I know there will be dancing in the streets of Omaha, Nebr., when I tell the people back there when I go back to explain Radio Marti to them.

Music should play a major role. Baseball is a national passion, but the World Series is not heard well. Much of the very best classic and modern Spanish and Latin American literature, drama or poetry is not now available to the Cuban people.

Well, we are cutting the budget on American drama, poetry, and literature in our own budget and, at the same time, I am going to have to go back and tell the people of Nebraska that we are going to cut our budget on the classics and drama but we are going to take that budget and shift it over to providing that for the people that currently do not pay taxes in our country. They will be ecstatic to hear that, also.

But before final decisions are made on programming, those responsible should carefully consider the results of a survey of Cuban radio listening habits and preferences, financed by private funds and expected to be completed by the end of August. This survey, drawn from a random sample of the 125,000 Cubans who came here in 1980, is intended to determine radio listening tastes, not political views.

I once had Senator PRYOR tell me about the tastes of a few of the people in Arkansas that we might ask about what to put in that program.

Once Radio Marti is on the air, future programming will need to be adjusted to respond to feedback of listener reactions in Cuba.

F. INFORMATION GATHERING

A wide variety of sources of information on Cuba which are not available to the Cuban people would be available to Radio Marti. To take advantage of these sources Radio Marti should have: (1) monitoring and selective transcribing of Cuban radio and television, as well as monitoring of Prensa Latina and other Cuban publications; (2) speedy access to coverage of Cuba by leading Latin American newspapers, magazines and radio-TV networks, and by the Western wire services represented in Cuba such as Reuters, AFP and EFE and (3) an expert corps full-time correspondents to provide concise reporting and analyses on major international developments of interest to Cubans, as well as to fill in gaps and to track down inconsistencies in wire-service and other coverage of Cuban-related developments.

It should be noted that while reporting by the Western wire services of developments in Cuba is distributed world wide, it is not available to the Cuban public. Nor does most news related to Cuba's involvement in Central America and Africa reported by these wire services reach the Cuban people.

As in the case of RFE and RL, travellers returning from Cuba would be another source of valuable information on developments there. Radio Marti's bureaus in Miami and New York could help collect this.

6. BUDGET AND PERSONNEL

To launch Radio Marti, a budget of $10 million in FY 82 and $7.7 million in FY 83 has been submitted to Congress by the Department of State. Of the $10 million for the first year, $4.2 million has been proposed for engineering, $3 million for programming, and $2.8 million for administration. Included under engineering expenditures are $1.2 million for one-time acquisition costs for an antenna, transmitter and related equipment at the South Florida transmitter site, and approximately $1 million for headquarters and studio facilities. Virtually all of the $7.7 million recommended for the second year is for programming and administration, with full-year personnel costs making up nearly $5 million. Of the 168 positions recommended to be filled in FY 82, 148 would be related to programming requirements.

I would even have more respect for this if it was called a jobs bill because it creates 168 new positions for people to be employed. It will be a jobs bill that will be under the auspices of a broadcasting bill and nobody will ask questions about the pensions that eventually will come about in the creation of those jobs in order to broadcast the numerous baseball games, music, and some of the other cultural aspects.

The Commission does not consider the budget request of $10 million for first year funding as unreasonable. The cost of establishing Radio Marti cannot be compared to that of a commercial station for domestic broadcasting. Radio Marti's costs would include not only expensive four-tower directional antennas but also high personnel and administrative costs related to its heavy research and program development requirements.

Obviously, they do not intend to take much advantage of those costs we have already incurred on developmental requirements in programing with regard to other agencies who serve a like purpose in other areas of our world.

Reduction of the funding level from $10 million to the $7.5 million authorized by the House for first-year funding would require corresponding reductions in either construction and start-up costs or operations. This may mean postponement of the second transmitter site in the Caribbean ($1.9 million), which is needed to reach eastern Cuba, or cuts in research and program staffs, reductions in broadcast time.

With the need for specialized programming tailored specifically for the Cuban people, Radio Marti will be required to establish a specialized news service and to research and write much of its own material. Programming-related positions include editors, commentators. analysts, writers, correspondents, researchers, translators, technicians, etc. Personnel should be drawn from the ranks of professional broadcasters and newspersons, with special emphasis on hispanic, including Cuban, experience. While it will be essential to include staff with knowledge of Cuba, and to use Cuban voice talent, Radio Marti should be perceived not as a Cuban exile activity but rather as an objective, non-partisan effort.

IV. RECOMMENDATIONS

A. GOALS

The Commission supports the Administration's intent in establishing Radio Marti as explained in Section 1 of the proposed legislation, namely that:

(a) it is the policy of the United States to support the right of the people of Cuba "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(b) consonant with this policy, Radio Marti in its planned broadcasting to Cuba should be effective in furthering the open communication of information and ideas to the people of Cuba and in particular accurate information about Cuba; and

(c) such broadcasting by Radio Marti, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, would be in the national interest.

The specific goals of Radio Marti should be to: Provide a reliable source of information concerning Cuba's domestic and international policies and actions now lacking to the Cuban people; provide the information necessary for the Cuban people to make informed judgments on these policies and actions and to try to hold their government more accountable; provide news and analysis that is not manipulated by the state but is objective, accurate, credible, relevant and timely, as well as a full range of radio programming, including sports, music and entertainment.

Radio Marti should not: broadcast propaganda or provocations; be designed to tell the Cuban people about the United States, a service performed by the VOA.

Radio Marti should espouse no single specific political, economic or religious point of view. It should have no relationship to any political party or exile organization; nor should it identify with any opposition group or groups, political party or organization. Radio Marti should be committed to respect for human rights and to the principles of democracy, including freedom of opinion, the rule of law, and nondiscrimination on the basis of race, religion, sex, class, or nationality. It should be nonsectarian, defending freedom of religious faith and observance for all creeds. It should be committed to the free movement of people and ideas among nations and to the peaceful negotiation of international conflicts. Radio Marti should subscribe to the principle of equal rights and self-determination of peoples as expressed in the United Nations Charter. The purpose of Radio Marti should not be to incite a desire within the Cuban people to leave their country. Nor is Radio Marti intended to incite Cubans to revolt against their own society.

Recognizing that it will take a long time for Radio Marti to develop a wide audience which looks to it for credible news, it is conceived as a long term strategic effort intended to help the Cuban people hold their government accountable for its actions. As such, Radio Marti must, whenever possible, maintain a steady course essentially unaltered by short term tactical considerations. It should not be considered a "bargaining chip" nor should its policies and perspectives be subject to abrupt shifts. It should have a perspective insulated from partisan viewpoints and reflective of the long range, U.S. national interest.

Recommended program policy guidelines for Radio Marti, modeled on those of RFE, are set forth in Appendix I.

B. BROADCASTING ENTITY

Adopting the view that a separate corporate entity patterned after RFE/RL would enhance the credibility and efficiency of the broadcasting organization, the Commission endorses the establishment and use of Radio Broadcasting to Cuba, Inc.

Once the Senate passes authorizing legislation, the Commission also recommends that RBC, Inc. be activated to perform certain planning functions, using private funds until appropriations are available. To do this Radio Marti should hire key personnel to begin planning for programming and future recruitment.

Mr. President, I cannot help but notice that it does not mention any passage in Congress. It takes passage in Congress as a prerequisite action to instruct Radio Marti to hire key personnel and begin planning for programing and future recruitment. At the current time, we are merely debating whether we should take this issue up on the floor of the Senate.

C. OVERSIGHT

The Commission recommends that the State Department be the temporary grantor of federal funds and oversight authority for RBC, Inc., pending the statutory designation of a permanent federal granting and oversight agency, as provided for in the legislation proposed by the Department of State. The oversight agency should exercise effective control over Radio Marti's operations to ensure that the Executive Branch's instructions and limitations are met. The Commission considers this a sensible arrangement until Radio Marti is fully operational.

The Commission would like to review the question of a permanent oversight agency for no more than one year after Congress authorizes and funds Radio Marti. Accordingly, the Commission also recommends that its term be extended for a period not to exceed one year from the effective date of Congressional legislation authorizing and funding RBC, Inc. During this period, the Commission should continue in its advisory role assisting the State Department with its responsibility for oversight over Radio Marti. The Commission as a body, and its expert members individually, could serve as consultant advisors to Radio Marti during that period. The Commission would further undertake to produce specific recommendations on permanent oversight authority and on program design and content before its mandate expires.

D. BROADCAST BAND

The Commission recommends that Radio Marti broadcast on the AM (medium frequency) radio band. This is the only band which will enable Radio Marti to fulfill its goal of reaching the Cuban people effectively. The other broadcast bands, such as short wave and FM, would reach only a limited part of the Cuban population.

E. FREQUENCY

The Commission recommend that Radio Marti begin operating on one basic, well established frequency on the AM band. Even though 1040 kHz has already been assigned to the government for this purpose, the Commission notes that the process of selecting a frequency for Radio Marti is to be repeated in conformance with the procedure and criteria specified in H.R. 5427, Section 3, if this provision is approved by the Senate. This would ensure that the most appropriate frequency for Radio Marti is chosen, while taking into account the interests of U.S. broadcasters.

Mr. President, as we get further involved in this, we shall see that the interests of U.S. broadcasters are very numerous. As a matter of fact, the human nature involved with this issue is such that all broadcasters would like to be indemnified from the use and selection of their frequency, of their broadcasting facility being used in the event Radio Marti becomes a reality.

The Commission also recommends that consideration be given to the possibility of using additional frequencies, if this is found to be feasible by the FCC and NTIA, in order to make more difficult possible Cuban jamming of Radio Marti broadcasts. Consideration should also be given to the possibility of complementary technical facilities for contingency use.

F. CUBAN INTERFERENCE

The Commission believes that suspension of plans for Radio Marti would certainly not eliminate nor probably even reduce Cuban radio interference now or in the future.

The Commission recommends that the Department of State keep the door open to opportunities to address this problem through negotiations, particularly involving international organizations and efforts by other nations, as well as our own. The State Department should continue to work with the NAB to develop a position acceptable to U.S. broadcasters should the opportunity for talking seriously to Cuba about this present itself.

The question of compensation for costs incurred in mitigating the harmful effects of Cuban interference should be postponed until the task force authorized by H.R. 5427, or other appropriate body, makes recommendations. Compensation could then be considered in separate legislation at a later time, because adequate funds for this are not included in legislation now before the Congress.

● Mr. PACKWOOD. Mr. President, I rise in strong support of the Radio Marti bill. The purpose of Radio Marti is to provide the people of Cuba with information about what is going on in Cuba. For more than 20 years, the Cuban people have received, from Cuban Government and Soviet radio, a steady flow of heavily censored and strongly anti-American news. They are not being told what is happening to their economy or what is happening to their agriculture and that information is vitally important to them.

Castro's totalitarian regime controls the dissemination of information in Cuba. Radio Moscow is the only international broadcasting targeted specifically to Cuba. Cuba, on the other hand, operates an extensive broadcasting effort abroad in more than a half dozen languages and Indian dialects.

U.S. commercial broadcasts which can be received in Cuba are sporadic, most are not in Spanish, and not one is directed specifically to the Cubans on the island. Moreover, Voice of America services are limited in both time and scope.

Radio Marti would allow the United States to provide accurate, up-to-date and uncensored news and information to the people of Cuba regarding Cuban activities both at home and abroad. The need for such a service is clear. Cuba is located just 90 miles off the coast of the United States, and yet it is truly an island both in terms of physical isolation and the isolation of its people from free access to information.

Radio Marti would serve the same vital role that Radio Free Europe and Radio Liberty serve in broadcasting to the Soviet bloc in Europe. The operation of these radio networks is an integral part of U.S. foreign policy serving, in particular, our interest in promoting the free flow of information and ideas. For tens of millions of East Europeans, the most reliable information about their country comes from the outside world. There is no comparable source of news for those living in Cuba.

Even with the establishment of Radio Marti, the United States will still remain far behind the Soviet Union and Cuba in the amount of resources and time devoted to international radio broadcasts. I think it is essential that we meet this challenge

and provide for the creation of this new voice of truth for the Cuban people.

The proposed new radio broadcasts to Cuba will reach the audience most likely to influence the Cuban Government—the Cuban people. They have the right to know what the Castro regime is doing in their name and what they must endure at home and abroad to support those polices. The Cuban people deserve the truth. Radio Marti will give it to them.●

ORDER OF PROCEDURE

Mr. ZORINSKY. Mr. President, I shall be happy to yield to the majority leader (Mr. BAKER), provided that I am accorded unanimous consent to be recognized first to resume when this question is before the Senate, tonight or tomorrow or any other date, and that the continuation of my remarks at that time be viewed as an extension of my remarks today and not as a second speech under the two-speech rule.

I further inquire of the majority leader whether the motion to waive the Budget Act, which remains the pending business, is likely to recur before recess tonight or whether it can be put over until tomorrow.

Mr. BAKER. Mr. President, let me answer the question put, and before I do so let me say that I have no objection to the request if the Senator wishes to put the earlier part of the request.

It is my intention, if the request is granted, to go to the royalty management bill, which is S. 2305, and to complete that this evening. I am advised it will not take very long to complete.

At this point I would ask, after it is completed, that the Senate recess over until 11 a.m. tomorrow. I intend after that to provide for a period for the transaction of routine morning business tomorrow, a time for a recess of the Senate for caucuses on both sides of the aisle, I believe, and then to take up the Poland resolution tomorrow at 2 p.m., to be followed then with the resumption of my motion to proceed to the consideration of Radio Marti.

So the answer to the Senator's question is technically, I suppose, the motion would not recur as the pending business under the request I am about to put until after the Poland vote tomorrow.

Mr. ZORINSKY. Mr. President, I make the aforementioned unanimous-consent request, that I be accorded unanimous consent first to resume when this question is again before the Senate tomorrow or any other day, and that continuation of my remarks at that time will be viewed as an extension of my remarks today and not as a second speech under the two-speech rule.

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

Mr. BAKER. I thank the Chair, and I thank the Senator for permitting me to interrupt at this point.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate temporarily lay aside the pending motion to waive section 402(a) of the Budget Act with respect to the consideration of H.R. 5427, the Radio Marti bill, and I ask that the Senate turn to the consideration of Calendar Order No. 760, which is the budget waiver to accompany Calendar Order No. 731, which is S. 2305, the Outer Continental Shelf bill, and to consider S. 2305; that following the disposition of the items just mentioned, the Senate resume consideration of the pending motion subject to prior orders for rollcall votes which may have been entered and which indeed has been entered in respect to the Polish resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, if Senators will permit me, before we begin consideration of the budget waiver, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

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

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

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

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

ORDER FOR RECESS TOMORROW FROM 12 NOON TO 2 P.M.

Mr. BAKER. Mr. President, I indicated earlier that on Tuesdays ordinarily there are caucuses on both sides of the aisle, at least on one side of the aisle, which are held off the floor but which are of an official nature. In order to accommodate that, once more I ask unanimous consent that the Senate then stand in recess from 12 noon until 2 p.m. tomorrow.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, on tomorrow, at 11 a.m., when the Senate reconvenes, and after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business not to extend past 12 noon in which Senators may speak for not more than 5 minutes each. At 12 noon, the Senate will recess until 2 p.m., at which time the Senate will reconvene and, pursuant to the order previously entered, a rollcall vote will occur on the resolution in respect to Poland.

After the disposition of that resolution, Madam President, on which no further action can be taken by unanimous consent, the Senate will resume consideration of the motion to waive section 402(a) of the Budget Act with respect to the consideration of H.R. 5427, the Radio Marti bill.

Madam President, it is anticipated that in addition to these actions tomorrow the Senate will be asked at some point to turn to the consideration of the D.C. appropriations bill which will not be prior to 2 p.m. under the arrangements that have just been provided for.

There are other matters that may be dealt with on tomorrow and announcements on them will be given from time to time in the course of this day or tomorrow.

Madam President, earlier today I indicated a number of matters I hoped we could deal with this week. Included among them were appropriation bills as they may become available.

I am now advised of the high likelihood that the House of Representatives will send us a defense appropriations bill later this week. I would like to specifically identify that as one appropriations bill which we would like to deal with this week, if it is possible to do so, among the other appropriation bills which have been previously referred to.

Madam President, I thank the Senator from Nebraska for yielding. I am prepared now to yield the floor.

I believe the Senator from Idaho may seek recognition for the purpose of proceeding with the matter now before the Senate.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

WAIVER OF SECTION 402(a) OF THE CONGRESSIONAL BUDGET ACT OF 1974 WITH RESPECT TO THE CONSIDERATION OF S. 2305

Mr. McCLURE. Madam President, the pending business, I believe, is Calendar Order 760, Senate Resolution 439, the budget waiver to accompany Calendar Order No. 731, am I correct?

The PRESIDING OFFICER. The Senator is correct. The bill will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 439) waiving section 402(a) of the Congressional Budget Act of

1974 with respect to the consideration of S. 2305.

There being no objection, the Senate proceeded to consider the resolution.

The resolution was considered and agreed to as follows:

S. RES. 439

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2305. Such waiver is necessary because S. 2305, as reported, authorized the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit Congressional consideration of the initiatives authorized in S. 2305, which are expected to result in no net increase in costs to the Federal Government and are expected to result in increased Federal revenues.

Such initiatives are anticipated in the fiscal year 1983 budget request by the President which reflects the program activities necessary to support implementation of S. 2305. The Appropriations Committees of the Senate and the House of Representatives have therefore had adequate notice of this authorization; enactment is not expected to interfere with or delay the appropriations process.

UNANIMOUS-CONSENT AGREEMENT—S. 2305

Mr. McCLURE. Madam President, I ask unanimous consent, upon the consideration of Calendar Order No. 731, S. 2305, the royalty management bill, that no amendments be in order save the committee substitute and the amendment to the title.

The PRESIDING OFFICER. Is there any objection?

Mr. ROBERT C. BYRD. Madam President, reserving the right to object, I am advised that there is no objection on this side.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2305) to insure that all energy and mineral resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consideration of the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Royalty Management Act of 1982".

FINDINGS AND PURPOSES

SEC. 2. (a) Congress finds that—

(1) the Secretary of the Interior should enforce effectively and uniformly existing regulations under the mineral leasing laws providing for the inspection of production activities on lease sites on Federal and Indian lands;

(2) the system of accounting with respect to royalties and other payments due and owing on oil and gas resources produced from such lease sites is archaic and inadequate;

(3) it is essential that the Secretary initiate procedures to improve methods of accounting for such royalties and payments and to provide for routine inspection of activities related to the production of oil and gas resources on such lease sites, and

(4) the Secretary should aggressively carry out his trust responsibility in administration of Indian oil and gas resources.

(b) It is the purpose of this Act—

(1) to improve provisions of the mineral leasing laws related to obligations of lesses in the production of oil and gas resources from the Federal and Indian lands and the Outer Continental Shelf;

(2) to clarify and reaffirm the authorities of the Secretary of the Interior to maintain properly a system of information regarding Federal and Indian oil and gas resources in order for him to carry out effectively his duties under the mineral leasing laws;

(3) to permit and encourage the development of enforcement practices to ensure prompt and proper collection of oil and gas revenues owed to the United States and Indian lessors and those due to States in view of the significant Federal interest in assuring prompt and full collections of such royalties; and

(4) to fulfill the trust responsibility in the administration of Indian oil and gas resources.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Federal land" means all land and interests in land owned by the United States which are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate;

(2) "Indian allottee" means any Indian for whom land or an interest in land is held in trust by the United States or who holds title subject to Federal restriction against alienation;

(3) "Indian lands" means any lands or interest in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to Federal restriction against alienation, including mineral resources and mineral estates reserved to an Indian tribe or an Indian allottee in the conveyance of a surface or nonmineral estate, but does not include any lands subject to the provisions of section 3 of the Act of June 28, 1906 (34 Stat. 539);

(4) "Indian tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of Annette Island Reserve, for which land or interest in land is held by the United States in trust or which is subject to Federal restriction against alienation;

(5) "lease" means any contract, profit-share arrangement, joint venture, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for and extraction and removal of an oil or gas resource;

(6) "lease site" means any lands or submerged lands on which exploration for and extraction and removal of an oil or gas resource are authorized pursuant to a lease;

(7) "lessee" means any person to whom the United States, an Indian tribe, or an Indian allottee, issues a lease, or any person who has been assigned an obligation to make royalty or other payments required by the lease;

(8) "mineral leasing law" means any Federal law or provision of Federal law authorizing the disposition under lease of oil or gas resources;

(9) "oil or gas resource" means any oil or gas originating from a deposit of oil or gas in or on the Outer Continental Shelf, Federal, or Indian lands subject to disposition under lease under any mineral leasing law;

(10) "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 83-31) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

(11) "operator" means any person, including a lessee, who is responsible for the operations conducted on a lease;

(12) "production" means those activities which take place for the removal of an oil or gas resource, including such removal, field operations, transfer of an oil or gas resource off the lease, operation monitoring, maintenance, and workover drilling;

(13) "royalty" means any payment based on the value or volume of production which is due to the United States or an Indian tribe or an Indian allottee on production of an oil or gas resource from the Outer Continental Shelf, Federal, or Indian lands, or any payment owed to the United States or an Indian tribe or an Indian allottee under any provision of a lease;

(14) "Secretary" means Secretary of the Interior or his designee; and

(15) "State" means the several States of the Union, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SECRETARIAL AUTHORITIES

SEC. 4. (a) The Secretary shall prescribe such rules and regulations as may be reasonably necessary for the determination and collection of royalties on the production of oil or gas resources, the preparation and retention of records, the filing of reports, the conduct and frequency of audits, the enforcement of security at lease sites and during the process of transporting oil or gas resources from such sites, and the imposition of penalties for failure to conduct properly such activities.

(b) Rules and regulations issued to implement this Act shall be issued in conformity with section 553 of title 5 of the United States Code, notwithstanding section 553(a)(2) of that title.

(c) In carrying out his functions under subsection (a) of this section, the Secretary may also—

(1) apply to any existing leases, permits, or applications for leases or permits issued under the mineral leasing laws such rules and regulations as may be promulgated under the authorities granted by this Act; and

(2) contract with such non-Federal inspectors, auditors, enforcement officials, and other persons as he deems necessary to aid in the implementation of this Act in addition to entering into cooperative agreements as authorized under section 14 or a delegation under section 15 of this Act.

(d) Whenever the Secretary receives any royalty funds derived from the production of oil or gas resources on Indian lands the Secretary shall deposit the funds in the appropriate Indian account at the earliest practicable date.

DUTIES OF THE SECRETARY

SEC. 5. The Secretary shall—

(a) establish procedures to ensure that authorized representatives of the Secretary will inspect each lease site producing or expected to produce significant quantities of oil or gas resources in any year at least once during such year;

(b) establish and maintain adequate programs providing for the training of all such authorized representatives in methods and techniques of inspection and accounting that will be used with respect to such lease sites; and

(c) select lease accounts for audit either on his own initiative or upon written request by a State, Indian tribe or Indian allottee alleging good cause for selection of an account. The Secretary may also conduct company-wide audits of selected oil and gas companies to determine whether there are any royalty payments owed on Federal or Indian leases.

DUTIES OF LESSEES, OPERATORS, AND MOTOR VEHICLE TRANSPORTERS

SEC. 6. (a) Any lessee—

(1) who is required to make any royalty or other payment under a lease or the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary;

(2) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment the lessee may have made of the obligation to make any royalty or other payment under a lease or the mineral leasing laws.

(b) Any operator shall—

(1) develop and comply with a site security plan designed to protect the oil or gas resources produced or stored on the lease site from theft, which plan shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances at lease sites;

(2) notify the Secretary not later than the fifth business day after any new well begins production, or after any old well begins new production, of the date of commencement of production; and

(3) prepare and maintain all records and, upon request by the Secretary, submit any such records to the Secretary on the quantities of any oil or gas resource that is produced, stored, used, removed, or sold from the lease site and the method by which such resource is removed.

(c) Any person engaged in transporting by motor vehicle any oil resource from any lease site, or allocated to any such lease site, shall carry, on his person or in his vehicle, documentation showing, at a minimum, the amount, origin and intended destination of the resource.

HEARINGS AND INVESTIGATIONS

SEC. 7. (a) The Secretary may conduct after notice any hearings, investigation, audit, or other inquiry necessary or appropriate to carrying out his duties under this Act. In connection with such hearings, investigation, audit, or inquiry, the Secretary shall also have the power where reasonably necessary—

(1) to require by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all books, papers, production and financial records, documents, matter, and materials, as the Secretary my request;

(4) to order testimony to be taken by deposition before any person who is designated by the Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection; and

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) In case of refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary. Any failure to obey such order of the court may be punished by such court as a contempt thereof and subject to a penalty of up to $10,000 a day.

(c) Any authorized representative of the Secretary may stop or inspect any motor vehicle that he has probable cause to believe to be carrying an oil resource from any lease site, or allocated to any such lease site, for the purpose of determining whether the driver of such vehicle has the documentation required under section 6(c).

(d) No advance notice of any inspection under this Act need be provided to any person: *Provided*, That the Secretary shall develop guidelines setting forth the coverage and the frequency of such inspections.

(e) For the purpose of making any inspection or investigation under this Act, the Secretary shall have the same right to enter upon or travel across any lease site as the lessee or operator has acquired by purchase, condemnation, or otherwise.

INJUNCTION AND SPECIFIC ENFORCEMENT AUTHORITY

SEC. 8. In addition to any other remedy under this Act or any mineral leasing law, the Attorney General or his designee may bring a civil action in the district courts of the United States, which shall have jurisdiction over such actions—

(a) to restrain any violation of this Act; or

(b) to compel the taking of any action required by or under this Act or any mineral leasing law of the United States.

REQUIRED RECORDKEEPING

SEC. 9. In addition to the provisions of existing law and section 6(b)(3) of this Act, any lessee, operator, or person engaged in the transport of an oil or gas resource prior to the first sale of such resource, or any person involved in the first sale of an oil or gas resource subject to this Act, shall establish and maintain any records, make any reports, and provide any information as the Secretary may, by rule, reasonably require for the purposes of implementing this Act or determining compliance with rules or orders prescribed under this Act. Upon the request of any officer or employee duly designated by the Secretary the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee.

ROYALTY INTEREST, PENALTIES AND PAYMENTS

SEC. 10. (a) The first sentence of section 35 of the Act of February 25, 1920, as amended (30 U.S.C. 191), is amended by inserting "including interest charges, and any other moneys, except civil and criminal penalty moneys, collected under the Federal Royalty Management Act of 1982 because of nonpayment, late payment or underpayment of royalties" between "royalties" and "and" and by deleting wherever it appears "as soon as practicable" and inserting in lieu thereof "as often as administratively convenient but at least".

(b) An amount equal to fifty per centum of any civil penalty collected under this Act resulting from activities conducted by a State or Indian tribe pursuant to a cooperative agreement under section 14 or a State under a delegation under section 15, shall be payable to such State or tribe: *Provided*, That such amount shall be deducted from any compensation due such State or Indian tribe under section 14 or such State under section 15.

(c) The Secretary shall charge interest on late royalty payments at a rate determined by the Secretary of the Treasury to provide adequate incentive for timely royalty payment.

(d) All interest charges collected under this Act or other applicable laws because of nonpayment, late payment or underpayment of royalties due and owing an Indian tribe or an Indian allottee shall be paid to the Indian tribe or Indian allottee whose royalty payments are affected by such nonpayment, late payment or underpayment.

(e) Notwithstanding any other provision of law, no State will be assessed for any interest or penalties found to be due against the Department of the Interior for failure to comply with the Emergency Petroleum Allocation Act of 1973 or regulation of the Department of Energy thereunder concerning crude oil certification or pricing with respect to crude oil taken by the Department of the Interior in kind as royalty. Any State share of an overcharge, resulting from such failure to comply, shall be assessed against moneys found to be due and owing to such State as a result of audits of royalty accounts for transactions which took place prior to the date of the enactment of this Act: *Provided*, That if after the completion of such audits, sufficient moneys have not been found due and owning to any State, the State shall be assessed the balance of that State's share of the overcharge.

EXPANDED ROYALTY OBLIGATIONS

SEC. 11. Any lessee is liable for royalty payments on oil or gas resources lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator of the lease, or due to the failure to comply with any rule or regulation, order or citation issued under this Act or any mineral leasing law.

CIVIL PENALTIES

SEC. 12. (a) Any person who—

(1) after due notice of violation fails or refuses to comply with any requirements of

this Act or any mineral leasing law, or any rule or regulation thereunder;

(2) fails to permit inspection authorized in section 7(c) or fails to notify the Secretary of any assignment under section 6(a)(2); or

(3) after due notice of violation fails or refuses to comply with the terms of any lease;

shall be liable for a penalty of up to $500 per violation for each day such violation continues. A penalty under this subsection may not be applied to any person who is otherwise liable for a violation of paragraphs (1) or (3) if:

(A) the violation was discovered and reported to the Secretary or his authorized representative by the liable person and corrected within thirty days; or

(B) after due notice of violation has been given to such person by the Secretary or his authorized representative, such person has corrected the violation within thirty days of such notification.

(b) Any person who—

(1) knowingly or willfully fails to make any royalty or other payment required under a lease, as specified by statute, regulation, order or terms of the lease, by the date specified in same;

(2) fails or refuses to permit lawful entry, inspection, or audit; or

(3) fails or refuses to comply with section 6(b)(2) of this Act;

shall be liable for a penalty of up to $10,000 per violation for each day such violation continues.

(c) Any person who—

(1) knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading reports, notices, affidavits, records, data, or other written information;

(2) knowingly or willfully takes or removes, transports, or diverts any oil or gas resource from any lease site without having valid legal authority to do so; or

(3) purchases, accepts, sells, transports, or conveys to another, any oil or gas resource knowing or having reason to know that such resource was stolen or unlawfully removed or diverted,

shall be liable for a penalty of up to $25,000 per violation for each day such violation continues.

(d) No penalty under this section shall be collected until the person charged with a violation has been given the opportunity for a hearing on the record.

(e) The amount of any penalty under this section, as finally determined may be deducted from any sums owing by the United States to the person charged.

(f) On a case-by-case basis the Secretary may compromise civil penalties under this section and may, in his discretion, decline to assess any penalty under this section.

CRIMINAL PENALTIES

SEC. 13. Civil penalties imposed under section 12 of this Act shall be in addition to any criminal penalties available under the laws of the United States.

COOPERATIVE AGREEMENTS

SEC. 14. (a) The Secretary is authorized to enter into a cooperative agreement with any State or Indian tribe to share oil or gas royalty management information, in a timely manner and on a regular basis, to secure information for the cross checking of company submitted data, to carry out inspection auditing and enforcement activities under this Act in cooperation with, and under delegated authorities from, the Secretary, and to carry out any other activity described in subsections (c), (d), and (e) of section 7 of this Act. The Secretary shall not enter into any such cooperative agreement with a State with respect to any such activities on Indian lands, except with the permission of the Indian tribe involved.

(b) Any cooperative agreement entered into pursuant to this section shall be in accordance with the provisions of the Federal Grant and Cooperative Agreement Act of 1977, and shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this Act, including, but not limited to, a limitation on the use of Federal assistance to those costs which are directly required to carry out the agreed upon activities.

(c) The United States shall not be liable for the wrongful disclosure by any individual, State, or Indian tribe of any information provided to such individual, State, or Indian tribe pursuant to any cooperative agreement authorized by this section or a delegation under section 15.

(d) Whenever any individual, State, or Indian tribe has obtained possession of information pursuant to a cooperative agreement authorized by this section, or any individual or State has obtained possession of information pursuant to a delegation under section 15, the individual shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States or of any department or agency thereof and the State or Indian tribe shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to the United States or any department or agency thereof.

DELEGATION TO STATES

SEC. 15. (a) Upon written request of any State, the Secretary is authorized to delegate, in accordance with the provisions of this section, all or part of the authorities and responsibilities of the Secretary under this Act to conduct inspections, audits, and investigations, and to collect royalties, interest, and civil penalties to any State with respect to all the Federal lands or Indian lands within the State: *Provided, however,* That the Secretary may not undertake such a delegation with respect to any Indian lands, except with the permission of the Indian tribe involved.

(b) After notice and opportunity for a hearing, the Secretary is authorized to delegate such authorities and responsibilities granted under this Act as the State has requested, if the Secretary finds that—

(1) it is likely that the State will provide adequate resources to achieve the purposes of this Act;

(2) the State has demonstrated that it will effectively and faithfully administer the rules and regulations of the Secretary under this Act in accordance with the requirements of subsections (c) and (d) of this section; and

(3) such delegation will not create an unreasonable burden on any lessee,

with respect to the Federal lands and Indian lands within the State.

(c) The Secretary shall promulgate regulations which define those functions, if any, which must be carried out jointly in order to avoid duplication of effort, and any delegation to any State must be made in accordance with those requirements.

(d) The Secretary shall by rule promulgate standards and regulations, in conformance with section 4(a) of this Act, pertaining to the authorities and responsibilities under subsection (a), including standards and regulations pertaining to:

(1) audits performed;

(2) records and accounts to be maintained; and

(3) reporting and collection procedures to be required by States under this section.

Such standards and regulations shall be designed to provide reasonable assurance that a uniform and effective system of accounting and payment of royalties and other payments required under Federal leases will prevail among the States. The records and accounts under paragraph (2) shall be sufficient to allow the Secretary to monitor the performance of any State under this section.

(e) If, after notice and opportunity for a hearing, the Secretary finds that any State to which any authority or responsibility of the Secretary has been delegated under this section is in violation of any requirement of this section or any rule thereunder, or that an affirmative finding by the Secretary under subsection (b) can no longer be made, the Secretary may revoke such delegation.

(f) The Secretary shall compensate any State for those costs which may be necessary to carry out the delegated activities under this section. Payment shall be made no less than every quarter during the fiscal year.

(g) In the event the State is delegated authority to collect moneys under Federal leases under this Act, such State shall deposit any such royalties, interest, penalties, or other moneys into the general fund of the United States Treasury as miscellaneous receipts, as often as administratively convenient, but at least every quarter during the fiscal year, in a form and manner to be prescribed by regulation promulgated by the Secretary, and such funds shall be dispersed by the United States in accordance with the provisions of section 35 of the Act of February 25, 1920, as amended (30 U.S.C. 191).

RELATION TO OTHER LAWS

SEC. 16. (a) No provision of this Act limits the authority of the Inspector General of the Department of the Interior under provisions of the Inspector General Act of 1978 (P.L. 95-452) as amended.

(b) No provision of this Act impairs or affects lands and interests in land entrusted to the Tennessee Valley Authority.

(c) The penalties or authorities provided in this act are supplemental to, and not in derogation of, any penalties or authorities contained in any other law.

FUNDING

SEC. 17. Effective October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary for the cooperative agreements authorized by section 14, and delegations authorized by section 15.

STATUTE OF LIMITATIONS

SEC. 18. Except in the case of fraud, any action to recover penalties under this Act shall be barred unless the action is commenced within six years after the date of the act or omission which is the basis for action.

STUDY OF OTHER MATERIALS

SEC. 19. (a) The Secretary shall study the question of the adequacy of royalty management for coal, uranium and other energy and nonenergy minerals on Federal and Indian lands. The study shall include proposed legislation if the Secretary determines that such legislation is necessary to ensure prompt and proper collection of rev-

enues owed to the United States, the States and Indian tribes or Indian allottees from the sale, lease or other disposal of such minerals.

(b) The study required by subsection (a) of this section shall be submitted to Congress not later than one year from the date of the enactment of this Act.

(c) Nothing in this Act shall be construed to reduce the responsibilities of the Secretary to ensure prompt and proper collection of revenues from coal, uranium and other energy and nonenergy minerals on Federal and Indian lands, or to restrain the Secretary from entering into cooperative agreements or other appropriate arrangements with States and Indian tribes to share royalty management responsibilities and activities for such minerals under existing authorities.

SEVERABILITY

SEC. 20. If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Amend the title so as to read: "A bill to ensure that all oil and gas resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.".

UP AMENDMENT NO. 1414

Mr. McCLURE. Madam President, I send an amendment to the desk in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1414.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted by the committee amendment, insert the following:

SECTION 1. This Act may be cited as the "Federal Oil and Gas Royalty Management Act of 1982".

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FINDINGS AND PURPOSES

SEC. 2. (a) Congress finds that—

(1) the Secretary of the Interior should enforce effectively and uniformly existing regulations under the mineral leasing laws providing for the inspection of production activities on lease sites on Federal and Indian lands;

(2) the system of accounting with respect to royalties and other payments due and owing on oil and gas produced from such lease sites is archaic and inadequate;

(3) it is essential that the Secretary initiate procedures to improve methods of accounting for such royalties and payments and to provide for routine inspection of activities related to the production of oil and gas on such lease sites, and

(4) the Secretary should aggressively carry out his trust responsibility in administration of Indian oil and gas.

(b) It is the purpose of this Act—

(1) to clarify, reaffirm, expand, and define responsibilities and obligations of lessees operator, and other persons involved in transportation or sale of oil and gas from the Federal and Indian lands and the Outer Continental Shelf;

(2) to clarify, reaffirm, expand and define the authorities and responsibilities of the Secretary of the Interior to implement and maintain a royalty management system for oil and gas leases on Federal lands, Indian lands, and the Outer Continental Shelf;

(3) to require the development of enforcement practices that ensure the prompt and proper collection and disbursement of oil and gas revenues owed to the United States and Indian lessors and those inuring to the benefit of States;

(4) to fulfill the trust responsibility of the United States for the administration of Indian oil and gas resources; and

(5) to effectively utilize the capabilities of the States and Indian tribes in developing and maintaining and efficient and effective Federal royalty management system.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Federal land" means all land and interests in land owned by the United States which are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate;

(2) "Indian allottee" means any Indian for whom land or in interest in land is held in trust by the United States or who holds title subject to Federal restriction against alienation;

(3) "Indian lands" means any lands or interest in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to Federal restriction against alienation, including mineral resources and mineral estates reserved to an Indian tribe or an Indian allottee in the conveyance of a surface or nonmineral estate, but does not include any lands subject to the provisions of section 3 of the Act of June 28, 1906 (34 Stat. 539);

(4) "Indian tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of Annette Island Reserve, for which land or interest in land is held by the United States in trust or which is subject to Federal restriction against alienation;

(5) "lease" means any contract, profit-share arrangement, joint venture, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for, extraction, or removal of oil or gas;

(6) "lease site" means any lands or submerged lands, including the surface of a severed mineral estate, on which exploration for, extraction or removal of oil or gas is authorized pursuant to a lease;

(7) "lessee" means any person to whom the United States, an Indian tribe, or an Indian allottee, issues a lease, or any person who has been assigned an obligation to make royalty or other payments required by the lease;

(8) "mineral leasing law" means any Federal law administered by the Secretary authorizing the disposition under lease of oil or gas;

(9) "oil or gas" means any oil or gas originating from or allocated to the Outer Continental Shelf, Federal, or Indian lands;

(10) "Outer Continental Shelf" has the same meaning as provided in the Outer Continental Shelf Lands Act (as amended) (Public Law 95-372);

(11) "person" means any individual, firm, corporation, association, partnership, consortium, or joint venture;

(12) "operator" means any person, including a lessee, who has control of, or who manages operations on, an oil and gas lease site on Federal or Indian lands or on the Outer Continental Shelf;

(13) "production" means those activities which take place for the removal of an oil or gas, including such removal, field operations, transfer of oil or gas off the lease site, operation monitoring, maintenance, and workover drilling;

(14) "royalty" means any payment based on the value or volume of production which is due to the United States or an Indian tribe or an Indian allottee on production of oil or gas from the Outer Continental Shelf, Federal, or Indian lands, or any minimum royalty owed to the United States or an Indian tribe or an Indian allottee under any provision of a lease;

(15) "Secretary" means the Secretary of the Interior or his designee; and

(16) "State" means the several States of the Union, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

TITLE I—FEDERAL ROYALTY MANAGEMENT AND ENFORCEMENT

DUTIES OF THE SECRETARY

SEC. 101. (a) The Secretary shall establish a comprehensive inspection, collection and fiscal and production accounting and audit-

ing system to provide the capability to accurately determine oil and gas royalties, interests, fines, penalties, fees, deposits, and other payments owed, and to collect and account for such amounts in a timely manner.

(b) The Secretary shall—

(1) establish procedures to ensure that authorized and properly identified representatives of the Secretary will inspect at least once each year each lease site producing or expected to produce significant quantities of oil or gas in any year or which has a history of noncompliance with applicable provisions of law or regulations; and

(2) establish and maintain adequate programs providing for the training of all such authorized representatives in methods and techniques of inspection and accounting that will be used in the implementation of this Act.

(c)(1) The Secretary shall audit and reconcile, to the extent practicable, all current and past lease accounts for leases of oil or gas and take appropriate actions to make additional collections or refunds as warranted. The Secretary shall conduct audits and reconciliations of lease accounts in conformity with the business practices and recordkeeping systems which were required of the lessee by the Secreatry for the period covered by the audit. The Secretary shall give priority to auditing those lease accounts identified by a State or Indian tribe as having significant potential for underpayment. The Secretary may also audit accounts and records of selected lessees and operators.

(2) The Secretary may enter into contracts or other appropriate arrangements with independent certified public accountants to undertake audits of accounts and records of any lessee or operator relating to the lease of oil or gas. Selection of such independent certified public accountants shall be by competitive bidding in accordance with the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252), except that the Secretary may not enter into a contract or other arrangement with any independent certified public accountant to audit any lessee or operator where such lessee or operator is a primary audit client of such certified public accountant.

(3) All books, accounts, financial records, reports, files, and other papers of the Secretary, or used by the Secretary, which are reasonably necessary to facilitate the audits required under this section shall be made available to any person or governmental entity conducting audits under this Act.

DUTIES OF LESSEES, OPERATORS, AND MOTOR VEHICLE TRANSPORTERS

SEC. 102. (a) A lessee—

(1) who is required to make any royalty or other payment under a lease or the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary; and

(2) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment the lessee may have made of the obligation to make any royalty or other payment under a lease or the mineral leasing laws.

(b) An operator shall—

(1) develop and comply with a site security plan designed to protect the oil or gas produced or stored on an onshore lease site from theft, which plan shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances at lease sites;

(2) develop and comply with such minimum site security measures as the Secretary deems appropriate to protect oil or gas produced or stored on a lease site on the Outer Continental Shelf from theft; and

(3) not later than the 5th business day after any well begins production anywhere on a lease site or allocated to a lease site, or resumes production in the case of a well which has been off of production for more than 90 days, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(c)(1) Any person engaged in transporting by motor vehicle any oil from any lease site, or allocated to any such lease site, shall carry, on his person, in his vehicle, or in his immediate control, documentation showing, at a minimum, the amount, origin, and intended first destination of the oil.

(2) Any person engaged in transporting any oil or gas by pipeline from any lease site, or allocated to any lease site, on Federal or Indian lands shall maintain documentation showing, at a minimum, amount, origin, and intended first destination of such oil or gas.

REQUIRED RECORDKEEPING

SEC. 103. (a) A lessee, operator, or other person directly involved in developing, producing, transporting, purchasing, or selling oil or gas subject to this Act through the point of first sale or the point of royalty computation, whichever is later, shall establish and maintain any records, make any reports, and provide any information that the Secretary may, by rule, reasonably require for the purposes of implementing this Act or determining compliance with rules or orders under this Act. Upon the request of any officer or employee duly designated by the Secretary or any State or Indian tribe conducting an audit or investigation pursuant to this Act, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee, State, or Indian tribe.

(b) Records required by the Secretary with respect to oil and gas leases from Federal or Indian lands or the Other Continental Shelf shall be maintained for 6 years after the records are generated unless the Secretary notifies the record holder that he has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the record holder of the obligation to maintain such records.

PROMPT DISBURSEMENT OF ROYALTIES

SEC. 104. (a) Section 35 of the Mineral Lands Leasing Act of 1920 (approved February 25, 1920; 41 Stat. 437; 30 U.S.C. 191) is amended by deleting "as soon as practicable after March 31 and September 30 of each year" and by adding at the end thereof "Payments to States under this section with respect to any moneys received by the United States, shall be made not later than the last business day of the month in which such moneys are warranted by the United States Treasury to the Secretary as having been received, except for any portion of such moneys which is under challenge and placed in a suspense account pending resolution of a dispute. Such warrants shall be issued by the United States Treasury not later than 10 days after receipt of such moneys by the Treasury. Moneys placed in a suspense account which are determined to be payable to a State shall be made not later than the last business day of the month in which such dispute is resolved. Any such amount placed in a suspense account pending resolution shall bear interest until the dispute is resolved."

(b) Deposits of any royalty funds derived from the production of oil or gas from Indian lands shall be made by the Secretary to the appropriate Indian account at the earliest practicable date after such funds are received by the Secretary but in no case later than the last business day of the month in which such funds are received.

(c) The provisions of this section shall apply with respect to payments received by the Secretary after October 1, 1983, unless the Secretary, by rule, prescribes an earlier effective date.

EXPLANATION OF PAYMENTS

SEC. 105 (a) When any payment (including amounts due from receipt of any royalty, bonus, interest charge, fine, or rental) is made by the United States to a State with respect to any oil or gas lease on Federal lands or is deposited in the appropriate Indian account on behalf of an Indian tribe or Indian allottee with respect to any oil and gas lease on Indian lands, there shall be provided, together with such payment, a description including the type of payment being made, the period covered by such payment, the source of such payment, production amounts, the royalty rate value and such other information as may be agreed upon by the Secretary and the recipient State, Indian tribe, or Indian allottee.

(b) This section shall take effect with respect to payments made after October 1, 1983, unless the Secretary, by rule, prescribes an earlier effective date.

LIABILITIES AND BONDING

SEC. 106. A person (including any agent or employee of the United States and any independent contractor) authorized to collect, recieve, account for, or otherwise handle any moneys payable to or receive by the Department of the Interior which are derived from the sale, lease, or other disposal of any oil or gas shall be—

(1) liable to the United States for any losses caused by any intentional or reckless action or inaction of such individual with respect to such moneys; and

(2) in the case of an independent contractor, required as the Secretary deems necessary to maintain a bond commensurate with the amount of money for which such individual could be liable to the United States.

HEARINGS AND INVESTIGATIONS

SEC. 107. (a) In carrying out his duties under this Act the Secretary may conduct any investigation or other inquiry necessary and appropriate and may conduct, after notice, any hearing, or audit, necessary and appropriate to carrying out his duties under this Act. In connection with such hearings, investigation, audit, or inquiry, the Secretary is also authorized where reasonably necessary—

(1) to require by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all books, papers, production and financial records, documents, matter, and materials, as the Secretary may request;

(4) to order testimony to be taken by deposition before any person who is designated by the Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection; and

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) In case of refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to $10,000 a day.

INSPECTIONS

SEC. 108. (a)(1) On any lease site on Federal or Indian lands, any authorized and properly identified representative of the Secretary may stop and inspect any motor vehicle that he has probable cause to believe is carrying oil from a lease site on Federal or Indian lands or allocated to such a lease site, for the purpose of determining whether the driver of such vehicle has documentation related to such oil as required by law.

(2) Any authorized and properly identified representative of the Secretary, accompanied by any appropriate law enforcement officer, or an appropriate law enforcement officer alone, may stop and inspect any motor vehicle which is not on a lease site if he has probable cause to believe the vehicle is carrying oil from a lease site on Federal or Indian lands or allocated to such a lease site. Such inspection shall be for the purpose of determining whether the driver of such vehicle has the documentation required by law.

(b) Authorized and properly identified representatives of the Secretary may without advance notice, enter upon, travel across and inspect lease sites on Federal or Indian lands and may obtain from the operator immediate access to secured facilities on such lease sites, for the purpose of making any inspection or investigation for determining whether there is compliance with the requirements of the mineral leasing laws and this Act: *Provided*, That the Secretary shall develop guidelines setting forth the coverage and the frequency of such inspections.

(c) For the purpose of making any inspection or investigation under this Act, the Secretary shall have the same right to enter upon or travel across any lease site as the lessee or operator has acquired by purchase, condemnation, or otherwise.

CIVIL PENALTIES

SEC. 109. (a) Any person who—

(1) after due notice of violation or after such violation has been reported under subsection (a)(2)(A) fails or refuses to comply with any requirements of this Act or any mineral leasing law, any rule or regulation thereunder, or the terms of any lease or permit issued thereunder; or

(2) fails to permit inspection authorized in section 108 or fails to notify the Secretary of any assignment under section 102(a)(2)

shall be liable for a penalty of up to $500 per violation for each day such violation continues, dating from the date of such notice or report. A penalty under this subsection may not be applied to any person who is otherwise liable for a violation of paragraph (1) if:

(A) the violation was discovered and reported to the Secretary or his authorized representative by the liable person and corrected within twenty days after such report or such longer time as the Secretary may agree to; or

(B) after the due notice of violation required in subsection (a)(1) has been given to such person by the Secretary or his authorized representative, such person has corrected the violation within twenty days of such notification or such longer time as the Secretary may agree to.

(b) If corrective action is not taken within 40 days or a longer period as the Secretary may agree to, after due notice on the report referred to in subsection (a)(1), such person shall be liable for a civil penalty of not more than $5,000 per violation for each day such violation continues, dating from the date of such notice or report.

(c) Any person who—

(1) knowingly or willfully fails to make any royalty payment by the date as specified by statute, regulation, order or terms of the lease;

(2) fails or refuses to permit lawful entry, inspection, or audit; or

(3) knowingly or willfully fails or refuses to comply with subsection 102(b)(3),

shall be liable for a penalty of up to $10,000 per violation for each day such violation continues.

(d) Any person who—

(1) knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading reports, notices, affidavits, records, data, or other written information;

(2) knowingly or willfully takes or removes, transports, uses or diverts any oil or gas resource from any lease site without having valid legal authority to do so; or

(3) purchases, accepts, sells, transports, or conveys to another, any oil or gas knowing or having reason to know that such oil or gas was stolen or unlawfully removed or diverted,

shall be liable for a penalty of up to $25,000 per violation for each day such violation continues.

(e) No penalty under this section shall be assessed until the person charged with a violation has been given the opportunity for a hearing on the record.

(f) The amount of any penalty under this section, as finally determined may be deducted from any sums owing by the United States to the person charged.

(g) On a case-by-case basis the Secretary may compromise or reduce civil penalties under this section.

(h) Notice under this subsection (a) shall be by personal service by an authorized representative of the Secretary or by registered mail. Any person may, in the manner prescribed by the Secretary, designate a representative to receive any notice under this subsection.

(i) In determining the amount of such penalty, or whether it should be remitted or reduced, and in what amount, the Secretary shall state on the record the reasons for his determinations.

(j) Any person who has requested a hearing in accordance with subsection (e) within the time the Secretary has prescribed for such a hearing and who is aggrieved by a final order of the Secretary under this section may seek review of such order in the United States district court for the judicial district in which the violation allegedly took place. Review by the district court shall be only on the administrative record and not de novo. Such an action shall be barred unless filed within 90 days after the Secretary's final order.

(k) If any person fails to pay an assessment of a civil penalty under this Act—

(1) 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 subsection (j), or

(2) after a court in an action brought under subsection (j) has entered a final judgment in favor of the Secretary,

the court shall have jurisdiction to award the amount assessed plus interest from the date of the expiration of the 90-day period referred to in subsection (j). Judgment by the court shall include an order to pay.

(l) No person shall be liable for a civil penalty under subsection (a) or (b) for failure to pay any rental for any lease automatically terminated pursuant to section 31 of the Mineral Leasing Act of 1920.

CRIMINAL PENALTIES

SEC. 110. Any person who commits an act for which a civil penalty is provided in section 109(d) shall, upon conviction, be punished by a fine of not more than $50,000, or by imprisonment for not more than 2 years, or both.

ROYALTY INTEREST, PENALTIES AND PAYMENTS

SEC. 11. (a) In the case of oil and gas leases where royalty payments are not received by the Secretary on the date that such payments are due or are less than the amount due, the Secretary shall charge interest on such late payments or underpayments at the rate applicable under section 6621 of the Internal Revenue Code of 1954. In the case of an underpayment or partial payment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount due.

(b) Any payment made by the Secretary to a State under section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191) and any other payment made by the Secretary to a State from any oil or gas royalty received by the Secretary which is not paid on the date required under section 35 shall include an interest charge computed at the rate applicable under section 6621 of the Internal Revenue Code of 1954.

(c) All interest charges collected under this Act or other applicable laws because of nonpayment, late payment or underpayment of royalties due and owing an Indian tribe or an Indian allottee shall be paid to the Indian tribe or Indian allottee whose royalty payments are affected by such nonpayment, late payment or underpayment.

(d) Any deposit of royalty funds made by the Secretary to an Indian account which is not made by the date required under subsection 104(b) shall include an interest charge computed at the rate applicable under section 6621 of the Internal Revenue Code of 1954.

(e) Notwithstanding any other provision of law, no State will be assessed for any interest or penalties found to be due against the Department of the Interior for failure to comply with the Emergency Petroleum Allocation Act of 1973 or regulation of the Department of Energy thereunder concerning crude oil certification or pricing with respect to crude oil taken by the Department of the Interior in kind as royalty. Any State share of an overcharge, resulting from such

failure to comply, shall be assessed against moneys found to be due and owing to such State as a result of audits of royalty accounts for transactions which took place prior to the date of the enactment of this Act: *Provided*, That if after the completion of such audits, sufficient moneys have not been found due and owing to any State, the State shall be assessed the balance of that State's share of the overcharge.

(f) Interest shall be charged under this section only for the number of days a payment is late.

(g) The first sentence of section 35 of the Act of February 25, 1920, as amended (30 U.S.C. 191), is amended by inserting "including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 between "royalties" and "and".

INJUNCTION AND SPECIFIC ENFORCEMENT AUTHORITY

SEC. 112. (a) In addition to any other remedy under this Act or any mineral leasing law, the Attorney General of the United States or his designee may bring a civil action in a district courts of the United States, which shall have jurisdiction over such actions—

(1) to restrain any violation of this Act; or

(2) to compel the taking of any action required by or under this Act or any mineral leasing law of the United States.

(b) A civil action described in subsection (a) may be brought only in the United States district court for the judicial district wherein the act, omission, or transaction constituting a violation under this Act or any other mineral leasing law occurred, or wherein the defendant is found or transacts business.

REWARDS

SEC. 113. Where amounts representing royalty or other payments owed to the United States with respect to any oil and gas lease on Federal lands or the Outer Continental Shelf are recovered pursuant to any action taken by the Secretary under this act as a result of information provided to the Secretary by any person, the Secretary is authorized to pay to such person an amount equal to not more than 10 percent of such recovered amounts. The preceding sentence shall not apply to information provided by an officer or employee of the United States, an officer or employee of a State or Indian tribe acting pursuant to a cooperative agreement or delegation under this Act, or any person acting pursuant to a contract authorized by this Act.

TITLE II—STATES AND INDIAN TRIBES

APPLICATION OF TITLE

SEC. 201. This title shall apply only with respect to oil and gas leases on Federal lands or Indian lands. Nothing in this title shall be construed to apply to any lease on the Outer Continental Shelf.

COOPERATIVE AGREEMENTS

SEC. 202. (a) The Secretary is authorized to enter into a cooperative agreement or agreements with any State or Indian tribe to share oil or gas royalty management information, to carry out inspection, auditing investigation or enforcement (not including the collection of royalties, civil or criminal penalties or other payments) activities under this Act in cooperation with the Secretary, and to carry out any other activity described in section 108 of this Act. The Secretary shall not enter into any such cooperative agreement with a State with respect to any such activities on Indian lands, except with the permission of the Indian tribe involved.

(b) Except as provided in section 203, and pursuant to a cooperative agreement—

(1) each State shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of oil or gas from leases on Federal lands within the State; and

(2) each Indian tribe shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of oil or gas from leases on Indian lands under the jurisdiction of such tribe.

Information shall be made available under paragraphs (1) and (2) as soon as practicable after it comes into the possession of the Secretary. Effective October 1, 1983, such information shall be made available under paragraphs (1) and (2) not later than 30 days after such information comes into the possession of the Secretary.

(c) Any cooperative agreement entered into pursuant to this section shall be in accordance with the provisions of the Federal Grant and Cooperative Agreement Act of 1977, and shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this Act, including, but not limited to, a limitation on the use of Federal assistance to those costs which are directly required to carry out the agreed upon activities.

INFORMATION

SEC. 203. (a) Trade secrets, proprietary and other confidential information shall be made available by the Secretary, pursuant to a cooperative agreement, to a State or Indian tribe upon request only if—

(1) such State or Indian tribe consents in writing to restrict the dissemination of the information to those who are directly involved in an audit or investigation under this Act and who have a need to know;

(2) such State or tribe accepts liability for wrongful disclosure;

(3) such State demonstrates that such information is essential to the conduct of an audit or investigation or to litigation under section 204; and

(4) in the case of an Indian tribe, such tribe demonstrates that such information is essential to the conduct of an audit or investigation and waives sovereign immunity by express consent for wrongful disclosure by such tribe.

(b) The United States shall not be liable for the wrongful disclosure by any individual, State, or Indian tribe of any information provided to such individual, State, or Indian tribe pursuant to any cooperative agreement or a delegation, authorized by this Act.

(c) Whenever any individual, State, or Indian tribe has obtained possession of information pursuant to a cooperative agreement authorized by this section, or any individual or State has obtained possession of information pursuant to a delegation under section 205, the individual shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States or of any department or agency thereof and the State or Indian tribe shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to the United States or any department or agency thereof. No State or State officer or employee who receives trade secrets, proprietary information, or other confidential information under this Act may be required to disclose such information under State law.

STATE SUITS UNDER FEDERAL LAW

SEC. 204. (a)(1) A State may commence a civil action under this section against any person to recover any royalty, interest, or civil penalty which the State believes is due, based upon credible evidence, with respect to any oil and gas lease on Federal lands located within the State.

(2)(A) No action may be commenced under paragraph (1) prior to 90 days after the State has given notice in writing to the Secretary of the payment required. Such 90-day limitation may be waived by the Secretary on a case-by-case basis.

(B) If, within the 90-day period specified in subparagraph (A), the Secretary issues a demand for the payment concerned, no action may be commenced under paragraph (1) with respect to such payment during a 45-day period after issuance of such demand. If, during such 45-day period, the Secretary receives payment in full, no action may be commenced under paragraph (1).

(C) If the Secretary refers the case to the Attorney General of the United States within the 45-day period referred to in subparagraph (B) or within 10 business days after the expiration of such 45-day period, no action may be commenced under paragraph (1) if the Attorney General, within 45 days after the date of such referral, commences, and thereafter diligently prosecutes, a civil action in a court of the United States with respect to the payment concerned.

(3) The State shall notify the Secretary and the Attorney General of the United States of any suit filed by the State under this section.

(4) A court in issuing any final order in any action brought under paragraph (1) may award costs of litigation including reasonable attorney and expert witness fees, to any party in such action if the court determines such an award is appropriate.

(b) An action brought under subsection (a) of this section may be brought only in a United States district court for the judicial district in which the lease site or the leasing activity complained of is located. Such district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to require compliance or order payment in any such action.

(c)(1) Notwithstanding any other provision of law, any civil penalty recovered by a State under subsection (a) shall be retained by the State and may be expended in such manner and for such purposes as the State deems appropriate.

(2) Any rent, royalty, or interest recovered by a State under subsection (a) shall be deposited in the Treasury of the United States in the same manner, and subject to the same requirements, are as applicable in the case of any rent, royalty, or interest collected by an officer or employee of the United States, except that such amounts shall be deposited in the Treasury not later than 10 days after receipt by the State.

DELEGATION TO STATES

SEC. 205. (a) Upon written request of any State, the Secretary is authorized to delegate, in accordance with the provisions of this section, all or part of the authorities and responsibilities of the Secretary under this Act to conduct inspections, audits, and investigations to any State with respect to all Federal lands or Indian lands within the State: *Provided*, That the Secretary may not undertake such a delegation with respect to any Indian lands, except with the

permission of the Indian tribe allottee involved.

(b) After notice and opportunity for a hearing, the Secretary is authorized to delegate such authorities and responsibilities granted under this section as the State has requested, if the Secretary finds that—

(1) it is likely that the State will provide adequate resources to achieve the purposes of this Act;

(2) the State has demonstrated that it will effectively and faithfully administer the rules and regulations of the Secretary under this Act in accordance with the requirements of subsections (c) and (d) of this section; and

(3) such delegation will not create an unreasonable burden on any lessee,

with respect to the Federal lands and Indian lands within the State.

(c) The Secretary shall promulgate regulations which define those functions, if any, which must be carried out jointly in order to avoid duplication of effort, and any delegation to any State must be made in accordance with those requirements.

(d) The Secretary shall by rule promulgate standards and regulations, 301(a) pertaining to the authorities and responsibilities under subsection (a), including standards and regulations pertaining to:

(1) audits performed;

(2) records and accounts to be maintained; and

(3) reporting procedures to be required by States under this section.

Such standards and regulations shall be designed to provide reasonable assurance that a uniform and effective royalty management system will prevail among the States. The records and accounts under paragraph (2) shall be sufficient to allow the Secretary to monitor the performance of any State under this section.

(e) If, after notice and opportunity for a hearing, the Secretary finds that any State to which any authority or responsibility of the Secretary has been delegated under this section is in violation of any requirement of this section or any rule thereunder, or that an affirmative finding by the Secretary under subsection (b) can no longer be made, the Secretary may revoke such delegation.

(f) The Secretary shall compensate any State for those costs which may be necessary to carry out the delegated activities under this section. Payment shall be made no less than every quarter during the fiscal year.

SHARED CIVIL PENALTIES

SEC. 206. An amount equal to fifty per centum of any civil penalty collected by the Federal Government under this Act resulting from activities conducted by a State or Indian tribe pursuant to a cooperative agreement under section 202 or a State under a delegation under section 205, shall be payable to such State or tribe: *Provided,* That such amount shall be deducted from any compensation due such State or Indian tribe under section 202 or such State under section 205.

TITLE III—GENERAL PROVISIONS

SECRETARIAL AUTHORITY

SEC. 301. (a) The Secretary shall prescribe such rules and regulations as he deems reasonably necessary to carry out this Act.

(b) Rules and regulations issued to implement this Act shall be issued in conformity with section 553 of title 5 of the United States Code, notwithstanding section 553(a)(2) of that title.

(c) In addition to entering into cooperative agreements or delegation of authority authorized under this Act, the Secretary may contract with such non-Federal Government inspectors, auditors, and other persons as he deems necessary to aid in carrying out his functions under this Act and its implementation. With respect to his auditing and enforcement functions under this Act, the Secretary shall coordinate such functions so as to avoid to the maximum extent practicable, subjecting lessees, operators, or other persons to audits or investigations of the same subject matter by more than one auditing or investigating entity at the same time.

REPORTS

SEC. 302. (a) The Secretary shall submit to the Congress an annual report on the implementation of this Act. The information to be included in the report and the format of the report shall be developed by the Secretary after consulting with the Committees on Interior and Insular Affairs of the House of Representatives and on Energy and Natural Resources of the Senate. The Secretary shall also report on the progress of the Department in reconciling account balances.

(b) Commencing with fiscal year 1984, the Inspector General of the Department of the Interior shall conduct a biennial audit of the Federal royalty management system. The Inspector General shall submit the results of such audit to the Secretary and to the Congress.

STUDY OF OTHER MINERALS

SEC. 303. (a) The Secretary shall study the question of the adequacy of royalty management for coal, uranium and other energy and nonenergy minerals on Federal and Indian lands. The study shall include proposed legislation if the Secretary determines that such legislation is necessary to ensure prompt and proper collection of revenues owed to the United States, the States and Indian tribes or Indian allottees from the sale, lease or other disposal of such minerals.

(b) The study required by subsection (a) of this section shall be submitted to Congress not later than one year from the date of the enactment of this Act.

RELATION TO OTHER LAWS

SEC. 304. (a) The penalties and authorities provided in this Act are supplemental to, and not in derogation of, any penalties or authorities contained in any other provision of law.

(b) Nothing in this Act shall be construed to reduce the responsibilities of the Secretary to ensure prompt and proper collection of revenues from coal, uranium and other energy and nonenergy minerals on Federal and Indian lands, or to restrain the Secretary from entering into cooperative agreements or other appropriate arrangements with States and Indian tribes to share royalty management responsibilities and activities for such minerals under existing authorities.

(c) Except as expressly provided in subsection 302(b), nothing in this Act shall be construed to enlarge, diminish, or otherwise affect the authority or responsibility of the Inspector General of the Department of the Interior or of the Comptroller General of the United States.

(d) No provision of this Act impairs or affects lands and interests in land entrusted to the Tennessee Valley Authority.

EFFECTIVE DATE

SEC. 305. The provisions of this Act shall apply to oil and gas leases issued before, on, or after the date of the enactment of this Act, except that in the case of a lease issued before such date, no provision of this Act or any rule or regulation prescribed under this Act shall alter the express and specific provisions of such a lease.

FUNDING

SEC. 306. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary for the cooperative agreements, contracts, and delegations authorized by this Act: *Provided,* That nothing in this Act shall be construed to affect or impair any authority to enter into contracts or make payments under any other provision of law.

STATUTE OF LIMITATIONS

SEC. 307. Except in the case of fraud, any action to recover penalties under this Act shall be barred unless the action is commenced within six years after the date of the Act or omission which is the basis for the action.

EXPANDED ROYALTY OBLIGATIONS

SEC. 308. Any lessee is liable for royalty payments on oil or gas lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator of the lease, or due to the failure to comply with any rule or regulation, order or citation issued under this Act or any mineral leasing law.

SEVERABILITY

SEC. 309. If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE IV—REINSTATEMENT OF LEASES AND CONVERSION OF UNPATENTED OIL PLACER CLAIMS

AMENDMENT OF MINERAL LANDS LEASING ACT OF 1920

SEC. 401. Section 31 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188) is amended by redesignating subsection (d) as subsection (j) and by inserting after subsection (c) the following new subsections:

"(d)(1) Where any oil and gas lease issued pursuant to section 17(b) or section 17(c) of this Act or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et. seq.) has been, or is hereafter, terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of the rental due, and such rental is not paid or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was justifiable or not due to lack of reasonable diligence on the part of the lessee, or, no matter when the rental is paid after termination, it is shown to the satisfaction of the Secretary that such failure was inadvertent, the Secretary may reinstate the lease as of the date of termination for the unexpired portion of the primary term of the original lease or any extension thereof remaining at the date of termination, and so long thereafter as oil or gas is produced in paying quantities. In any case where a lease is reinstated under this subsection and the Secretary finds that the reinstatement of such lease (A) occurs after the expiration of the primary term or any extension thereof, or (B) will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discre-

tion, extend the term of such lease for such period as he deems reasonable, but in no event for more than two years from the date the Secretary authorizes the reinstatement and so long thereafter as oil or gas is produced in paying quantities.

"(2) No lease shall be reinstated under paragraph (1) of this subsection unless—

"(A) with respect to any lease that terminated under subsection (b) of this section prior to enactment of the Federal Oil and Gas Royalty Management Act of 1982.

"(i) the lessee tendered rental prior to enactment of such Act and the final determination that the lease terminated was made by the Secretary or a court less than three years before enactment of such Act, and

"(ii) a petition for reinstatement together with the required back rental and royalty accruing from the date of termination, is filed with the Secretary on or before the one hundred and twentieth day after enactment of such Act, or

"(B) with respect to any lease that terminated under subsection (b) of this section on or after enactment of the Federal Oil and Gas Royalty Management Act of 1982, a petition for reinstatment together with the required back rental and royalty accruing from the date of termination is filed on or before the earlier of—

"(i) sixty days after the lessee receives from the Secretary notice of termination, whether by return of check or by any other form of actual notice, or

"(ii) fifteen months after termination of the lease.

"(e) Any reinstatement under subsection (d) of this section shall be made only if these conditions are met:

"(1) no valid lease, whether still in existence or not, shall have been issued affecting any of the lands covered by the terminated lease prior to the filing of such petition: *Provided however,* That after receipt of a petition for reinstatment, the Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him;

"(2) payment of back rentals and either the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future rentals at a rate of not less than $10 per acre per year, or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than $5 per acre per year, all as determined by the Secretary;

"(3)(A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than 16⅔ percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: *Provided,* That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

"(B) payment of back royalties and inclusion in an reinstated lease issued pursuant to the provision of section 17(c) of this Act of a requirement for future royalties at a rate not less than 16⅔ percent: *Provided,* That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and

"(4) notice of the proposed reinstatement of a terminated lease, including the terms and conditions of reinstatement, shall be published in the Federal Register at least thirty days in advance of the reinstatement.

A copy of said notice, together with information concerning rental, royalty, volume of production, if any, and any other matter which the Secretary deemed significant in making this determination to reinstate, shall be furnished to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate at least thirty days in advance of the reinstatement. The lessee of a reinstated lease shall reimburse the Secretary for the administrative costs of reinstating the lease, but not exceed $500. In addition the lessee shall reimburse the Secretary for the cost of publication in the Federal Register of the notice of proposed reinstatement.

"(f) Where an unpatented oil placer mining claim validity located prior to February 25, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

"(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary—

"(A) with respect to any claim deemed conclusively abandoned on or before the date of enactment of the Federal Oil and Gas Royalty Management Act of 1982, on or before the one hundred and twentieth day after such date of enactement or

"(B) with respect to any claim deemed conclusively abandoned after such date of enactment, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

"(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: *Provided however,* That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

"(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than $5 per acre per year;

"(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

"(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.

"(g)(1) Except as otherwise provided in this section, a reinstated lease shall be treated as a competitive or noncompetitive oil and gas lease in the same manner as the original lease issued pursuant to section 17(b) or 17(c) of this Act.

"(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.

"(h) The minimum royalty provisions of section 17(d) and the provisions of section 39 of this Act shall be applicable to leases issued pursuant to subsections (d) and (f) of this section.

"(i)(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgement it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

"(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgement, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the Untied States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure fo funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.".

Mr. McCLURE. Madam President, I am pleased to bring before the Senate for its consideration today the Federal Royalty Management Act of 1982, S. 2305. This bill is the product of extensive efforts by the Energy and Natural Resources Committee to draft a legislative vehicle designed to better insure that royalties due to the Federal Government from Federal and Indian oil and gas leases are, in fact, collected.

As reported by the Energy and Natural Resources Committee, S. 2305 clarifies, reaffirms, and expands the authorities and responsibilities of the Secretary of the Interior for the management of the Federal oil and gas royalty accounting system. It also vests in the Secretary new enforcement powers and subjects persons vio-

lating Federal royalty laws to new civil and criminal penalties.

This legislation is necessary because our present royalty management and collection system is both archaic and ineffective. This is true despite the fact that oil and gas leases are the most valuable property on Federal and Indian lands. With the rapid escalation of energy prices and increased leasing, oil and gas royalties have risen from less than $500 million in 1971 to more than an estimated $5 billion in 1982. Federal royalties from 17,866 onshore and 1,260 offshore oil and gas leases in 1981 alone produced $4 billion in revenues for the Federal Government. In 1980, the States, which share in these revenues under the terms of the Mineral Leasing Act of 1920, received $315 million in royalty revenues. In that same year, 33 Indian tribes received $164 million for their oil and gas leases.

Yet, despite the obvious financial importance of oil and gas royalty revenues to all concerned, the Federal royalty management and collection system is in disarray. Hundreds of millions of dollars due the U.S. Treasury, the States, Indian tribes, and individual Indian allottees are going uncollected every year due to inadequacies in the system.

Evidence of mismanagement in the royalty collection system first came to light in the mid-seventies when a General Accounting Office report cited evidence of vast underpayment of royalties by industry, due to mismanagement of the royalty collection system. To investigate these charges, Secretary of the Interior Watt, on July 8, 1981, established the Commission on Fiscal Accountability of the Nation's Energy Resources. The Commission, known as the Linowes Commission after its chairman, David Linowes, was charged with examining allegations of royalty underpayments, system mismanagement, and oil and gas theft on Federal and Indian lands. The Commission was to make recommendations for changes to correct any problems they discovered.

What the Commission found was that the royalty management collection system for the Nation's energy resources had been deficient for more than 20 years. This was primarily as a result of the Government's inability to adequately manage this multibillion-dollar enterprise. According to the Linowes Commission report, outmoded royalty accounting and collection procedures, slack enforcement, inadequate penalties, and an insufficient information and reporting system all contributed to the breakdown of the system. Lax site security was also an open invitation to theft on Federal and Indian leases.

In short, the Linowes Commission found that lessees were not paying all the royalties due on Federal and Indian oil and gas leases due to outmoded practices and inadequate royalty management laws. Royalty management was so bad that, according to the Linowes Commission, the industry was essentially on an "honor system."

As a result of these findings, the Linowes Commission concluded that the Federal royalty management system was in need of a thorough overhaul. To correct the many problems they found, the Commission made 60 recommendations for change, some of which required legislation to enact.

Responding to the Commission's recommendations, Secretary Watt, on January 19, 1982, removed the Conservation Division from the U.S. Geological Survey. It was reestablished as a separate Minerals Management Service in the Department of the Interior. The object of this transfer was to give the royalty collection function a special focus within the Department. In addition, a completely revamped fiscal and production accounting system was approved. Contracts were let for the development of a new, sophisticated accounting system to replace the one which had been in place for the past 20 years. The administration then moved to incorporate the recommendations for legislative change made by the Linowes Commission into proposed legislation.

This legislation was introduced on behalf of the administration as S. 2305. It was subsequently reported, with amendments, by the Senate Energy and Natural Resources Committee on July 30 of this year. On September 23, 1982, the House Interior and Insular Affairs Committee also reported a similar royalty management bill, H.R. 5121, the Federal Oil and Gas Royalty Management Act of 1982. On September 29, 1982, H.R. 5121 was passed by the House.

Due to the several similarities between S. 2305 as reported and H.R. 5121 as passed by the House, the respective Senate and House committee chairmen directed their staffs to conduct information negotiations in order to produce one royalty management text combining the best elements of both the Senate committee version and the House-passed version. Their intent was to obtain a bill that would be acceptable to both the Senate and the House and avoid the necessity of a conference. The amendment offered today is, I believe, acceptable to the Senate. It is my hope that the other body will find it acceptable as well, without amendment.

As a result of many meetings, an amended bill was produced. I am pleased today to offer this amendment in the nature of a substitute to S. 2305 to the Senate.

Madam President, this substitute amendment is the product of a great deal of hard work. House and Senate committee members, their staffs, and the administration labored long hours to produce needed changes to a bill which would remedy the failings in our present royalty accounting system.

Our national energy resources are finite and must be prudently and properly managed, particularly in these difficult economic times. We must be good managers of the Nation's resources. This substitute amendment, if enacted, would help us to do a better job. Its provisions help insure a substantial gain in revenues to the U.S. Treasury which are presently being lost through mismanagement. I urge its passage.

At this point, Madam President, I ask unanimous consent to have printed in the RECORD a summary of the major provisions of this amendment in the nature of a substitute and an explanation of certain of its sections.

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

S. 2305 SUBSTITUTE.—SECTION-BY-SECTION ANALYSIS

Sec. 1. Title.

Sec. 2. Findings and Purposes.

Sec. 3. Definitions.

TITLE I

Federal royalty management and enforcement

Sec. 101. (a) Directs the Secretary to establish a comprehensive royalty management system.

(b)(1) Directs the Secretary to conduct annual inspections of most leases.

(b)(2) Directs the Secretary to establish adequate training programs for inspectors.

(c) Directs the Secretary to audit and reconcile lease accounts. Audits may be undertaken by independent CPA's under contract.

Sec. 102. (a) Requires lessees to make royalty payments due and to notify the Secretary of assignments of obligations to make payments.

(b) Requires operators to develop and comply with a site security plan for onshore leases, site security measures for offshore leases, and to notify the Secretary when a well begins production by the 5th business day. Wells off of production for more than 90 days are subject to the production notice requirement.

Sec. 102. (c) Requires documentation for motor vehicles carrying oil and pipelines carrying oil or gas.

Sec. 103. Requires records of activities through the first sale or royalty computation point for oil or gas. Such records must be retained for 6 years.

Sec. 104. Provides for monthly deposits of the State and Indian tribes' share of royalty payments.

Sec. 105. Provides for an explanation of payments to the States and Indian tribes.

Sec. 106. Makes persons liable for losses of royalty payments and requires bonding

Sec. 107. Provides the Secretary with hearing and investigation authority.

Sec. 108. Provides authority to stop and inspect motor vehicles for documentation, with probable cause, on or off a lease site. Inspections onsite may be conducted without notice pursuant to regulations.

Sec. 109 (a). Provides for a civil penalty of up to $500 per day for violations of the Act or regulations which are not corrected

within 20 days of receipt of notice. The penalty increases to $5,000 per day if the violation is not corrected after 40 days.

(b) Provides for a civil penalty of $10,000 per day for a person who knowingly fails to make a royalty payment; fails to permit entry, inspection or audit; or fails to notify of new production.

(c) Provides for a civil penalty of $25,000 per day for a person who knowingly prepares inaccurate reports; steals oil or gas; or purchases stolen oil or gas.

(d-k) Provide procedural safeguards. (House/Senate blend.)

Sec. 110. Provides a criminal penalty of $50,000 and up to 2 years in jail for the most serious violations of the Act (Sec. 110(c)).

Sec. 111(a-d). Provides that late payments for royalities shall be charged interest at the IRS rate. Such interest shall be paid in the appropriate share to State and Indian tribes.

(e) Provides for the methodology of assessing overcharges to the States. This provision is designed solely to avoid any significant hardship for the States. It is not intended to be a waiver of the Federal government's immunity against suits for overcharges or other alleged violations of the mandatory price and allocation regulations issued pursuant to the Emergency Petroleum Allocation Act of 1973, as amended.

(f-g) Technical.

Sec. 112. Provides for injunctive and specific enforcement authority.

Sec. 113. Provides rewards for persons providing information leading to recovery of money owed under this Act.

TITLE II

States and Indian tribes

Sec. 201. Make the title applicable to onshore leases only.

Sec. 202. Gives the Secretary authority to enter into cooperative agreements with States and Indian tribes to share royalty management information, or to carry out inspection, audit, or enforcement activities.

Sec. 203. Provides for the condition upon which States or Indian tribes may obtain confidential information.

Sec. 204. Provides a multi-stage mechanism through which States may bring enforcement actions in Court if the Federal Government fails to diligently pursue its enforcement obligations.

Sec. 205. Provides authority for the Secretary to delegate to the States his responsibilities for inspections, audits, and investigations. Such a delegation may not occur until certain findings have been made and standards promulgated.

Sec. 206. Provides for sharing of civil penalties with States or Indian tribes.

TITLE III

General provision

Sec. 301. Authority for rules, regulations, and contracts.

Sec. 302. Provides for reports on implementation of the Act by the Secretary and the Inspector General.

Sec. 303. Provides for a study of the adequacy of royalty management for other minerals.

Sec. 304-308. Technical provisions.

Sec. 309. Expands the royalty obligation of lessees to oil and gas lost or wasted due to negligence.

Sec. 310. Severability.

TITLE IV

Lease reinstatements

Sec. 401. Provides reinstatement of automatically terminated leases under certain terms and conditions.

Mr. MELCHER. Madam President, I have come to the floor today to participate in the debate on this bill with more than a small amount of foreboding.

Anyone who has followed the course of this legislation should be aware of my concerns with the approach that previous Secretaries of the Interior and Secretary Watt have taken with regard to the obvious problems with our system of royalty management. It has been in bad shape for more than two decades. It has taken us more than 2 years to get a corrective bill before us.

In December 1980, I and the staff of the Senate Select Committee on Indian Affairs started an investigation of allegations of theft and nonreporting of oil production from the Wind River Indian Reservation in Wyoming. This started a series of investigations and public hearings concerning other tribes, to see whether or not the royalty accounting procedures were being followed correctly.

The original legislation that was submitted by the administration to make corrections was simply inadequate. With the help of Chairman McCLURE and several other members of the Committee on Energy and Natural Resources, a very bad bill has become an acceptable bill.

The bill is far from perfect now, but it is a vehicle for Congress to establish an effective policy for royalty management on Federal and Indian lands. The substitute being offered today is a further improvement over the committee-reported version. We have some hope that the House will find this substitute acceptable.

To see where we have to go it is helpful to look at where we have been.

The Secretary of the Interior has broad authority in existing law to establish and maintain an effective system of accounting, inspection, and enforcement for the Federal interest in the oil and natural gas produced on Federal and Indian lands. The problem has been that the Secretary has not used that authority, has not hired the necessary trained staff, and has not enforced the terms of the leases to which he is a party. As a result, the accounting system we are using is archaic and totally inadequate, and the inspection program is so anemic that the Department has no idea how much oil and gas is being produced, who owes royalty on that oil and gas, or where the oil and gas is going after it is produced.

Now, we ought to understand that passing a bill is not, by itself, going to cure these very fundamental problems with the system. The trouble starts in the field, where far too little monitoring of wells, production, and the movement of oil and gas is taking place. We can all meet in the Rose Garden, sign a bill, and congratulate each other, and not one more inspection will actually occur in the field if this Secretary of the Interior acts like the others we have had previously. To improve things, forceful administrative action will be required, especially including the hiring of more inspectors who either have previous experience in oil and gas field operations or who have had extensive training and apprenticeship under experienced inspectors. These actions must also include the adoption of a uniform policy of regular inspections with a clear understanding between Federal inspectors and operators in the field as to what is required by the regulations. One of the amendments I offered during the committee's consideration of the bill—and the amendment was accepted—would require the Secretary to establish procedures to insure that each lease site producing significant quantities of oil or gas is inspected at least annually. This provision is very important, since it is one of the few in the bill actually requiring the Secretary to do something.

I should add here that Secretary Watt and his staff have asked for a good strong bill and have given us some indication that they have no objection to the provisions in this act, and that is to the credit of Secretary Watt.

Royalty accounting is another area where the Secretary has adequate authority under existing law, but has not exercised that authority effectively.

As I make this statement, it must be recalled that we are speaking of not just this Secretary, who has asked for some direction from Congress, but previous Secretaries of the Interior.

The existing royalty accounting system was scarcely adequate during the period when the Federal revenues from royalties were measured in tens of millions of dollars. It is a disgrace in an era when these revenues are measured in the billions. In fact, most of the "lost revenue" which has recieved so much publicity is not the result of theft. Rather it is the result of a totally archaic accounting system which literally cannot account for the revenues it is supposed to monitor and assist in collecting.

Over a year ago, the Department began to develop a computer model and contracted for a computer system to bring production reports and royalty accounting up to date. Of course, the vast majority of operators in the field long ago modernized their systems. At the rate the Department is currently moving, the Federal system will not be operational until late 1984 or sometime in 1985. I think this schedule is unacceptable.

There are real problems associated with designing and getting this new system into place, and new accounting regulations could cause enormous con-

fusion in the field. I have been deeply concerned about the provisions of the bill which suggest that States might "take over" the royalty collection function from the Department of the Interior on the basis of some vague delegation of Federal authority to the Governor. Nothing could do more to compound the confusion which is inevitable under the new system than the imposition on top of it all of multiple, possibly contradictory systems of regulation, reporting, and accounting involving State authorities.

I am gratified that the substitute bill before the Senate today would not authorize the Secretary to delegate to States the authority he exercises on behalf of the Nation as a whole to collect royalties on oil and gas production on Federal and Indian lands.

Finally, I think it essential to emphasize my fear that this bill, in the hands of the managers who are with us under both Republican and Democratic administrations, could end up significantly reducing the net revenue to the Federal Government, the States, and the tribes below what everyone might receive without the bill.

It is in everyone's interest to produce the oil and gas on Federal and Indian lands. The Nation needs more oil and gas. The Federal Government, the States, and the tribes need the revenue from oil and gas royalties. Discouraging exploration, development, and production of oil and gas on Federal and Indian lands just reduces Federal, State, and Indian revenues. There is nothing good about that.

This bill is still topheavy in redtape potential that will create substantial disincentives to oil and gas production from these lands. The only question is, How much of a disincentive will the bill prove to be? If the persons who invest in and are engaged in oil and gas drilling decide that the new layers of redtape and regulation and the potential liability for huge fines resulting from this bill overshadow the potential rewards of the enterprise, everyone will be a loser. There is a good chance that this will be the result in the end. Whether it is or not depends all too critically for my taste on the actions of managers in the Department of the Interior—persons over whom we in Congress have far too little control.

Madame President, I have supported this bill as an exercise of the art of the possible. The substitute bill before us is not perfect, but it is the best we can get in this Congress. I think we should take advantage of this opportunity to pass it now.

● Mr. JACKSON. Madam President, I rise in support of the Federal Oil and Gas Royalty Management Act of 1982. For over 20 years, the General Accounting Office has been reporting on the need for major improvements in the Federal Government's oil and gas royalty accounting system. More recently, hearings before the Energy and Natural Resources Committee and the Select Committee on Indian Affairs have forcefully reminded us of the archaic nature of the Interior Department's royalty accounting system and of the lack of adequate security measures at Federal and Indian lease sites.

To determine the nature and extent of these problems, Secretary of the Interior Watt appointed the Linowes Commission on Fiscal Accountability of the Nation's Energy Resources. On January 21, 1982, after hearing from dozens of witnesses from the administration, affected States and Indian tribes, and the oil and gas industry, the Commission submitted its findings and recommendations to the Secretary.

The Linowes Commission's findings basically confirm the reports of the General Accounting Office and the testimony received at congressional hearings. The Federal royalty management system lacks effective accounting procedures and is understaffed. The system does not provide for the verification of data reported by oil and gas lessees, and lease account records are so unreliable that Federal royalty managers often do not know which lessees have paid royalties and which lessees have not. Penalties for late payment or underpayment are rarely imposed. Because of these shortcomings, the Commission concluded that "the industry is essentially on an honor system." In addressing the problem of theft, the Commission could not determine the amount of oil and gas stolen but did find that lax security at onshore Federal and Indian lease sites is well documented and is an open invitation to theft.

Based on these findings, the Commission made 60 recommendations. Several of these recommendations are addressed in the provisions contained in the bill before the Senate. The others, according to Secretary Watt, will be dealt with administratively.

The committee bill is the result of a long, hard look at the problems involved in royalty management. I believe that the bill gives the Secretary the authority he needs to implement an effective royalty accounting system and to prevent the theft of oil and gas from Federal and Indian leases. I also believe that we need to pass this bill this session. Therefore, I urge my colleagues to join me in supporting prompt action by the Senate on this legislation.●

● Mr. DOMENICI. Madam President, I want to compliment Chairman McCLURE and the committee staff for the work they have done on S. 2305, the Federal Oil and Gas Royalty Management Act of 1982.

There is no doubt in my mind that if the Government has mismanaged programs over the years, the mineral management effort may have been the absolute worst example. In many cases, States, including my State of New Mexico, have performed not only better than that of the Federal Government but a whole lot better. In fact, in many cases not only did they do a better job but through memorandums of understanding and other arrangements they were able to assist the Federal Government in recovering millions of dollars in revenue. A recovery, I might add, that would not have occurred without the assistance from State government.

Be that as it may, I have been deeply concerned about this bill since its introduction and have worked with the chairman to reserve those concerns. Three major areas dominate and these include the penalty section, insuring that the rights and revenue of the States and finally and probably the most important issue, insuring that the system is one that works and one that works for all involved, not just the Federal Government.

In protecting State rights, Senator WALLOP and Senator MURKOWSKI and I had proposed a State option plan for the collection of royalties. However, I am informed and my State is satisfied that the substitute contains language that insures that State's will receive their proper share of royalties collected and that there is a mechanism to insure that the proper royalties are being collected.

In regard to the penalty section of this bill, I was concerned that the bill did not differentiate between knowing and willful acts to evade the law and just bookkeeping errors. Senator MELCHER shared my concern. Provisions were added to the bill which made the distinction and provided the chance to correct unintentional technical violations of the law.

I think it should be pointed out that there has been some misinformation about the amount of money that was being lost to the Treasury through royalty management and why the money was being lost. I think this lack of clear information did a disservice to many in our oil and gas industry.

Most of the large dollar amounts involved in the royalty management issue have to do with natural gas pricing regulations and have absolutely nothing to do with the royalty collection system. I would further point out, for the record, that in many cases under existing laws companies are forced to pay royalties on natural gas produced on Federal lands before they have even sold that natural gas or even know at what price that natural gas will be sold.

This means that the public record could very well indicate adequate royalties may not have been collected, but in fact, is not out of any wrongdoing

but rather to the laws regulating the price of natural gas and the overall system.

Finally, I think we have in this bill a system that protects the interest of all those involved. It is a much better system than we had before and hopefully it will be a system that will work well and will serve the best interests of the Federal Government, the State government, the oil and gas industry, and most important, the best interests of the citizens of the United States.

While the bill is in the nature of a substitute, many of the issues addressed in the bill as reported out of committee and that the report on that bill in many cases, especially in reference to natural gas pricing difficulties, and collection problems that stem from those difficulties still pertain to the substitute.●

● Mr. WALLOP. Madam President, today the Senate begins consideration of long awaited and critically needed legislation which will insure that the oil and gas resources of the public lands and Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior. This legislation, S. 2305, titled the "Federal Oil and Gas Royalty Management Act of 1982," was introduced on March 30, 1982, at the request of the administration. As amended by the Committee on Energy and Natural Resources, the bill is the product of thorough study and extensive debate both in Senate and House committees.

Credit for the legislation's existence goes to Secretary of the Interior, Jim Watt, who unlike his predecessors, had the fortitude and courage to unveil the many, longstanding, defects in the Federal Government's management of the Federal oil and gas royalty accounting system. On July 8, 1981, Secretary Watt established a blue ribbon commission under the able leadership of David F. Linowes to carry out a detailed study of the allegations of theft and of substantial underpayment of oil and gas royalties owed the Federal Government, Indian tribes, and States from Federal oil and gas leases. While the Commission was carrying out this directive, the Senate Energy and Natural Resources Committee conducted a parallel investigation, and I had the honor of chairing the first committee hearing in Casper, Wyo.

Six months after its creation, the Linowes Commission presented its extremely uncomplimentary, 267 page report to Secretary Watt, and I quote from the report's summary:

> The Federal Government currently collects several billion dollars each year in royalties from leased Federal and Indian lands. They expect to collect in the neighborhood of $4 billion dollars this year, and the figure is projected to climb to $20 billion by 1990. Wyoming's share of mineral royalties last year, including those paid on coal and sodium in addition to oil, amounted to $95 million. By 1985, Wyoming is expected to receive $250 million due to the rising price and production of oil. There is no question that with rising oil prices, royalty funds are becoming extremely important to the producing States, particularly those who will suffer the impact of development of new sources of oil and gas.
>
> Consequently, it is nothing short of apalling to find that a State like Wyoming and Indian tribes are being and have been shortchanged by the Federal Government due primarily to accounting problems in addition to isolated incidents of outright theft. The figures for Wyoming are particularly shocking since this State is the largest producer of Federal onshore oil in the Nation. Figures differ, but it has been calculated by some that Wyoming alone may have been short-changed by as much as $80 to $200 million in oil and gas royalties over the last 6 years. It is a situation which we obviously cannot—pardon the pun—afford much less tolerate.

The report continues, explaining that:

> The problem . . . is dual in nature. It is one of accounting as well as one of security. The latter, lack of adequate security resulting in theft, is in part tied to the former.
>
> It was the theft situation which really focused national attention on the accounting mess. The idea of people stealing oil is reprehensible, and those guilty of theft are quite rightly being prosecuted as a result of a Federal grand jury investigation. The theft situation is very serious and certainly the security problem must be cured. . . .
>
> The accounting system has had problems that go back in time as far as the fifties. The old system managed to limp along for as long as it did presumably because with oil priced at less than $2 per barrel, it was felt that the cost to update it was not outweighed by the royalties to be gained. That has drastically changed. It is claimed that 10 percent of all mineral royalties aren't being collected due to obsolete and inefficient accounting procedures. Ten percent adds up to an anormous amount of money at today's oil prices.

The Linowes' Commission followed with 60 specific recommendations for revising and rebuilding the system. Secretary Watt immediately reorganized the U.S. Geological Survey, establishing a new Minerals Management Service to focus on the problems. At the same time, Secretary Watt created an internal legislative task force to draft the omnibus royalty management legislation which was introduced in March. The Committee on Energy and Natural Resources held hearings on that proposal May 3 and 17, consumed nine committee business meetings marking up the bill, and unanimously reported out substitute legislation.

Melded with essential provisions of H.R. 5121, passed by the House September 29, 1982, the compromise bill being discussed here today represents a thorough overhaul of the Federal oil and gas royalty management system, and I might emphasize, an overhaul needed nowhere more than in my State of Wyoming. Further, I am pleased to note that all my amendments to the bill adopted in committee markup have been retained in substance and, for purposes of legislative history, they are explained in detail in the Senate Energy Committee Report 97-512.

To repeat a statement of Mr. Linowes from his report to Secretary Watt:

> There has been too much time spent in tinkering with quick fixes that don't work. It is time to get down to business and see that a good system is put into place. If we don't we are in effect only going to cure symptoms when what we need to do is wipe out the disease.

I believe that the compromise bill being considered today does just that.

Thank you.●

Mr. McCLURE. Madam President, I move the adoption of the substitute to the committee substitute.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion to agree to the substitute (UP No. 1414) was agreed to.

Mr. McCLURE. Madam President, I move the adoption of the substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. McCLURE. Madam President, I move to discharge the Energy Committee from further consideration of H.R. 5121, the House companion bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

> A bill (H.R. 5121) to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCLURE. I move to strike all after the enacting clause and substitute the text of S. 2305, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5121), as amended, was read the third time and passed.

Mr. McCLURE. Madam President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The title was amended so as to read as follows:

An Act to ensure that all oil and gas originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.

Mr. McCLURE. Madam President, I thank the Chair and I thank the Senator from Montana for his constructive contribution in the discussion of this bill as well as here on the floor today. I thank all members of the staff again who worked so very hard to get us to this point.

Mr. MELCHER. Madam President, I likewise join in the thanks to the staff on both sides. I want to congratulate the chairman of the committee for the work he has done in pursuing this bill to final passage.

Mr. McCLURE. I thank the Senator from Montana.

It would not do at all to complete consideration of this bill without also thanking the Senator from Maine (Mr. COHEN), who is chairman of the Select Committee on Indian Affairs, and other members of that committee for the constructive help they have given us and the suggestions they made with respect to certain provisions of this legislation.

I think they have helped to improve the work product. Again I thank the Chair and I thank the majority leader for making it possible to consider this today.

Mr. BAKER. Madam President, I thank the Senator from Idaho and I thank the distinguished minority manager of this bill for making it possible for us to transact this piece of business in an efficient way.

CONGRATULATIONS TO HERSCHEL WALKER

Mr. MATTINGLY. Madam President, I would like to take this opportunity to congratulate Herschel Walker, who was recently awarded the Heisman Trophy, an award for the Nation's outstanding college football player.

This season, Herschel Walker gained 1,752 yards in 335 carries. He did this despite a broken thumb that hampered him in the season's first three games. Moreover, he accomplished this despite the fact that week after week, every Georgia opponent lined up defensively with one goal in mind—to stop Herschel Walker.

Herschel Walker, in three seasons at the University of Georgia, has gained 5,259 yards; 1,616 yards in 1980, 1,891 yards in 1981, and, as I earlier pointed out, 1,752 yards in 1982. He only lacks 823 yards from becoming the alltime leading college rusher, a title currently held by Tony Dorsett. During his stay at the University of Georgia, Herschel has lead the Bulldogs to a 32 and 2 record over the past three seasons. Georgia won its first national championship in 1980, Herschel's freshman year, and is currently ranked No. 1 in both major college polls.

Despite the fact that Herschel Walker has virtually rewritten the Southeastern Conference and National College Athletic Association football college record books, he remains an unselfish and humble individual, a team player. Those who know Herschel will attest to his humble attitude and his refusal to boast of his own successes. When presented the Heisman Trophy, Herschel gave credit to his teammates for his winning the award. He stated, "People have to make people. I have been surrounded by fine athletes and people who have helped me. Life is teams, and if it was not for them, I would not be here."

While the demands on college athletes are enormous, Herschel has nevertheless maintained an excellent academic record at the University of Georgia. He is a criminology major and has over a B average.

Again I congratulate Herschel Walker on winning the Heisman Trophy. I look forward to returning to Athens, Ga., next year and participating in what has become a favorite pastime for all Georgians—to watch Herschel Walker do his thing. Additionally, I look forward to next year when I can rise again to congratulate Herschel Walker for being the NCAA alltime rusher and the recipient of his second Heisman Trophy award.

Congratulations, Herschel.

NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

Mr. HEINZ. Madam President, on Friday, the National Commission on Social Security Reform will meet for the last time to complete its consideration of recommendations on social security financing. Whether the final report provides Congress with a blueprint for solvency or merely supplies a list of available options depends upon the willingness of the President and the Speaker of the House of Representatives, Mr. O'NEILL, to get involved this week.

Though the Commission has made considerable progress toward a solution to social security's financing problems, it has had to stop short of proposing a specific package of solutions. The remaining decisions are a matter of simple arithmetic, admittedly, but they involve perilous politics.

Today I would like to remind my colleagues that the perils of making that decision, though great, do not compare to the perils of postponing it, which are greater.

In my view, what is urgently needed now, in the next few days, is a summit meeting between President Reagan, Speaker O'NEILL and other key Members of Congress to lead the way toward a bipartisan solution.

The National Commission, on which I have been privileged to serve these many months, has laid the groundwork for a pragmatic bipartisan agreement between the Congress and the White House. They have achieved consensus on the size of the short-term and the long-term problem and on the necessity of enacting legislation to resolve both. They have reaffirmed that the basic structure of the existing system is appropriate and they have ruled out solutions which would alter or dismantle this basic structure. They have agreed that social security coverage should be extended to new Federal and all nonprofit employees, and they have indicated that the remaining solution will require a combination of options affecting taxpayers and beneficiaries alike.

But the remaining solvency options, while clear, are impossible to select without bipartisan agreement. For the short term, what are our options? We can accelerate the scheduled payroll tax increases, restrain cost-of-living increases, or pump general revenues into the system. There really are no other options. But none of these options is, by itself, sufficient to meet the problem. It is evident, at least to this Senator, that a combination will be necessary for both financial and political reasons. Pragmatic compromise, not partisan rhetoric, must be the basis for a proper balance or mix of these options.

Compromise is essential, for neither party can gain satisfaction or profit from staring each other down as the July 1983 expiration date for the social security trust funds draws near. Continued inaction on social security will inevitably trigger an exercise in brinksmanship. A deadlock on the issue this winter will only bring on another bloody budget battle over social security's role in the overall budget deficit.

Madam President, as we think back to what happened last spring during the deliberations of the "Gang of Seventeen" and then of the Budget Committee, we should recognize from that history that this can only further endanger the congressional budget process and erode public confidence in the future of the social security system still more. Continuing this standoff until June will leave only the option of extending borrowing from the hospital insurance, or medicare, fund for another 8 months, an option that involves a terrible cost, the depletion of

that fund 6 years earlier than otherwise is projected.

We must all, in this body and in the other body, recognize that any reasonable agreement will extract concessions from all sides. Our elected leaders must signal their recognition of this fact as well, for failure to reach an immediate agreement not only risks serious political consequences, it also threatens the ability of social security to meet one of the basic tenets of any responsible proposal; that is, that no one now receiving benefits shall have their benefits reduced.

Everybody says we are certainly not going to cut benefits of existing beneficiaries. The President has said it, the Democrats have said it, the Republicans have said it. That pretty well covers the waterfront. But the fact is that delay for even another year will put so much financial pressure on the retirement fund that it would be absolutely impossible to have a rescue without cutting current benefits. If we act now, it is still possible to come up with the necessary revenues or other savings to honor that pledge. But if we wait until next year, we can never do what we need to do with sufficient time to have those actions go into effect and provide revenues and provide savings to the social security funds before they are depleted.

I am, therefore, Madam President, deeply concerned that many of my colleagues feel that an acceptable timetable for developing the necessary legislative solutions is somehow now magically going to emerge and lift the obligation from the National Commission's shoulders to arrive at conclusive recommendations for Congress prior to December 31. That sentiment is dangerous.

The leadership in the House have announced their intention to begin hearings in the Ways and Means Committee in February and to bring a bill to the floor in March. Some of my colleagues feel that if the Senate can wait until late March, we will then have a bill from the House to work with; then we shall be able to work our legislative will and, presumably, by June, have a legislative initiative that can move right along and go to the President for his signature.

Madam President, I do not want to be unduly pessimistic, but the normal legislative process on social security has not worked since 1977. It did not work last year, did not work the year before, and we have every reason to believe that histroy will repeat itself and the normal legislative process as regards social security will produce what it has produced in each of the last 6 years—namely, nothing. I do not say that it is what I hope for; I just say that that is what a careful reading of history suggests; so simply waiting for the House to act, with everybody else going about their business as they see fit, is at best, a long-odds gamble.

I am not convinced, frankly, that the House of Representatives is going to be any more able in the 98th Congress than it was in the 97th to report out of committee and pass a reasonable social security financing bill without, in advance, the blessings of the Speaker and the President. I think it would be, therefore, a mistake for the Senate to sit on its hands and let the clock run down on social security in the expectation that it will somehow all come together in the end.

Madam President, I think the National Commission on Social Security Reform is potentially the shield that is needed to get social security financing legislation moving. It is the ideal vehicle for working out a truly bipartisan agreement before December 31 of this year.

For all practical purposes, though, since the last scheduled meeting is this Friday, that means right now. Were we able to bring that kind of progress about this week, a strong consensus report from the Commission would enable all Members in the next Congress—new and old—to support a compromise financing package. Without this shield, many members of both parties will be obligated to oppose many of the financing options which must of necessity appear in any reasonable legislation. Without a bipartisan agreement in advance, I fear that the debate on social security, which we necessarily will have early next year, will once again become hopelessly partisan, and with that partisanship we will once again see a deadlock.

I think the Commission is within reach of finding a viable solution to the financing problems which have faced the Congress over these 2 years. With a sign from the President, the Speaker, and key congressional leadership, substantial recommendations could be sent to the Congress before Christmas, and the Congress could be well on its way to enacting the necessary legislation next spring.

But if we are left to our own devices to let the so-called normal legislative process work its will, we will run the risk of waiting and waiting and waiting on the House of Representatives to send us a bill that never materializes.

Let me take a moment to elaborate upon that risk, because it may not be self-evident to most of my colleagues.

A few moments ago I indicated that there were three basic options, none of them mutually exclusive, to finding the money for the social security system. One is raising taxes, another is finding savings in benefits, and the third is general revenues.

There is absolutely no possibility that this Congress or this President would enact a solution involving only increases in taxes to save the social security system.

There are some people who think that that might take place, but there are two proposals I have seen advanced. One of them is just simply accelerate most or all of the 1990 payroll tax increases to as soon as possible, which would be presumably January 1, 1984. Now I have met very few people who think that simply moving up the increases in payroll taxes on employees and employers would be something they would vote for.

From the employer point of view, there are a lot of statistics that suggest that is a good way to wipe out a lot of jobs; a consequence we could ill afford in the midst of this recession.

It is also to a lot of people politically unattractive to increase the employee portion of payroll taxes because that comes out of the paycheck, and that is not only noticeable, it is rather questionable economics at a time when you would like people to be spending more money to revive the economy. So I frankly do not see very many votes, not just in this body but in the other body, to impose substantial additional employee social security payroll taxes.

That leads me to the second proposal—to offset those payroll tax contributions in whole or in part with a tax credit. Now, that has some wonderful superficial appeal because that does not increase the taxes on any of the taxpayers. What it really does is to transfer via the tax credit the cost of those tax increases to the general fund, increasing the deficit there beyond the $175 billion or $185 billion already anticipated.

Maybe some Members might vote for the payroll tax or the tax credit solution if it were part of a balanced and fair package. But if we were to try and solve this problem all with general revenues, I do not think you could even get a majority of the Democratic Party in the House to support that. There are an awful lot of people in both parties who recognize that trying to finance the social security system out of general revenues, in spite of the fact that it seems to be without much political pain, goes against all those votes they have been having on balancing the budget, on being fiscally responsible, and on trying to get this country out from under these big deficits.

I really do not believe, Madam President, that there is a majority in either party in the House to come up with either of those two financing options.

So what does that leave you with? That leaves putting it all on benefits. If you were to get all the savings that you seek from benefits, the $150 billion to $200 billion between now and the end of 1989, you would have to reduce current benefit levels. Nobody is willing to do that. If you looked to the benefit side for only a portion of

the savings, you would not have to actually cut benefits.

It is apparent to me that it is just not going to be all that easy for Congressman ROSTENKOWSKI, the chairman of the Ways and Means Committee, and his committee to find a solution in the House that is going to meet with a sufficient amount of approval to get it out of committee and, if it can be gotten out of committee, to pass muster on the floor. I think any objective analysis of the problem shows that it is not only such a big problem but such a politically perilous problem to deal with that, absent some genuine leadership at the very top, we cannot expect the congressional process to produce what we would like to see it produce.

So that nobody misunderstands my sentiments, I do not happen to believe that Congress cannot deal with big issues. I believe we can. I believe we have. But this issue is not a big bipartisan or nonpartisan issue. It is the most partisan issue I have seen in the 11 years that I have served in Congress.

Madam President, I want to take this opportunity to urge the President, the Speaker, the other key leaders of Congress, and my colleagues to join in this sentiment and agree to move, this week, to negotiate, to get a solution, and to stop postponing dealing with something that we must deal with effectively if we are to avert a continued standoff in social security in the next Congress and avert disaster either for our country or the 35 million beneficiaries who depend on social security.

ROUTINE MORNING BUSINESS

(During the day, routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

DEFERRALS OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 199

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resoures, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Veterans' Affairs:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 5 new deferrals of fiscal year 1983 funds totaling $624,650,000.

The deferrals are for programs in International Security Assistance and the Department of Housing and Urban Development.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *December 6, 1982.*

MESSAGE FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; and agrees thereto, with an amendment, in which it requests the concurrence of the Senate.

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

H.R. 3809. An act to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes;

H.R. 6329. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes;

H.R. 6395. An act to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes;

H.R. 7205. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1983, and for other purposes; and

H.R. 7356. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

At 6:32 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7019) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEHMAN, Mr. SABO, Mr. AUCOIN, Mr. GRAY, Mr. RATCHFORD, Mr. WHITTEN, Mr. COUGHLIN, Mr. CONTE, Mr. EDWARDS of Alabama, and Mr. PURSELL as managers of the conference on the part of the House.

HOUSE BILLS REFERRED

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

H.R. 7205. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1983, and for other purposes; to the Committee on Appropriations.

H.R. 7356. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes; to the Committee on Appropriations.

HOUSE MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 3809. An act to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to estabish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes;

H.R. 6329. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes; and

H.R. 6995. An act to amend the Federal Trade Commission Act to extent the authorization of appropriations contained in such Act, and for other purposes;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. 3079. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-673).

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the

Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James Abdnor:									
France	Franc	1,822	261.00					1,822	261.00
England	Pound	172.82	300.00					172.82	300.00
Burkett Van Kirk:									
France	Franc	1,822	261.00					1,822	261.00
England	Pound	172.82	300.00					172.82	300.00
United States	Dollar				1,850.00				1,850.00
James D. Bond:									
To and from United States	Dollar				2,484.00				2,484.00
Cyprus	Dollar		75.00						75.00
Lebanon	Dollar		80.00						80.00
Israel	Dollar		275.00						275.00
Senator Daniel I. Inouye:									
Republic of Philippines	Dollar		300.00		2,240.00				2,540.00
Senator Arlen Specter:									
Cyprus	Dollar		75.00						75.00
Lebanon	Dollar		80.00						80.00
Israel	Dollar		175.00						175.00
To and from United States	Dollar				2,484.00				2,484.00
Paul Michel:									
Cyprus	Dollar		75.00						75.00
Lebanon	Dollar		80.00						80.00
Israel	Dollar		175.00						175.00
To and from United States	Dollar				2,484.00				2,484.00
Total			2,512.00		11,542.00				14,054.00

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Oct. 26, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, EXPENDED BETWEEN SEPT. 5 AND SEPT. 8, 1982

Name and country	Name of currency	Per diem		Transportation [1]		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John T. Collins:									
Canada	Canadian dollar	419.77	340.00					419.77	340.00
United States	Dollar				272.50				272.50
Paul Freedenberg:									
Canada	Canadian dollar	314.82	255.00					314.82	255.00
United States	Dollar				272.50				272.50
Charles L. Marinaccio									
Canada	Canadian dollar	419.77	340.00					419.77	340.00
United States	Dollar				272.50				272.50
Carolyn Jordan:									
Canada	Canadian dollar	419.77	340.00					419.77	340.00
United States	Dollar				272.50				272.50
Steven B. Harris:									
Canada	Canadian dollar	314.97	255.00					314.97	255.00
United States	Dollar				272.50				272.50
Total			1,530.00		1,362.50				2,892.50

[1] Transportation provided by Department of the Treasury.

JAKE GARN,
Chairman, Committee on Banking, Housing and Urban Affairs Sept. 20, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, EXPENDED BETWEEN JUNE 27 AND JUNE 30, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffery Malashock:									
United Kingdom	Pound	143.67	175.00			158	275.00	301.67	450.00
Total			175.00				275.00		450.00

PETE V. DOMENICI,
Chairman, Committee on the Budget, Sept. 30, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, EXPENDED BETWEEN JUNE 25 AND SEPT. 10, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wm. M. Diefenderfer:									
Japan	Yen	95,481	375.90	12,000	47.24			107,481	423.14
Hong Kong	HK dollar	2,043.36	339.15	20	3.32			2,063.36	342.47
	U.S. dollar				2,158.30				2,158.30
John D. Hardy:									
England	Pound	229.90	400.00					229.90	400.00
	U.S. dollar				1,674.00				1,674.00
William D. Phillips:									
United Kingdom	Pound	433.65	750.00					433.65	750.00
	U.S. dollar				1,850.00				1,850.00
Senator Ted Stevens:									
United Kingdom	Pound	86.73	150.00					86.73	150.00
	U.S. dollar				1,969.00				1,969.00
	U.S. dollar				1,846.00				1,846.00
Ward H. White:									
Italy	Lire	250.740	180.00					250.740	180.00
	U.S. dollar				822.50				822.50
Total			2,195.05		10,370.36				12,565.41

BOB PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, Sept. 30, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, EXPENDED BETWEEN JULY 1 AND JULY 17, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roger A. Sindelar:									
Korea	Won	208,962	282.00					208,962	282.00
Hong Kong	HK Dollar	1,249.75	212.00	200.00	33.93			1,449.75	245.93
Taiwan	Nt	7,238.60	184.00					7,238.60	184.00
Japan	Yen	110.592	432.00	18,790	73.98			129,382	505.98
United States	U.S. dollar				2,425.96				2,425.96
Total			1,110.00		2,533.87				3,643.87

JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources, Sept. 30, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, EXPENDED BETWEEN JULY 1 AND JULY 17, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John H. Glenn, Jr.:									
Bahrain	Dollar	50.0812	133.55					50.0812	133.55
United Arab Emirates	D.H.S.					33.33	9.00	33.33	9.00
Saudi Arabia	S.R.	1,667.90	492.00					1,667.90	492.00
Germany	Deutsche mark	167.04	70.77					167.04	70.77
Israel			360.00						360.00
Jordan	Fils	28.980	84.00					28.980	84.00
United States	Dollar				4,655.00				4,655.00
Senator Charles H. Percy:									
Morocco	Dirhams	90	19.00					90	19.00
Tunis	Dollar	124,800	242.00					124,800	242.00
Jerusalem	U.S. dollar		270.00						270.00
Jordan	Dollar	85.175	252.00					85.175	252.00
Egypt	LE	182.130	225.00					182.130	225.00
Sudan	LS	427.115	476.00					427.115	476.00
Saudi Arabia	SR	1.113	337.00					1.113	337.00
Oman	RO	142.830	414.00					142.830	414.00
Lebanon	LL	351.	75.00					351.	75.00
United Arab Emirates	DHS	333.57	90.00					333.57	90.00
Bahrain	Dollar	57.000	152.00					57.000	152.00
Kuwait	U.S. dollar		157.00						157.00
London	Pound	28.82	54.00					28.82	54.00
United States	Dollar				2,342.00				2,342.00
Senator Larry Pressler:									
England	Pound	110.84	200.00					110.84	200.00
United States	Dollar				477.00				477.00
U.S.S.R.	Ruble		21.00				179.78		200.78
Robert W. Andrews:									
Bahrain	Dollar	50.0812	133.55					50.0812	133.55
United Arab Emirates	D.H.S.					33.33	9.00	33.33	9.00
Saudi Arabia	SR	1,667.90	492.00					1,667.90	492.00
Germany	Deutsche mark	387.04	164.00					384.04	164.00
Israel	Dollar		360.00						360.00
Jordan	Fils	28.980	84.00					28.980	84.00
United States	Dollar				3,989.00				3,989.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, EXPENDED BETWEEN JULY 1 AND JULY 17, 1982—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
G. B. Christianson:									
United States	Dollar				2,052.40				2,052.00
Israel	Shekel	5797	270.00					5797	270.00
Lebanon	Pound	260	52.40					260	52.40
Jordan	Dinar	29.105	84.00					29.105	84.00
Switzerland	Franc	344.50	170.00					344.50	170.00
Carl W. Ford, Jr.:									
Bahrain	Dollar	50.0812	133.55					50.0812	133.55
United Arab Emirates	DHS					33.33	9.00	33.33	9.00
Saudi Arabia	SR	1,667.90	492.00					1,667.90	492.00
Greece			56.00						56.00
Israel			360.00						360.00
Jordan	Fils	28.980	84.00					28.980	84.00
United States	Dollar				3,085.00				3,085.00
Peter Galbraith:									
Kenya	Shekel	6,258.40	600.00					6,258.40	600.00
United States	Dollar				2,204.00				2,204.00
Margaret Daly Hayes:									
El Salvador	Colon	128.8	322.00					128.8	322.00
United States	Dollar				171.17				171.17
John B. Ritch III:									
Germany			300.00						300.00
Tobias K. Seggerman:									
Ireland	Pound	211.35	313.32					211.35	313.32
United Kingdom	Pound	37.00	65.86					37.00	65.86
United States	Dollar				1,330.50				1,330.50
Melvin Ustad:									
United Kingdom	Pound	110.84	200.00					110.84	200.00
U.S.S.R.	Ruble		309.00				30.00		339.00
United States	Dollar				477.00				477.00
Total			9,170.00		20,783.07		236.78		30,189.85

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Aug. 16, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
Ireland	Irish pound	154.67	229.00					154.67	229.00
United States	Dollar				1,887.14				1,887.14
Graeme Bannerman:									
United States	Dollar				1,795.00				1,795.00
Cyprus			75.00						75.00
Lebanon			75.00						75.00
Israel			273.00						273.00
Joel Johnson:									
Canada	Canada dollar	629.65	510.00					629.65	510.00
United States	Dollar				272.50				272.50
Switzerland	Swiss franc	503.10	255.00					503.10	255.00
Austria	Shilling	3,404.75	204.00					3,404.75	204.00
Italy	Lira	362,327	276.00					362,327	276.00
United States	Dollar				1,595.00				1,595.00
Janice M. O'Connell:									
Canada	Dollar	629.65	510.00					629.65	510.00
United States	Dollar				253.95				253.95
Alison Rosenberg:									
United States	Dollar				3,956.00				3,956.00
Liberia	U.S. dollar		30.00						30.00
Kenya	Kenya shilling	634.65	58.00					634.65	58.00
South Africa	Rand	257.38	226.00					257.38	226.00
Zimbabwe	Zimbabwe dollar	170.84	225.00					170.84	225.00
Botswana	Pula	75.84	69.00					75.84	69.00
Total			3,015.00		9,759.59				12,774.59

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Oct. 12, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, EXPENDED BETWEEN SEPT. 4 AND SEPT. 9, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Barry Goldwater:									
United Kingdom	Pound	320.75	522.00						522.00
Judy Eisenhower:									
United Kingdom	Pound	320.75	522.00						522.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, EXPENDED BETWEEN SEPT. 4 AND SEPT. 9, 1982—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl Eisenhower:									
United Kingdom	Pound	320.75	522.00						522.00
Denny Sharon:									
United Kingdom	Pound	320.75	522.00						522.00
Deborah Morrell:									
United Kingdom	Pound	320.75	522.00						522.00
Doris Berry:									
United Kingdom	Pound	320.75	522.00						522.00
Henry Guigni:									
United Kingdom	Pound	320.75	522.00						522.00
Total			3,654.00		NA				3,654.00

BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, Sept. 30, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marian Malashevich:									
United States	Dollar		1,657.00		1,261.00				2,918.00
Sandra Masur:									
United States	Dollar				280.00				280.00
Canada	Dollar	524.71	425.00					524.71	425.00
Henry S. Reuss:									
United States	Dollar				1,640.00				1,640.00
Total			2,082.00		3,181.00				5,263.00

HENRY S. REUSS,
Chairman, Joint Economic Committee, Oct. 1, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL LAXALT, AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS, EXPENDED BETWEEN JULY 1 AND JULY 13, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paul Laxalt:									
Italy	Lira	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Senator Ernest Hollings:									
France	Franc	136.8	20.00					136.8	20.00
Italy	Lira	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Senator J. Bennett Johnston:									
Italy	Lira	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Senator Walter D. Huddleston:									
Italy	Lira	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Terrence Sauvain:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Jan Novins:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Edward Allison:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Jeanine Drysdale Lowe:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Pat Dondero:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL LAXALT, AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS, EXPENDED BETWEEN JULY 1 AND JULY 13, 1982—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eileen de Latour:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Richard Pierce:									
France	Franc	1,539	225.00					1,539	225.00
Italy	Lire	373,680	270.00					373,680	270.00
Hungary	U.S. dollar		150.00						150.00
Great Britain	Pound	175.24	300.00					175.24	300.00
Delegation Expenses:[1]									
France							3,894.58		3,894.58
Italy							3,362.47		3,362.47
Hungary							2,837.05		2,837.05
United Kingdom							3,575.35		3,575.35
Total			9,515.00				13,669.45		23,184.45

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(B) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

PAUL LAXALT,
Chairman of Delegation, Sept. 30, 1982.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SPECIAL COMMITTEE ON AGING, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John C. Rother:									
Austria	Shilling	15,744	918.00					15,744	918.00
United States	Dollar				1,061.00				1,061.00
Total			918.00		1,061.00				1,979.00

JOHN HEINZ,
Chairman, Special Committee on Aging, Sept. 30, 1982.

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-4559. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Involvement In The Mount St. Helens Disaster: Past Expenditures and Future Needs"; to the Committee on Appropriations.

EC-4560. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the messenger service, at the Norfolk Naval Shipyard, Portsmouth, Va., to contractor performance; to the Committee on Armed Services.

EC-4561. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the material turned into store function at the Naval Supply Center, Norfolk, Va., to contractor performance; to the Committee on Armed Services.

EC-4562. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the cold storage function at the Cheatham Annex, Naval Supply Center, Norfolk, Va., to performance by contract; to the Committee on Armed Services.

EC-4563. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the motor vehicle operations and maintenance function at the Naval Training Center, Orlando, Fla., to performance by contract; to the Committee on Armed Services.

EC-4564. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems Hamper Foreign Commercial Service's Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4565. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, some corrected pages to a previously submitted executive summary of the Commission; to the Committee on Commerce, Science, and Transportation.

EC-4566. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report of the Commission on the Residential Energy Conservation Service; to the Committee on Commerce, Science, and Transportation.

EC-4567. A communication from the Assistant Attorney General (Land and Natural Resources Divisions), transmitting, pursuant to law, a report on the victim compensation program; to the Committee on Environment and Public Works.

EC-4568. A communication from the Secretary of the Interior and the Secretary of Commerce, jointly transmitting, pursuant to law, the second report on the activities of their various Departments with respect to the emergency stripped bass research study; to the Committee on Environment and Public Works.

EC-4569. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to modify the authority of the Richard B. Russell Dam and Lake project, and for other purposes; to the Committee on Environment and Public Works.

EC-4570. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5 United State Code, to change the position of Chief Counsel for the Internal Revenue Service, Department of the Treasury, from Level V to Level IV of the Executive Schedule; to the Committee on Finance.

EC-4571. A communication from the Deputy Secretary of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to accept gifts and bequests for the purposes of the Department of the Treasury, and for

other purposes; to the Committee on Finance.

EC-4572. A communication from the Chairman of the Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 to authorize an amended appropriation for fiscal year 1983; to the Committee on Foreign Relations.

EC-4573. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4574. A communication from the Secretary of State transmitting, pursuant to law, a report on payments made during the previous month to individuals and corporations in satisfaction of assurance agreements or payment of loan guarantees to the Polish People's Republic; to the Committee on Foreign Relations.

EC-4575. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of the international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4576. A communication from the Secretary of the Department of Agriculture transmitting, pursuant to law, the semiannual report of the Inspector General for April 1 to September 30, 1982; to the Committee on Governmental Affairs.

EC-4577. A communication from the Secretary of Labor transmitting, pursuant to law, the semiannual report of the Inspector General for the period April 1 through September 30, 1982; to the Committee on Governmental Affairs.

EC-4578. A communication from the Secretary of Education transmitting, pursuant to law, the semiannual report of the Inspector General for the period April 1 through September 30, 1982; to the Committee on Governmental Affairs.

EC-4579. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-45780. A communication from the Comptroller General of the United States transmitting an errata page for his report of September 1, 1982, entitled "Progress in Improving Program and Budget Information for Congressional Use"; to the Committee on Governmental Affairs.

EC-4581. A communication from the District of Columbia Auditor transmitting, pursuant to law, an audit report entitled "Lease of Public Space Under DuPont Circle"; to the Committee on Governmental Affairs.

EC-4582. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report relative to certain foreign medical graduates in the United States; to the Committee on the Judiciary.

EC-4583. A communication from the Assistant Secretary of Education for Educational Research and Improvement transmitting, pursuant to law, a report relative to certain studies and a final report to be transmitted to Congress on December 31, 1982; to the Committee on Labor and Human Resources.

EC-4584. A communication from the Acting Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, the audit of the American Red Cross for the year ended June 30, 1982; to the Committee on Labor and Human Resources.

EC-4585. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 1982 through September 30, 1982, from moneys appropriated to the Architect of the Capitol; ordered to be printed and to lie on the table.

EC-4586. A communication from the Secretary of Defense transmitting, pursuant to law, a report on six violations of law involving overobligation of appropriated funds; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1227. A joint resolution adopted by the Legislature of the State of California; to the Committee Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 128

"Whereas the Western Regional Research Center of the Science and Education Administration, an agency of the United States Department of Agriculture, located at Albany, California, has operated at that location since 1948; and

"Whereas, the center has made substantial contributions to the wool and mohair industry through its research, educational, and consultative activities; and

"Whereas, the wool industry is a major agricultural activity of the 17 western states where 80 percent of domestic wool is produced; and

"Whereas, the center's research activities have led to significant improvements in the production, processing, and marketing of these natural fibers, and to the development of well over 100 public service patents related to all phases of the wool industry and the textile industry in general; and

"Whereas, these research activities have resulted in improved textile qualities that have been utilized in such products as protective socks for amputees using artificial limbs and that have reduced energy and chemical needs for textile production and consumer maintenance, including low-temperature machine washability, greater acceptability of wool qualities by processes which reduce shrinkability, and in international recognition of the center's capability in both basic and applied research; and

"Whereas the center's scientific, technical, and support staffs located in the Albany area provide a substantial economic benefit to a generally low-income community; and

"Whereas the United States Department of Agriculture is presently planning to close the center at its current location; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to maintain the effective wool and mohair research conducted by the Western Regional Research Center of the Science and Education Administration at the center's present location in Albany, California, until a more appropriate location in nothern California is selected; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1228. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 80

"Whereas, the California coastal management program is essential for the wise management of the coastal resources of this state, including fisheries, beaches, wetlands, and wildlife; and

"Whereas, there is a national interest in the continuation of ocean and coastal resources management programs such as the Coastal Zone Management Program, the Coastal Energy Impact Program, the Sea Grant Program, and the Living Marine Resources Program; and

"Whereas, State coastal management programs provide the primary vehicle for the wise management and protection of our valuable coastal and marine resources and for state participation in the Outer Continental Shelf leasing programs; and

"Whereas, coastal states have a legitimate role in the Outer Continental Shelf activities and other coastal energy programs and must be prepared to fully participate in the leasing process and in the siting of energy facilities; and

"Whereas, the Department of the Interior intends to accelerate the leasing of tracts in the Outer Continental Shelf for the exploration of oil and gas; and

"Whereas, Revenues from a nonrenewable offshore natural resource which belongs to the people of the United States should be reinvested in ocean and coastal programs which provide management for renewable coastal resources; and

"Whereas, Federal financial support for state coastal zone management and related marine programs is being withdrawn and an inequity exists because inland states receive royalties from mineral leases on federal lands, and coastal states affected by the federal Outer Continental Shelf oil and gas leasing and development now receive no direct compensation; and

"Whereas, the total federal revenues from the development of oil and gas on California's Outer Continental Shelf amounted to $2.38 billion in federal Fiscal Year 1981; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support the establishment of an ocean and coastal resources management and development fund, supported by Outer Continental Shelf oil and gas revenues, and to provide that the money from the fund be distributed to coastal and Great Lake states and territories in block grants for coastal management, research, energy impact planning and mitigation, and fisheries management programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and

Representative from California in the Congress of the United States."

POM-1229. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 117

"Whereas, the United States Department of the Interior has decided to lease certain areas of the Outer Continental Shelf off the southern California coast on June 11, 1982; and

"Whereas, the areas covered by the lawsuit filed by the State of California are the 12 tracts adjacent to Santa Monica Bay, the precautionary area off of the Ports of Los Angeles and Long Beach, and nine tracts within the three and one-half nautical mile buffer zone offshore of Orange County; and

"Whereas, the exploration, development, and production of oil in these areas would threaten ecological preserves and other ecologically sensitive areas; increase the risk of oil spills; increase onshore air pollution; increase hazards to vessel traffic safety; and seriously threaten the economy and quality of life of southern California coastal communities; and

"Whereas, the proposed leases are in direct conflict with the provision of the federal Coastal Zone Management Act of 1972, which required federal action directly affecting the state to be conducted in a manner consistent with the state's approved coastal management program; and

"Whereas the Secretary of the Interior violated the provisions of the Outer Continental Shelf Lands Act amendments by offering the above-described tracts for lease sale in spite of reasonable recommendations by the Governor of California that the tracts be deleted from the lease sale; and

"Whereas, there is no likelihood of obtaining oil from these areas in amounts which would meaningfully assist America's national energy supply needs in comparison to the potential economic and ecological damage which could result; and

"Whereas, the State of California has brought an action in federal court seeking declaratory and injunctive relief in order to stop the proposed lease sale in these areas; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly supports the actions taken by the state to prevent the June 11, 1982, proposed lease sale of the above-described tracts by the United States Department of the Interior; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM—1230. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 120

"Whereas, Louisiana-Pacific Corporation and Crown Simpson Pulp Company, owners and operators of two nearly identical pulp mills located on the Samoa peninsula near Eureka, California, applied for and received from the State Water Resources Control Board in 1977 variances from federal ocean discharge limitations on biochemical oxygen demand (BOD) and alkalinity or acidity (pH); and

"Whereas, Municipalities are already eligible for exemption from those requirements under the Clean Water Act of 1977; and

"Whereas, The Environmental Protection Agency has refused to approve the variances granted to the two pulp mills by the State Water Resources Control Board; and

"Whereas, The State Water Resources Control Board has concluded that compliance with the federal requirements will result in negligible benefits to the ocean environment; and

"Whereas, the effluents currently being discharged with primary treatment are nontoxic and have never been shown to cause significant degradation of the ocean environment; and

"Whereas, compliance with the federal requirements will require construction of secondary treatment facilities at each mill, with the cost to each company estimated at ten million dollars ($10,000,000) to fifteen million dollars ($15,000,000) in capital costs, and one million dollars ($1,000,000) to two million dollars ($2,000,000) is annual operation and maintenance costs; and

"Whereas, Operation of the secondary treatment systems will have a net negative impact on energy, air pollution, visibility, sludge disposal, and chemical usage without any measurable improvement in receiving water quality; and

"Whereas, Construction and operation of the required secondary treatment plants will add substantially to the two mills' costs of production, with no corresponding benefits to the environment; and

"Whereas, Both mills have already been forced to curtail production periodically and lay off employees because of relatively high production costs and the companies' inability to compete in a weakened pulp market; and

"Whereas, Compliance with the federal requirements will reduce still further the two companies' ability to compete successfully on the world pulp market and provide continued employment for the mills' workers; and

"Whereas, Unemployment in Humboldt County is currently more than 17 percent, and further layoffs would exacerbate the county's depressed economic position, now therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the Environmental Protection Agency to reopen it proceedings in this case and approve the variances granted the two pulp mills by the State Water Resources Control Board; and be it further

"Resolved, That if it is not feasible to reopen the proceedings, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Clean Water Act of 1977, after careful evaluation of the potential water quality impacts of such action, to provide appropriate relief and to incorporate in the legislation the following provisions:

(a) All existing conditions and requirements of Section 301(h) of the Clean Water Act of 1977 applying to municipal dischargers shall be applicable to industrial dischargers.

(b) In order to demonstrate eligibility for a waiver, the applicant shall demonstrate there is no reasonable relationship between the economic and social costs and the benefits to be obtained, including the objectives of the Clean Water Act of 1977.

(c) The effluent limitations established under any such waiver shall be at such a level necessary to implement the applicable state water quality standards, sufficient to assure the protection and propagation of shellfish, fish, fauna, wildlife, and other aquatic organisms. In setting such standards, the administrator shall take into account any seasonal variations, an adequate margin of safety, and any lack of knowledge concerning the relationship between effluent limitations and water quality and any lack of knowledge of the effects of the discharge on receiving water beneficial uses.

"(d) Any such waiver shall not exceed a period of time greater than five years, with provisions for renewal upon application by the discharger.

"(e) A decline in ambient water quality during the course of the permit may constitute grounds for the termination of the waiver even if a direct cause and effect relationship cannot be shown.

"(f) Any waiver of effluent standards will be limited to the standards for biochemical oxygen demand (BOD) and acidity or alkalinity (pH).

"(g) No such waiver shall be allowed in estuarine areas or designated areas of special biological significance.

"(h) A state properly certified to administer NPDES permits shall have the right to have the Environmental Protection Agency be the responsible agency for hearing variances or an individual variance without otherwise endangering any other portion of a certified state's program. The state may, however, choose to hear all such variances.

"(i) The review process shall consider overall economic factors to ensure that the applicant is not granted an undue competitive advantage over other producers in that industry as a result of the modification in discharge limitations; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1231. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 76

"Whereas, The crimes of parricide and other forms of familial homicide are regarded as particularly heinous forms of murder; and

"Whereas, Under existing federal law cases have recently occurred in California in which the perpetrators of these crimes, who are dependents of the victims, have been held eligible for the payment of Social Security survivor's benefits available because of the deaths resulting from the commission of the crimes; and

"Whereas, The people of this state and other states are unjustly burdened by the payment of these benefits resulting directly from such crimes; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to review and remedy by reform legislation the federal rules and regulations pertaining to Social Security survivor's benefits so that persons found sane and committed or sentenced to

incarceration for the murder of a parent, spouse, or other family member will not benefit from federal funds paid as a result of the death of the murder victim; and be it further

"Resolved, That the Legislature urges the President and Congress of the United States to act swiftly to enact legislation remedying this injustice whereby a murderer may benefit from the government of the United States for his heinous act; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1232. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 127

"Whereas, The needs of the terminally ill, the bereaved, and their families in California and the nation have not been adequately met by the health care delivery system; and

"Whereas, The hospice concept of care for the terminally ill, the bereaved, and their families first received worldwide acclaim because of the efforts of Dr. Cicely Saunders to deliver hospice care in England; and

"Whereas, In the United States, the needs of the terminally ill of all ages was first brought to the attention of the health professions and the general public by Dr. Elisabeth Kubler-Ross; and

"Whereas, Through the efforts of many volunteers and health professionals, the hospice program of care has become an accepted part of the health care delivery system; and

"Whereas, The hospice program of care has received the official endorsement of numerous national organizations including the American Medical Association and the AFL-CIO; and

"Whereas, Numerous national corporations including General Electric, Westinghouse, Warner-Lambert Foundation, RCA, and the National Cancer Institute, have provided the hospice benefit to its employees, dependents, and, in some cases, its retirees; and

"Whereas, A large number of terminally ill patients and their families qualify for financial assistance under Medicare coverage; and

"Whereas, Hospices in California have provided national leadership in education, training, and program development, and in the setting of standards for the quality of care; and

"Whereas, Legislation currently before the Congress of the United States, House Bill 5180 (Panetta, D-CA) and Senate Bill 1958 (Dole, R-KS), proposes the modification of Medicare benefits to provide assistance for terminally ill citizens seeking the comfort and services of hospice care, and these proposed revisions in federal law are in the best interest of California residents; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the provisions of House Bill 5180 (Panetta, D-CA) and Senate Bill 1958 (Dole, R-KS) to extend Medicare coverage to hospice services for terminally ill persons in the United States; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate Finance Committee, to the Chairman of the House Committee on Ways and Means, and to each Senator and Representative from California in the Congress of the United States."

POM-1233. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

ASSEMBLY JOINT RESOLUTION NO. 129

"Whereas, Ontario Airport, a part of the Los Angeles International Airport complex, has become the transportation hub of the Inland Empire region of southern California and the focal point for major airline traffic; and

"Whereas, In addition to its own traffic, Ontario Airport has become the major traffic overflow facility for Los Angeles International Airport, thus handling traffic originating from all over the world; and

"Whereas, Airline traffic at Ontario Airport has increased every year since being designated as part of the LAX complex and has been the point of arrival for many international travelers to southern California; and

"Whereas, It is time that Ontario airport be fully recognized for its international importance and strategic position in the southern California international transportation network; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of California respectfully memorializes the President and Congress of the United States to direct the Civil Aeronautics Board to take the necessary action to designate Ontario Airport as an international airport, including United States customs clearance as part of its services and facilities as a port of entry to the United States; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Civil Aeronautics Board."

POM-1234. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 116

"Whereas, We live in an increasingly computerized society; and

"Whereas, Education must keep pace with technological developments; and

"Whereas, Our schoolchildren are not receiving adequate training in the use and application of computers and other sophisticated equipment; and

"Whereas, It has been said that nothing more effectively contributes to the cultivation of a country than the education of the youth; and

"Whereas, Legislation exists in the House of Representatives of the Congress of the United States to allow greater tax credits and deductions for corporations which make charitable contributions of computers or other sophisticated technological equipment to schools; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes each Senator and Representative from California in the Congress of the United States to support efforts to encourage corporations to make charitable contributions of computers or other sophisticated technological equipment to schools by allowing the corporations to claim greater tax credits and deductions for these contributions; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1235. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 93

"Whereas, Mexico has established an offshore extended economic zone for the regulation of commercial fishing; and

"Whereas, In the past Mexico issued permits to American commercial fishermen to take fisheries products within the offshore economic zone, but will no longer issue these permits; and

"Whereas, Past activities of the Mexican government to discourage the taking of fisheries products within the zone by American commercial fishermen included heavy fines and the confiscation of fish and nets; and

"Whereas, In response to these activities the United States has embargoed all tuna and tuna products from Mexico; and

"Whereas, Negotiations between Mexico and the United States on the issue of commercial fishing within the zone are currently at a standstill with neither side gaining anything positive as a result thereof; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectively memorializes the President, the Congress of the United States, and the United States Secretary of State to reopen negotiations with Mexico on the issue of commercial fishing within the zone and to negotiate in total good faith avoiding approaches which could lead to the animosities that existed in the past; and be it further

"Resolved, That the Legislature of the State of California firmly believes that two countries with similar economic interests and a common border should be able to coexist in harmony and negotiate in good faith, and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of State"

POM-1236. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION NO. 119

"Whereas, A foreign company, "HEEREMA," has set an oil platform and is using foreign labor from Holland and Spain on the Outer Continental Shelf of California; and

"Whereas, We have many Americans in the State of California unemployed; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress of the United States to take such action as is necessary to ensure the use of American labor on the Outer Continental Shelf, with all applicable affirmative action guidelines; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1237. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

ASSEMBLY JOINT RESOLUTION No. 107

"Whereas, Under the federal Employee Retirement Income Security Act of 1974 (ERISA), multiple-employer trusts are minimally regulated while state regulation, except that relating to insurance, is preempted; and

"Whereas, Multiple-employer trusts offer to provide health benefit plans and the benefits of comprehensive group health and other insurance to the vast and particularly vulnerable market group composed of small businesses and small employers at reduced costs and operate in the junctures of federal and state jurisdictions; and

"Whereas, Highly questionable business practices have occurred among the multiple-employer trusts, including the taking of immense fees, failures to provide comprehensive insurance benefits at reasonable costs, preparing brochures referring to health care providers without notice to or approval by those health care providers, failure to establish sound reserves, including a possible maximum unfunded group health insurance liability in California alone of $50,000,000, and business failures resulting in bankruptcy with policyholders being transferred to newly formed multiple-employer trusts; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the current federal statutes regulating the multiple-employer trust industry are ineffective and that the California Insurance Commissioner and the California Department of Corporations are well-equipped to regulate that industry; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation permitting the states to regulate all multiple-employer trusts which do not meet the ERISA definition of "employee benefit plan;" and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1238. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 89

"Whereas, A strong national economy and defense relies upon a well-trained pool of human resources; and

"Whereas, It is within the national interest to assist all citizens in their efforts to avoid prolonged dependence on federal assistance programs; and

"Whereas, Postsecondary educational opportunities have proven beneficial in aiding citizens in obtaining long-term, unsubsidized employment; and

"Whereas, The attainment of this employment contributes to the national economy and enables these individuals to repay the national investment in each person so employed; and

"Whereas, The State of California has demonstrated its longstanding commitment to maintaining accessibility to quality postsecondary education; and

"Whereas, The approval of recent and ongoing efforts to cut student financial aid programs will operate to reduce current funding for federal financial aid assistance to students in California by approximately $132.6 million and will result in the loss of over 198,000 student financial aid awards in the fiscal year 1982-1983; and

"Whereas, Federal outreach programs such as Special Programs for Disadvantaged Students (TRIO) and student financial assistance programs such as the State Student Incentive Grants, Pell Grants, Supplemental Education Opportunity Grants, Work-Study, and Guaranteed Student Loans have expanded the opportunities for postsecondary education; and

"Whereas, Federally proposed reductions in these programs will eliminate the opportunities which are available to a significant number of this nation's citizens to successfully enter into and complete a program of postsecondary education; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes each Senator and Representative from California in the Congress of the United States to work for the support of a federal appropriation level equivalent to that appropriated for the 1981 fiscal year for the support of these federally assisted student financial aid programs, and for the enactment of federal legislation to accelerate loan collection efforts on delinquent student loans so as to establish a revolving student loan funding mechanism; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1239. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 111

"Whereas, Elderly persons are an important natural resource which can be utilized to improve the general welfare of our nation; and

"Whereas, Unemployment among persons 55 years of age and older is skyrocketing; and

"Whereas, Many elderly persons find that it is absolutely necessary to supplement their meager incomes through the social security system or other pension systems, by engaging in employment; and

"Whereas, The difficult task of finding employment is complicated for elderly persons due to age discrimination, as well as the fact that many elders have been out of the work force for a number of years; and

"Whereas, Tremendous strides in employment of elderly persons have been made through the federally funded Community Service Employment for Older Americans programs, provided for pursuant to Title V of the Older Americans Act, as amended; and

"Whereas, This program has been extremely effective in promoting useful part-time opportunities in community service activities for unemployed low-income workers, as well as placement into unsubsidized employment; and

"Whereas, In December of 1981, subsequent to Congressional action, President Reagan signed into law a three-year extension for this program; and

"Whereas, Recommendations have been made to eliminate this program through federal budget action; and

"Whereas, The demise of this program would add to the difficulties which currently exist in securing employment for the elderly; now, therefore be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to refrain from taking any action which could lead to the elimination or dismantling of the Community Service Employment for Older Americans program, and to extend full funding to the program, as budgeted in fiscal year 1981-82; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representatives from California in the Congress of the United States."

POM-1240. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 69

"Whereas, The Federal Library Services and Construction Act (20 U.S.C. Sec. 351 et seq.) since its passage has provided valuable support to the extension and improvement of public library services in California and throughout the nation; and

"Whereas, Under the Library Services and Construction Act, $6,500,000 has been provided annually to the State of California to be distributed within the state by the State Librarian for library services to low-income physically handicapped, and elderly persons, to the limited- and non-English speaking, and for the general improvement of the quality of library services and interlibrary cooperation in the state; and

"Whereas, Many California public libraries and their underserved and limited- or non-English-speaking patrons have benefited and continue to benefit from the improved library services and access to free public library resources made possible by funds awarded by the State Librarian from the LSCA; and

"Whereas, Funding for California's public libraries has been cut back as a result of the budgetary reductions following the passage of Proposition 13; and

"Whereas, A 25 percent reduction in LSCA funding, which was $62,500,000 in 1981, has been proposed for the fiscal year 1982; and

"Whereas, This reduction in funding would have an extremely detrimental effect upon the ability of California public libraries to continue to provide to their users even the present level of services, which has already been cut back to the basic level, and would limit the ability of the information-poor, particularly the Hispanic, blind, and disabled, to have equal access to the information resources enjoyed by California citizens; and

"Whereas, Many current library services which assist the underserved and disadvantaged, including the California Spanish Language Data Base, reference networks, and the school-public library cooperation program, receive full or partial funding from LSCA; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California jointly,* That the Legislature of the State of California commends the State Librarian and the library community for their continued support of free access to library information services and resources for the disadvantaged, the limited- and non-English speaking, the blind, and the disabled; and be it further

"*Resolved,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to maintain at $62,500,000 the amount of funding given to the Library Services and Construction Act in 1982 and to provide adequate funding in subsequent years in order to provide vital federal funds to the State of California for library services to the disadvantaged; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1241. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION 72

"Whereas, As a result of an amendment to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) sponsored by the Reagan Administration, veterans of the United States armed forces separated after July 31, 1981, are no longer able to avail themselves of unemployment benefits except in rare circumstances; and

"Whereas, This loss of benefits to veterans constitutes a severe disincentive to those contemplating enlistment in the United States military, and thus will make recruitment of qualified individuals to serve in the armed forces much more difficult; and

"Whereas, This loss of benefits amounts to real economic injustice against active duty servicemen and women who, in many cases, must already rely on food stamps and other forms of public assistance to make ends meet; and

"Whereas, It has been shown that less than 20 percent of veterans are able to secure employment upon their release from active duty or discharge in which they can use skills learned while in the military; and

"Whereas, These newly enacted restrictions stand in stark contrast to the 52 weeks of unemployment benefits afforded to veterans after World War II; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and enact necessary changes to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) so that ex-military persons who served their country honorably are not deprived of their rightful benefits in assisting them in their transition from military to civilian life; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1242. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

"ASSEMBLY JOINT RESOLUTION No. 71

"Whereas, A burial allowance of $300 has been a time-honored benefit available from the federal government for service in the United States Armed Forces; and

"Whereas, The Reagan Administration, with the approval of Congress, has eliminated this benefit for all veterans except those with a compensable service-connected disability or receiving a pension; and

"Whereas, This action has resulted in the loss of this benefit for 3.3 million California veterans; and

"Whereas, The cost of burial of indigent veterans will now fall upon the counties in this state because of prohibitions in the California Military and Veterans Code against paupers' burials for veterans; and

"Whereas, The estimated cost due to the loss of this benefit is estimated to be $250,000 to $300,000 in Los Angeles County alone; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and Congress of the United States to reverse the recent federal action which eliminated the $300 burial benefit for veterans of the United States Armed Forces; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States"

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. SPECTER (for himself, Mr. GRASSLEY, and Mr. BOSCHWITZ, and Mr. DIXON):

S. 3076. A bill to provide a temporary means to correct imbalances in the natural gas market in order to restrain prices charged to natural gas users; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON:

S. 3077. A bill to establish the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAKER (for Mr. LAXALT (for himself and Mr. CANNON)):

S. 3078. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

By Mr. HATFIELD:

S. 3079. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1983, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. PELL (for himself and Mr. CHAFEE):

S. 3080. A bill to require the Administrator of General Services to convey at no cost certain surplus real property for public park or public recreational use to State and local governments; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY (for himself, Mr. MURKOWSKI, Mr. HELMS, Mr. GLENN, Mr. ABDNOR, Mr. HAYAKAWA, Mr. MATTINGLY, Mr. CHAFEE, Mr. LUGAR, Mr. ZORINSKY, Mr. RANDOLPH, Mr. KENNEDY, Mr. BIDEN, Mr. KASTEN, Mr. PRESSLER, Mr. HOLLINGS, Mr. PELL, Mr. SASSER, Mr. GORTON, Mr. LEVIN, Mr. BUMPERS, Mr. DIXON, Mr. INOUYE, Mr. D'AMATO, Mr. SARBANES, Mr. JACKSON, Mr. ROTH, Mr. HEINZ, Mr. GARN, Mr. QUAYLE, Mr. MOYNIHAN, Mr. NICKLES, Mr. THURMOND, Mr. ROBERT C. BYRD, Mr. METZENBAUM, Mr. GRASSLEY, Mr. BRADLEY, and Mr. MATSUNAGA):

S. Res. 501. Resolution expressing the sense of the Senate that the American people continue to protest martial law repression in Poland and wish to see it ended, remaining detainees released, and full and free dialogue resumed with the Church and Solidarity; and urging the President to proclaim a national day of solidarity and prayer with the Polish people on the first anniversary of the imposition of martial law; submitted and read.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. BOSCHWITZ, Mr. GRASSLEY, and Mr. DIXON):

S. 3076. A bill to provide a temporary means to correct imbalances in the natural gas market in order to restrain prices charged to natural gas users; to the Committee on Energy and Natural Resources.

TEMPORARY NATURAL GAS MARKET CORRECTION ACT OF 1982

Mr. SPECTER. Mr. President, In my capacity as cochairman of the Northeast-Midwest Coalition in the U.S. Senate, I am introducing this legislation drafted by the Northeast-Midwest Institute because I am convinced that some action must be taken on the urgent national problem of natural gas.

On my travels through Pennsylvania and from thousands of letters from constituents, I believe that some relief must be given from the sharp increases in the price of natural gas. The Citizen Labor Energy Coalition report-

ed in September that natural gas customers in 26 States, including Pennsylvania, will see their bills rise by $2.3 billion over the next 6 months despite the fact that gas supplies are currently plentiful. In Pennsylvania, most of the 1.8 million households which heat their homes with natural gas had their gas rates increased substantially at the beginning of September. Preliminary estimates show that a minimum of 50,000 jobs will be lost in Pennsylvania if proposed increases in natural gas rates go into effect. That 50,000 job-loss figure could easily rise to a significantly higher number.

While I have substantial reservations about this bill, I am introducing it because it is indispensable that we proceed with a national debate on this complex issue in an effort to find answers. The answers must include both livable prices for the consumers and a policy which will encourage exploration of natural gas to help to relieve our dependence on OPEC oil.

My reservations on this bill include its effect on existing contracts since it makes fundamental changes from prior legislation on which explorers and producers have relied. The impact on exploration and production is a factor which must be addressed in hearings.

While it is highly unlikely that any such legislation can be enacted this year, the introduction of this bill, along with other pending proposals, will provide a framework for national debate on this subject. I am pleased that Senator McCLURE, Chairman of the Energy Natural Resources Committee last week scheduled hearings on December 13, 1982, and I am confident that Senator McCLURE will schedule whatever additional hearings may be required to complete consideration of this issue. The introduction of this bill will enable the committee to focus specifically on the contents of the proposal by the Northeast-Midwest Coalition.

In evaluating the propriety of suspending existing contracts, it is important to know what the effects will be on gas producers in terms of financial hardship or even possible bankruptcies. From the consumers point of view there should be an evaluation of the financial hardship on homeowners and the possibility of bankruptcies of businesses—either large or small businesses.

In my judgment, the Congress should proceed with extreme caution in abrogating or suspending contracts. That should be done only on a strong showing that the national health and welfare mandate elevating the interests of the consumers over the existing contractual rights of the producers. A final judgment on the issue of such short-term suspension of contracts may depend on the balancing of bankruptcies as to gas producers versus the business gas consumers, and whether residential consumers can both heat and eat.

Hearings can shed the determinative light on these critical factual questions. It may be that this bill should be amended to permit exceptions to suspension of contracts where producers can show extreme financial hardship or the imminence of bankruptcies. I believe the introduction of this bill will aid the hearing process and assist in finding both short- and long-term answers to the complex issues involved in our national natural gas policy.

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. 3076

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 "Temporary Natural Gas Market Correction Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) problems of market imbalance threaten the natural gas industry;

(2) such problems are likely to result in natural gas users being burdened by excessively high prices;

(3) interstate commerce is significantly affected by such problems;

(4) an urgent need exists to provide, on a temporary basis, immediate relief from natural gas contract provisions which cause those problems; and

(5) adequate information regarding the operation of the natural gas market is not available to the Congress and the public.

(b) It is the purpose of this Act to reduce the cost of natural gas supplies to end users which would otherwise occur during the forthcoming year under "take-or-pay" and other minimum charge contract provisions—

(1) by permitting natural gas pipeline companies to adjust volumes of high-price natural gas they would otherwise be required to take from producers and other suppliers, thereby facilitating new contracts (and renegotiation of existing contracts) for lower-price natural gas; and

(2) by treating any failure by such pipeline companies to provide to their customers the least-cost natural gas available under contract as if such failure were "fraud, abuse, or similar grounds" for purposes of the Natural Gas Policy Act of 1978.

NATURAL GAS PURCHASE CONTRACTS DEEMED TO INCLUDE VOLUME ADJUSTMENT OPTION

SEC. 3. (a)(1) Any contract for the first sale of natural gas shall be deemed to include a volume adjustment option (as defined in subsection (b)) with respect to any natural gas the first sale delivery of which could occur pursuant to such contract at any time after the effective date of this section and before November 1, 1983.

(2) Such option shall be in addition to, and not in lieu of, any other provision of such contract; except that such option shall supersede any other provision of such contract to the extent such other provision would prohibit or restrict the operation of such option.

(b) For purposes of this section, the term "volume adjustment option" means a contract provision under which the purchaser may elect to refuse to take delivery under such contract of any volume of natural gas (or portion thereof) without incurring an obligation to pay any fee or charge with respect to the natural gas not delivered pursuant to such election.

(c) Subsection (a) shall only apply to natural gas produced in the United States (including the Outer Continental Shelf).

(d) This section shall take effect beginning on the 15th day after the date of the enactment of this Act.

FAILURE BY A PIPELINE TO ACQUIRE THE LEAST-COST NATURAL GAS UNDER CONTRACT CONSIDERED AS FRAUD, ABUSE, OR SIMILAR GROUNDS FOR PURPOSES OF F.E.R.C. REVIEWING PASS-THROUGH OF COSTS

SEC. 4. (a) Except as provided under subsection (c), the purchase by any natural gas pipeline company of any natural gas which is delivered on any day on or after the effective date of this section and before November 1, 1983, at an excessive price shall be considered as fraud, abuse, or similar grounds for purposes of section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)(2)).

(b) For purposes of subsection (a), the price of natural gas delivered to any natural gas pipeline company on any day shall be considered excessive if that price exceeds the price of any other natural gas not delivered to such pipeline company on that day but which could have been acquired by such pipeline company for delivery on that day under any contract to which the pipeline company is a party. Any modification of such contract after December 6, 1982, shall not be taken into account for purposes of the preceding sentence to the extent such modification results in a higher price, lower delivered volume, or earlier termination of such contract than would otherwise occur under the terms of such contract as they were in effect December 6, 1982.

(c) Subsection (a) shall not apply to the acquisition of any natural gas if—

(1) such acquisition is determined by the Federal Energy Regulatory Commission to be justified because of field drainage requirements, because of peak-shaving demands of any pipeline, local distribution company, or end-user, or because of similar reasons; and

(2) a filing for such exception is included with the first filing made by such company under section 5(a) of this Act.

(d) This section shall take effect beginning on the 15th day after the date of the enactment of this Act.

MODIFICATION OF COSTS UNDER PURCHASED GAS ADJUSTMENT CLAUSE

SEC. 5. (a) Within 15 days after the date of the enactment of this Act, and monthly thereafter, each natural gas pipeline company shall file with the Federal Energy Regulatory Commission—

(1) a statement explaining how such pipeline company has used and will use the contract rights available under section 3, as well as other steps it has taken and proposes to take, to achieve the lowest possible weighted average acquisition cost of natural gas; and

(2) a modification of the costs to be recovered by such pipeline under a purchased gas adjustment clause, if the weighted average acquisition cost of natural gas by such pipe-

line company is lower by reason of the exercise of the contract rights available under section 3 or other steps taken by such pipeline company.

(b) Any modification made under subsection (a)(2) shall take effect on and after the date it is filed.

(c) The filings made under this section shall specify, with respect to each contract under which the pipeline company can acquire natural gas during the period covered by section 3—

(1) the parties to such contract;

(2) the volumes subject to such contract;

(3) the price or prices for the natural gas subject to such contract; and

(4) the point of delivery under such contract.

DEFINITIONS

SEC. 6. For the purposes of this Act—

(1) the term "natural gas pipeline company" means a natural-gas company, as defined in section 2(6) of the Natural Gas Act;

(2) the terms "first sale", "deliver", and "Outer Continental Shelf" have the meanings given such terms by the Natural Gas Policy Act of 1978; and

(3) the term "purchased gas adjustment clause" has the meaning given such term under regulations issued under the Natural Gas Act.

● Mr. BOSCHWITZ. I rise today in joining my friends on the Northeast-Midwest Coalition in introducing legislation to revolve the emerging crisis in the natural gas market.

The crisis is partly one of price. Rapidly escalating natural gas prices as we approach winter stand to severely hurt residential consumers already hard pressed by the recession, not to mention industrial and consumer users.

My home State of Minnesota has been hit particularly hard by these price increases. According to Minnesota's State energy agency, residential natural gas prices increased from an average of $4.02 Mcf in 1981 to $5.03 Mcf so far in 1982. The agency projects an increase of nearly 20 percent in 1983 to $5.75 Mcf.

That means that Minnesotans will be paying an average of $110 more in natural gas bills this winter. That is an unnecessary and onerous burden for lower- and middle-income families.

This is most tragic in northeastern Minnesota's iron range, one of the coldest areas of the State, and also an area where unemployment has overstepped 20 percent.

The crisis we face is not concerned solely with price. It is one of public confidence in the natural gas industry and in the price system established by the Government in 1978. The problem is that, according to the logic of the marketplace, prices should not be rising rapidly when demand for gas is declining.

But that is exactly what is happening.

For example, natural gas consumption in the United States for the first 8 months of 1982 was 4.6 percent less than in the comparable 1981 period, according to the Department of Energy.

At the same time, the cost to heat your home increased. Average residential heating prices for natural gas in the United States increased from $3.95 per thousand cubic feet (Mcf) in 1980 to $4.56 in 1981. Prices increased from $4.86 Mcf in January 1982 to $5.61 Mcf in June 1982 despite the fact that consumption always declines as winter turns into spring.

Knowledgeable observers cite two reasons for this contradiction of the laws of supply and demand in the gas market:

The first is that under the NGPA, prices of "new" gas—gas discovered after 1977—are to be gradually decontrolled until 1985, when controls will be removed entirely.

The whole purpose of the NGPA was to eradicate the gas shortage of 1976–77 through a phased program of price decontrol, which would, in turn, encourage procedures to increase supply. The NGPA has given us higher prices, which continue to rise today, but it has achieved its objective of bringing forth greater supplies. There is now a gas surplus of around a trillion cubic feet.

Mr. President, the NGPA's decontrol program makes sense as a partial explanation for rising natural gas prices, but there is more to the story. I am convinced that another major factor in the price increases is the behavior of the pipeline companies.

The pipeline company which supplies over 90 percent of Minnesota's natural gas is Northern Natural Gas Co. This year, Northern Natural Gas applied to the Federal Energy Regulatory Commission for a staggering rate increase of $348 million. This amounts to a 22-percent increase over last year. Included in this proposal was a recommended rate-of-return on investment of 18 percent.

As a businessman who has fully felt the ravages of our economy, Mr. President, I would dearly love to earn that kind of rate of return on investment, especially in the midst of a recession, when earnings at most firms are being squeezed. I find it difficult to justify such a high return on investment in the face of rising gas prices.

Curiously, Northern Natural also claimed it needed this large rate increase because high gas prices have led to declining demand, thus reducing the volume of gas carried in their pipelines and raising unit costs. Here again, the consumer gets gouged for conserving. What's more, the more he conserves, the more the price goes up.

Also, I am told by FERC that they feel Northern Natural overestimated its loss of volume, which means that they asked for a larger rate increase than they should have.

A final reason for Northern's rate increase was its contention that it needed to offset purchases of high-cost ($4.94 Mcf) Canadian gas, which they ordered during the gas shortages of 1976–77. But is it really fair to ask the consumer to bail Northern out of this predicament? Is it fair to charge customers for this high-cost gas that is no longer needed? I don't think so.

Mr. President, I have related this account about a gas pipeline in Minnesota to make one important point: Consumer all over the country are at the mercy of pipeline companies who do not necessarily have the consumer's best interests at heart.

Take, for example, the issue of so-called take or pay contracts, which is the principal concern of the legislation my colleagues and I are introducing today. During the gas shortage of 1976–77, contracts were written between pipelines and producers which have now locked pipelines into paying for expensive gas whether they use it or not. The pipelines were eager to get gas during the shortage and did not foresee that these contracts would eventually prevent them from acquiring gas cheaper than that which they contracted for.

Mr. President, these take or pay contracts are certainly a factor in the rising gas prices we now face. The bill being introduced today tackles this problem in two ways.

First, it allows pipelines to refuse to take gas under take or pay contracts without having to pay for it for a period lasting from 15 days after the date of the bill's enactment to November 1, 1983.

Second, it allow FERC to charge a pipeline which does not use this right to acquire the lowest cost gas available with fraud. This would then allow FERC to deny or scale back a rate increase based on a pipeline's claim of higher costs for gas purchases.

I do not think this bill will completely solve the problem of rising gas prices. There will continue to be some escalation due to the NGPA. But it will place needed pressure on pipelines to serve the interests of consumers by acquiring the lowest cost of gas possible. I also favor a tough stand by FERC in reviewing pipeline rate increases.

Mr. President, if we are to retain the confidence of consumers as another tough winter approaches, we must do everything in our power to hold gas price increases to a minimum. This bill, together with close scrutiny by FERC of all proposed rate increases will help us meet that objective.●

● Mr. GRASSLEY. Mr. President, earlier today, members of the Northeast-Midwest Coalition held a press conference announcing the introduction of legislation to provide some relief to individuals hit hard by increases in natural gas prices. I regret that I was unable to join my distinguished colleagues at that press conference, but I would like to take this opportunity to

voice my strong support for the Temporary Natural Gas Market Correction Act of 1982.

This issue of natural gas pricing is of tremendous concern to all Iowans who have been hit with a 100-percent increase in their natural gas prices over the past 3 years. Despite their commendable conservation efforts, Iowans can expect to see their natural gas bills rise an additional 25 percent during the upcoming winter months. As an energy-dependent State, Iowa has sought to combat the hardships brought on by spiraling heating costs by successful utilizations of Federal energy block grants. Yet Iowans must face another winter of higher gas costs unless the Congress takes some action to address the problem.

Our current natural gas paradox stems from a combination of current contracts negotiated between pipelines and producers and the pricing structure mandated by the Natural Gas Policy Act of 1978, legislation I voted against. In order to remedy some of the distortions created by current market conditions and those producer-pipeline contracts, the Temporary Natural Gas Market Correction Act will require pipeline companies to adjust the volume and mix of their gas in order to provide the least cost mix of gas available under their current contracts. Thus, a pipeline could refuse to take higher priced gas if lower priced gas is available.

Although this bill does not provide a comprehensive solution to soaring gas prices, it is nonetheless a serious and positive attempt to address the severe problem of high prices this winter. We cannot sit idly by and watch as Americans pay an increasing percentage of their take-home pay to heat their homes. It is now to the point where some unfortunate individuals must choose between heating their homes and putting food on the table.

I beleive we must take this opportunity during these last few weeks of the 97th Congress to act on the regulatory maelstrom we unleashed with passage of the Natural Gas Policy Act. Furthermore, we must stand ready to adopt more long-term and comprehensive solutions once Congress convenes next year. In the interim, I remain hopeful that contracts between pipelines and producers can be renegotiated to dramatically improve the current pricing anomolies. Such initiatives would substantially improve the energy environment for consumers and signal a good faith effort by the natural gas industry to work for remedial action.●

By Mr. EAGLETON:

S. 3077. A bill to establish the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

HARRY S. TRUMAN NATIONAL HISTORIC SITE

● Mr. EAGLETON. Mr. President, today I am introducing a bill to facilitate the transfer of the Truman home from the General Services Administration to the National Park Service.

It is a simple matter of transfer between two of our Federal agencies, both willing participants in the transfer.

Our country has been given a special gift by our former First Lady, Bess Truman, who passed away on Monday, October 18, 1982, at the age of 97. Words cannot express the loss I feel for this special First Lady. The Trumans left as their legacy to the American people their home and grounds in Independence. This is the house the Trumans happily returned to after leaving the White House. It was the house Bess Truman always called home.

The Victorian-style white frame house at 219 North Delaware, Independence, Mo., which had been in Mrs. Truman's family since the middle 1880's, was bequeathed to the U.S. Government to be administered under the direction "of the Archivist of the United States in conjunction with the Harry S. Truman Library."

Both the Archivist and the National Park Service are in agreement that the management of the Truman home should be handled by the National Park Service, as most Presidential homes are currently managed by the Park Service or private organizations. This is acceptable to the Truman family, as well.

I ask that the Senate give my bill expedited attention. Currently, the Truman estate is paying for security guards at the home, until the appropriate authorization can be passed. Today, the Senate Interior Appropriations Subcommittee agreed to report language appropriating the needed $160,000 for 24-hour security guards at the Truman home for the coming fiscal year.

This historic site is most certainly a valued and treasured national asset, and I feel it is important that out of the proper respect to the generosity of the Trumans that this Congress move quickly in transferring the property, so that the funding for immediate protection of the home can be forthcoming.●

By Mr. BAKER (for Mr. LAXALT for himself and Mr. CANNON):

S. 3078. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

EXEMPTION OF CERTAIN CHARITABLE ORGANIZATIONS FROM WINDFALL PROFIT TAX

● Mr. LAXALT. Mr. President, I am introducing legislation exempting from the windfall profit tax certain charitable organizations that provide research, physician education and/or assistance to patients and which will be forced to close their doors as a result of this tax.

There are a small number of vitally important medical service organizations who aid in payment of hospital bills, out-patient care, and living expenses for patients who are terminally ill or physically impaired for a continuous period of a year or longer. They have been put in great financial straits and will be forced to terminate their services to patients upon payment of the windfall profit tax.

Presently, only schools, hospitals, orphanages, and certain churches are exempt. This amendment would allow these specific service organizations which are originated and operated substantially to provide physical training, medical or hospital care, medical research, or financial assistance to medical research, or to individuals who have a medically determinable physical impairment that can be expected to last for a continuous period of not less than 1 year or resulting in death.

I do not believe Congress intended to discriminate against usually tax-exempt, nonprofit service organizations which receive their money from oil revenues. These few institutions obviously slipped through the cracks when Congress originally composed the windfall profit tax. During these times of reduced Government spending, and increased emphasis for private charitable works, we should be doing all we can to help these small but extremely vital establishments whose sole purpose is to give aid to physically impaired and terminally ill patients who are struggling financially.

Specifically, there are two such organizations in Nevada which will be forced to close their doors as a result of the windfall profit tax. The Reno Cancer Center and the Nevada Division of the American Lung Association are two nonprofit, patient service organizations which will be devastated by this tax.

The Reno Cancer Center has been in existence for 24 years in the Washoe County Hospital in Reno. Its purpose is to help pay for hospital care, chemotherapy, and other drugs and radiation for cancer patients and on occasion, a portion of surgery fees; though the bulk of the patient assistance program is to help pay for cancer patients' living expenses.

In the past, the Reno Cancer Center has also given money to the University of Nevada Medical School for cancer research; however, this year it has been forced to keep this money to pay the windfall profit tax.

The Nevada Lung Association primarily aids with living expenses, medi-

cal research, physical training, and hospital care for patients with unpayable medical expenses. It, too will be forced to close its doors as it financially cannot exist when forced to pay such a large percentage of funds as taxes.

I believe Congress will agree that it is vital that both the Reno Cancer Center and the Nevada Lung Association become exempt from the windfall profit tax as they are both patient service, nonprofit, usually tax-exempt organizations that will be devastated and ultimately terminated by this tax.●

By Mr. PELL (for himself and Mr. CHAFEE):

S. 3080. A bill to require the Administrator of General Services to convey at no cost certain surplus real property for public park or public recreational use to State and local governments; to the Committee on Governmental Affairs.

ACQUISITION OF SURPLUS FEDERAL PROPERTY BY STATE AND LOCAL GOVERNMENTS

● Mr. PELL. Mr. President, today I am introducing legislation to allow State and local governments to continue to acquire surplus Federal lands for park and recreational purposes. Over the years, the American people have enjoyed the benefits of State parks across the Nation that were developed through the acquisition of surplus Federal lands. Earlier this year the longstanding Federal practice of promoting State and local park development was frozen in its tracks by an Executive order stating that the new policy of the Government would be to auction surplus property at fair market value to the highest bidder. My legislation would insure that notwithstanding this Executive order, the General Services Administration will continue to convey surplus property at no cost where the conveyance is for the purpose of park and recreational development by State and local governments.

The President's Executive order was intended to reduce the inventory of surplus Federal property, and in the process contribute to the reduction of the Federal debt. I do not quarrel with the administration's broad objectives, and no doubt there are many properties which the Federal Government has held for years which are ideally suited for commercial or residential development, and would produce a substantial amount of revenue if appraised and sold at fair market value. The identification and sale of these properties will spur needed economic activity, and eliminate the cost to the Federal Government of maintaining a large inventory of unproductive surplus property. At the same time, however, I believe it would be shortsighted and foolish for the Government to conduct a "fire sale" of surplus properties, and in so doing give up valuable natural resources which have a value to the taxpayers far beyond the fair market price these land could produce on the auction block.

Belonging to this category are dozens of properties in the Federal inventory which are ideally suited for park and recreational use by the American public. By longstanding practice under Federal law, the General Services Administration—as custodian of Government property—has offered surplus land to State and local governments at no cost, if the acquisition is for park and recreational development. Surplus properties not designated by the National Park Service for transfer in this category could then be offered for public sale. This procedure has worked well in making thousands of acres of surplus lands available for the park and recreational enjoyment of the American people. An example of property obtained in this manner is the beautiful Narragansett Bay Islands Park in my own State of Rhode Island, which consists of a number of formerly excess Federal properties preserved for public benefit under the management of the Rhode Island Department of Environmental Management.

Executive Order 12348, signed by the President on February 25, 1982, directed the General Services Administration to complete appraisals on surplus properties, and begin the process of auctioning them at fair market value. The order applies even to properties that have previously won designation for recreational use by the Park Service. I believe this practice is shortsighted, and will result in many properties being sold for a "quick fix" for the Federal debt that should be preserved as valuable natural resources for all the taxpayers. In many cases, the public sale of these lands will actually diminish the value of existing park and recreational areas. Such a case exists in Rhode Island, where GSA is proceeding toward the sale of a 6.6-acre parcel at Beavertail Park in Jamestown. This property is a former Naval Reserve station which is entirely surrounded by State parkland. Its value for private development is, of course, enhanced by its proximity to the beautiful Narragansett Bay Islands Park. At the same time, commercial development of the Beavertail site will diminish the surrounding parklands—just as a condominium development in the middle of Yellowstone Park would devalue the beauty and uniqueness of that national treasure.

The legislation I am introducing today, with the cosponsorship of my colleague Senator CHAFEE, will allow the conveyance at no cost of surplus properties which have been identified by State or local planning agencies as appropriate for potential park and recreational use. Any property conveyed to State and local governments in this manner must be retained for park use in perpetuity.

This legislation will insure that there is ample opportunity to decide the most appropriate use for surplus Federal lands before the property is put on the auction block for private development. Most significantly, it will preserve for future generations valuable public resources which are in danger of being permanently lost to immediate sale at fair market value. Congressional attention to this problem is urgently needed, if we are to prevent irreparable losses of valuable public assets in many States, and I urge my colleagues to join me in urging the prompt enactment of this legislation.

I ask that the text of the bill be printed in the RECORD following my remarks.

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

S. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (k) of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Notwithstanding any other provision of law, the Administrator shall convey to any State, political subdivision, instrumentality, or municipality, without monetary consideration to the United States, all of the right, title, and interest of the United States in and to any surplus real property, including buildings, fixtures, and equipment situated thereon, which the Secretary of the Interior shall designate as suitable for public park or public recreational use after receiving a plan for such use submitted by any such State, political subdivision, instrumentality, or municipality. Such plan shall include assurances that such use shall be perpetual.".●

ADDITIONAL COSPONSORS

S. 1256

At the request of Mr. EXON, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1256, a bill to regulate interstate commerce by protecting the rights of consumers, dealers, and end-users.

S. 2424

At the request of Mr. HEINZ, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members.

S. 2731

At the request of Mr. HEINZ, the name of the Senator from New York

(Mr. D'AMATO) was added as a cosponsor of S. 2731, a bill to amend title II of the Social Security Act to provide for continued payment of disability benefits during appeal, to provide adjustment benefits and vocational training for individuals terminated from the disability program, to strengthen the reconsideration process, to provide for more uniformity in decisionmaking at all levels of adjudications, and for other purposes.

S. 2800

At the request of Mr. MCCLURE, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 2800, a bill to provide for the disposal of silver from the national defense stockpile through the issuance of a special series of bonds which may be redeemed for silver, and for other purposes.

S. 2948

At the request of Mr. DOLE, the name of the Senator from Washington (Mr. GORTON) was added as cosponsor of S. 2948, a bill to promote the development of nonanimal methods of research experimentation, and testing, and to insure humane care of animals used in scientific research, experimentation, and testing.

S. 2953

At the request of Mr. PELL, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2953, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 2954

At the request of Mr. PELL, the name of the Senator from Connecticut (Mr. WEICKER) was added as cosponsor of S. 2954, a bill to amend part E of the Higher Education Act of 1965 to provide cancellation of loans for certain teachers who enter the teaching profession in the field of mathematics, science, or computer education.

S. 3040

At the request of Mr. ARMSTRONG, the names of the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 3040, a bill establishing a new GI education program.

S. 3047

At the request of Mr. KASTEN, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Nebraska (Mr. EXON), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 3047, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 3068

At the request of Mr. BOSCHWITZ, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 3068, a bill to establish a cap on the pay of certain Federal officers and employees for the fiscal year 1983.

SENATE JOINT RESOLUTION 215

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to provide that the week beginning March 6, 1983 shall be designated as "Women's History Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. WARNER, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of Senate Joint Resolution 244, a joint resolution designating January 17, 1983, as "Public Employees' Appreciation Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. JEPSEN, the names of the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. BRADLEY), the Senator from Idaho (Mr. SYMMS), the Senator from North Carolina (Mr. HELMS), the Senator from Utah (Mr. HATCH), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Joint Resolution 254, a joint resolution designating September 22, 1983, as "American Business Women's Day."

SENATE JOINT RESOLUTION 263

At the request of Mr. THURMOND, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. DURENBERGER), the Senator from North Dakota (Mr. BURDICK), and the Senator from Louisiana (Mr. JOHNSTON), were added as cosponsors of Senate Joint Resolution 263, a joint resolution to authorize the President to issue a proclamation designating the week beginning on March 13, 1983, as "National Surveyors Week."

SENATE JOINT RESOLUTION 265

At the request of Mr. DENTON, the names of the Senator from Kansas (Mr. DOLE), the Senator from Nevada (Mr. LAXALT), the Senator from California (Mr. HAYAKAWA), the Senator from Texas (Mr. TOWER), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 265, a joint resolution to authorize and request the President to proclaim 1983 as the "National Year of Voluntarism."

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. DOLE, the names of the Senator from Colorado (Mr. HART), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Concurrent Resolution 121, a concurrent resolution expressing the sense of the Congress that the United States should maintain Federal involvement in, and support for, the child nutrition programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. SASSER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 124, a concurrent resolution concerning the administration's study of hydroelectric power.

AMENDMENTS SUBMITTED FOR PRINTING

HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1982

AMENDMENT NO. 4967

(Ordered to be printed and to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 2607) to amend and extend certain Federal laws relating to housing, community, and neighborhood development, and related programs, and for other purposes.

IMPROVEMENT OF OCEAN COMMERCE

AMENDMENT NO. 4968

(Ordered to be printed and to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (H.R. 4374) to improve the international ocean commerce transportation system of the United States.

SENATE RESOLUTION 501—RESOLUTION RELATING TO MARTIAL LAW IN POLAND

Mr. PERCY (for himself, Mr. MURKOWSKI, Mr. HELMS, Mr. GLENN, Mr. ABDNOR, Mr. HAYAKAWA, Mr. MATTINGLY, Mr. CHAFEE, Mr. LUGAR, Mr. ZORINSKY, Mr. RANDOLPH, Mr. KENNEDY, Mr. BIDEN, Mr. KASTEN, Mr. PRESSLER, Mr. HOLLINGS, Mr. PELL, Mr. SASSER, Mr. GORTON, Mr. LEVIN, Mr. BUMPERS, Mr. DIXON, Mr. INOUYE, Mr. D'AMATO, Mr. SARBANES, Mr. JACKSON, Mr. ROTH, Mr. HEINZ, Mr. GARN, Mr. QUAYLE, Mr. MOYNIHAN, Mr. NICKLES, Mr. THURMOND, Mr. ROBERT C. BYRD, Mr. METZENBAUM, Mr. GRASSLEY, Mr. BRADLEY, and Mr. MATSUNAGA) submitted the

following resolution; which was considered:

S. RES. 501

Whereas, the American people have since the early days of our revolution and nation had a deep and lasting friendship with the Polish people and nation, founded upon an unfaltering respect for freedom;

Whereas, the American people expressed widespread admiration and support for the creativity, combined with restraint and discipline, with which the Polish people in 1980 and 1981 attempted to evolve a mutually more responsive relationship between workers and government;

Whereas, the imposition of martial law on December 13, 1981, and actions taken by the martial law government, including the imprisonment for many months of the people's chosen trade union representative, Lech Walesa, have constituted grave abridgements of the human rights and civil liberties of the Polish people, and violated the UN Charter, the Helsinki Final Act, the Universal Declaration of Human Rights, and other international human rights agreements which Poland signed and ratified as a participating state;

Whereas, the martial law regime continues in Poland to engage in acts of violence and repression against its own citizens in contravention of the indomitable right of the Polish people to determine their own future;

Whereas, the outlawing of the free and lawful trade union Solidarity by the Polish government in October 1982 is a further suppression of the clearly expressed will of the Polish people; Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the Senate condemns and abhors the suppression of civil liberties and human rights by the martial law government in Poland;

(2) that the American people respect and admire the commitment to the ideals of freedom and independence manifested by the Polish people and Mr. Lech Walesa in particular; that the American people welcome the release to his family of Lech Walesa, and hope that he will be permitted to express himself freely and contribute to a full and free dialogue on Poland's future and the resolution of her problems by Poles themselves, free from external influence or coercion;

(3) that the American people hope that Polish authorities will take early, concrete, and significant steps to return their human rights and civil liberties to the people of Poland, beginning with the full lifting of martial law and release of remaining detainees, and will resume a full, sincere, and dree dialogue with Solidarity and the Church to commonly resolve Poland's problems;

(4) that the President of the United States is urged to proclaim December 12, 1982, the eve of the first anniversary of the imposition of martial law repression in Poland, officially as a national day of solidarity and prayer for the people and nation of Poland.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PRODUCTIVITY AND COMPETITION

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Productivity and Competition will hold an oversight hearing on the Economic Problems Facing Small and Independent Businesses in the Forest Products Industry, on December 8, 1982, at 2 p.m., in room 6226 of the Dirksen Senate Office Building. Senator GORTON will chair the hearing.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. PERCY. Mr. President, on behalf of the leadership—and Senator BAKER will be here any moment—I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, December 6, at 11 a.m., to hold a hearing to consider S. 3052, fiscal year 1983, Budget Amendment for the Board for International Broadcasting; and to consider the nomination of Kenneth L. Tomlinson to be an Associate Director for Broadcasting of U.S. Information Agency.

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

Mr. PERCY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, December 6, at 2:30 p.m., to consider the nomination of Lev E. Dobriansky, to be an Ambassador to the Commonwealth of the Bahamas.

The PRESIDING OFFICER. Is there objection?

Mr. ZORINSKY. Objection.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. PERCY. Mr. President, after consultation with my distinguished colleague, I rephrase the unanimous-consent request that was just made.

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, December 6, at 2:30 p.m., for the sole purpose of considering the nomination of Lev E. Dobriansky to be an Ambassador to the Commonwealth of the Bahamas.

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

Mr. PERCY. Finally, Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, December 6, a 3:30 p.m., to consider the nomination of John Herbert Holdridge to be an Ambassaor to the Republic of Indonesia, and this request is that it be the sole purpose of the committee to meet for that purpose.

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

(Later the following occurred:)

Mr. PERCY. Mr. President, I ask unanimous consent to revise the unanimous-consent request granted earlier to allow the Foreign Relations Committee to meet solely for the purpose of considering the nomination of Mr. Dobriansky to also include consideration of the nominations of Samuel Hart, to be Ambassador to Ecuador, and Victor Blanco, to be a member of the Board of Inter-American Foundation.

Therefore, the purpose of that meeting would be solely for the purpose of considering those three named nominations rather than just the single nomination that was mentioned before.

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

(Conclusion of later proceedings.)

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, December 6, 1982, in order to receive testimony concerning the following nominations:

U.S. DISTRICT COURT JUDGES

Judge Frank X. Altimari, of New York, to be U.S. District Judge for the eastern district of New York.

Mr. Frank W. Bullock, Jr., of North Carolina, to be U.S. District Judge for the middle district of North Carolina.

Mr. Paul E. Plunkett, of Illinois, to be U.S. District Judge for the northern district of Illinois.

U.S. CLAIMS COURT JUDGES

Judge Joseph V. Colaianni, of Maryland, to be a judge of the U.S. Claims Court.

Judge Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court.

Mrs. Christine C. Nettesheim, of the District of Columbia, to be a judge of the U.S. Claims Court.

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

ADDITIONAL STATEMENTS

THE DOMINICAN REPUBLIC: AN EXAMPLE FOR THE CARIBBEAN BASIN

● Mr. DOLE. Mr. President, as our president visits some of our sister republics to promote greater cooperation and mutual growth, a few recent remarks by Robert Anderson, our Ambassador to the Dominican Republic, are of particular interest and importance.

In an address delivered Thanksgiving Day before the American Chamber

of Commerce in Santo Domingo, Ambassador Anderson outlined with clarity the policies and views of the U.S. Government with respect to the vital interests we have in common with our democratic neighbors in the Caribbean Basin. He stressed, too, the importance we attach to the leadership provided in this respect by the Government of the Dominican Republic.

I believe excerpts from his remarks would make a valuable contribution to congressional and public understanding of the matter, and I am pleased to place them in the RECORD for that purpose at this time.

The excerpts follow:

THE DOMINICAN REPUBLIC: A CORNERSTONE FOR CARIBBEAN STABILITY

I would now like to comment on the fundamentals of our relationship. One may ask if or why the Dominican Republic is of great importance to the United States. The answer is clear. The very location of your country on one of the most important strategic and commercial arteries for the United States speaks for itself. Nearly half of our trade, two thirds of our imported energy and more than half of the strategic minerals necessary for our industrial production pass through the Caribbean. Further, and this is not generally recognized, 70 percent of the reinforcement and resupply of Europe by the United States in the event of a NATO conflict will have to be transported from our ports in the Gulf of Mexico through the Caribbean and on to Europe.

As President Reagan noted in addressing this subject at the Organization of American States in February of this year: "Make no mistake. The well-being and security of our neighbors in this region are in our own vital interest."

Aside from your geographic location, your country is, in my view, important to the United States for reasons which have to do with ideas and ideals, not numbers. They deal basically with what your nation stands for: democracy and freedom. No matter what those opposed to these tenets may proclaim, democracy can and will flourish. Indeed, it is flourishing in many places around the world: not just in Northern Europe and North America, but in Asia and in Africa, and here in the Caribbean as well.

Your nation and your leaders should rightly be proud of what has been accomplished in building democratic institutions in your country. Your constitution provides a valuable framework for elections, for the adoption of laws, for the administration of government, for a system of justice, and for the protection of human rights. That structure has been tested this year, and has been proven strong. We in the United States rejoice in this further success in consolidating a vibrant democratic system emerging from the will of the people and responsive to it. It is precisely because of this favorable evolution that the Dominican Republic is a cornerstone for stability in the Caribbean.

As the largest democracy in this critical area, your country stand as a model toward which the aspirations of all who love freedom can turn. I am thinking in particular of the many new or emerging nations in the Caribbean who are or will be deciding on their own systems of government. From my own travels during the past three years visiting many of these island states I can tell you that each passing year they look more and more toward your country in weighing what political and economic system best suits their needs. I think we would all agree, however, that the Dominican Republic's contribution to regional stability will be in direct proportion to the role it chooses to play in the area. For this reason, my Government welcomes the intention of the new Administration of President Salvador Jorge Blanco to reactivate or establish diplomatic relations with its democratic neighbors in the Caribbean. I see this as another sign of your Government's recognition that stability in this area is in its national interest, and of a readiness to assume greater responsibilities to contribute to it in a meaningful way. For this we are grateful.

The pursuance of a successful foreign policy rests first and foremost on political and economic stability at home. As we all know, the state of an economy is more often than not crucial to preserving political stability. That this is recognized by the new Administration is clear. Your President has already taken a series of difficult and courageous steps to surmount the pressing financial problems facing your nation. These, coupled with the reports of positive discussions with the International Monetary Fund and the World Bank, make it difficult for me to share the views of the school of doom and gloom about this country's economic future. Rather, I am confident that with perseverance in the effort to obtain the badly needed infusion of additional foreign exchange, the short term difficulties will be overcome. I am not alone here. In his remarks in Santo Domingo on October 28, 1982, Henry Wallich, a distingished Governor of our Federal Reserve Board, noted: "Temporary difficulties are likely to remain just that—temporary. They will scarcely be visible on the upward-sweeping graph of long-term trends."

One may rightly ask why I am optimistic about the long-term economic future of the Dominican Republic. A nation dependent on imported energy at prices set abroad. A nation dependent for its foreign exchange in large measure on the export of five or six primary products whose prices are also set in the world market place. My optimism stems from the fact that I have served in or worked with nations where there was little hope, no matter what effort and imagination their leaders could apply. Resources above the subsistence level were just not there. By comparison, I am now in a garden of Eden. The Dominican Republic has ample resources, human and material, for future development. Let us examine briefly this potential.

First, because of its political stability in recent years, because of its nearness to the United States market, and because of its long friendship with our country, the Dominican Republic is becoming more and more attractive to American investors. Your nation is truly a rare asset in this world. Where else, for example, would an American visitor ask me where he could invest in the Dominican Republic simply because, as he put it, "I love this country"? He really had no clear idea of where to invest. He just wanted to help a very special country which he felt deserved his support. Needless to say, our American Chamber will do its best to assist this friend of the Dominican Republic.

Secondly, the areas for potential growth in this country are clear and, as your Government has indicated, seem best fostered by private enterprise drawing on documents and foreign investments. Agrobusiness and tourism are of particular interest and should prosper. . . . From conversations I have had with American firms, I can attest that there is an active interest here.

A third factor which could benefit your country's agricultural and industrial development is the existence of a market which has not yet been exploited to its full extent. I refer to the English, French and Dutch-speaking islands of the Caribbean, which are so dependent on food imports. The aggregate population is over 11 million people. One may conservatively add another 11 million representing the annual influx of tourists. These 22 million potential customers then could be an interesting market for reasonably priced household items, shoes and clothing, and for non-traditional agricultural exports from the Dominican Republic. There may be good and sufficient reasons, but I am not clear, for example, why so many fruits and vegetables come from Central America via the United States for eventual consumption in the Eastern Caribbean. This may also merit examination, perhaps leading to positive and profitable action. Then again, I was perplexed to learn that no Dominican fruits and vegetables go to the Turks and Caicos, only 125 miles away. This currently represents $15 million annually in cash for some enterprising supplier.

With this brief overview of your country's potential, it is clear that there are no quick and easy answers. But it is equally clear that with realistic priorities, hard work, determination and persistence success may be achieved. Towards this end you may be assured that the United States will always be ready to play its part.

For the past twenty years, as you know, we have provided bilateral economic assistance in addition to our contributions to such multilateral aid efforts as the World Bank and Inter-American Development Bank. From 1975 through 1978 our direct bilateral assistance averaged $16.9 million per annum. During the following four years the average was $57.7 million. We fully expect our help to continue at about this level for the foreseeable future, even though the level of our assistance worldwide may drop slightly.

While our government-to-government aid programs can be helpful, particularly technical assistance, they should be considered a supplement to meeting the overall needs of a developing country. Experience in other areas has taught me one basic fact. It is the participation of private enterprise and the infusion of its capital that are the major determinants for economic development. It is in this spirit that our assistance can be most accurately viewed.

This spirit has been most recently expressed by the Caribbean Basin Initiative of President Reagan. The economic assistance part of this Initiative has been enacted into law. The two other parts are even more important than the first. These cover areas of great potential importance to your Government in its efforts to increase employment and export-oriented industries. . . . President Reagan has made it clear that he considers this a top priority for consideration by our legislators, and plans to do everything possible to encourage its passage. . . .

After listening to these few thoughts, I hope you may now understand my enthusiasm for this assignment, my optimism about the future of the Dominican Republic, and the importance of your nation's role in the Caribbean for our mutual security. Remarkable strides have been made in the past twenty years. From a nation then, with one agronomist, two industrial engineers, and

three economists, one has only to observe your country today. From a nation then, with virtually no middle class, observe it today. From a nation then, with most of its industrial production concentrated in the hands of one man, observe it today. From a nation then, with freedom of expression and freedom of assembly excluded, observe it today. From a nation then, with democratic institutions little more than symbols, observe it today. From a nation then, unconcerned with human rights, observe it today. And finally, from a nation then, oblivious to the needs and aspirations of the individual, observe it today: a vibrant democracy, a cornerstone for Caribbean stability.

Thank you very much.●

MX

● Mr. TOWER. Mr. President, on Sunday, December 5, 1982, George F. Will wrote a thoughtful article concerning the upcoming congressional deliberation on MX entitled "Serious Business," which appeared in the Washington Post.

In his usual eloquent and sensible way, Mr. Will has articulated a number of key issues and points of contention with which we, in Congress, must grapple before arriving at a final decision on this controversial and important program.

Senators HENRY JACKSON, JOHN WARNER, and TED STEVENS have joined me in writing to our colleagues in the Senate to encourage them to maintain open minds on President Reagan's MX basing proposal and related subjects until planned congressional reviews of these matters can be completed.

I hope that while Members of the Senate are formulating their positions over the coming weeks with respect to the MX, they will ponder Mr. Will's thought-provoking comments.

I submit for the RECORD the article and letter to which I have made reference.

The material follows:

SERIOUS BUSINESS

(By George F. Will)

The symptoms are unmistakable that Washington is entering one of its relatively lucid intervals for the MX missile debate. Seriousness has not become general, but serious people will dominate both sides of the controversy.

The leading critic of MX—Sen. Fritz Hollings (D-S.C.)—was a leading opponent of SALT II.

The crucial question is not whether the Minuteman force—land-based ICBMs—is vulnerable. Hollings and the administration agree that it is, because a Soviet first strike could substantially destroy it. Neither is the crucial question whether a land-based component of the deterrent is valuable. Most persons agree that a strategic triad is desirable because it complicates the task of Kremlin planners, preventing them from concentrating their resources on means of degrading the effectiveness of the sea-based and airborne deterrent. And land-based forces still have (although they soon may not have) inherent advantages of control and accuracy (which make them useful against "hardened" Soviet targets).

The crucial question is not whether we can "afford" MX. The nation can afford the price of peace, period. Anyway, even if you budget for something not yet planned—a protective overlay of ABMs (antiballistic missiles)—the total MX cost of perhaps $60 billion a year over a decade. If MX makes deterrence significantly more stable for such a span it is a bargain.

The question is not in any simple sense whether the "Dense Pack" basing will "work." To work means to enable a significant number of the 100 missiles to survive a Soviet strike. Each side in the MX debate will have scientists to testify about "fratricide" of incoming Soviet warheads. The "fratricide" theory is this;

MX silos will be so "hardened" that a disarming attack would require saturation by Soviet warheads; but blast effects (heat, shock, debris, etc.) would be such that Soviet attackers will need to plan an incredibly—indeed, prohibitively—complex attack sequence, with certain warheads arriving precisely as the blast effects of other warheads are just sufficiently dissipating.

Some critics of MX will say the Soviets can stage such an attack. However, many anti-defense senators and congressmen are precluded (by logic, if nothing else) from making that argument because they have long argued against new strategic programs on the ground that a Soviet first strike on existing strategic forces is prohibitively difficult.

Critics of MX will say "fratricide" cannot be tested. That is true, but the existing U.S. deterrent is woven, in large measure, from untestable hypotheses about how strategic systems will work and how Soviet decision-makers will calculate in certain situations.

The more telling criticisms of MX are more specific. They are that MX's deterrent value is subject to rapid (in perhaps five years) deterioration as a result of Soviet developments (such as ground-penetrating warheads), and that even without such developments the U.S. capacity to "harden" silos sufficiently with steel and concrete is hypothetical and dubious.

The pro-MX side has an inherent advantage because deterrence is less a piling up of certainties than it is the multiplication of useful uncertainties. We cannot know beyond peradventure that "hardening" or "fratricide" would work; but neither can Soviet planners enter a crisis certain that it would not.

The least crucial question is whether MX would violate what critics call "existing arms" control agreements." The critics are referring to SALT I, which has expired, and SALT II, which never came close to ratification. Still, the administration argues that MX does not violate the SALT II ban on new fixed-ICBM launchers because MX travels with its launcher. All that is new is the silo into which the launcher—a cannister—slips. This interpretation of SALT II is no more legalistic than various Soviet interpretations.

The crucial question about MX or any other strategic program is: how much enhancement of deterrence would be bought for how many years, and for how many dollars per year? Before birds sing their anthems to spring, the debate may have produced a dusty answer: more money for the missile, none for deployment.

But deployment is everything. So a few billion dollars from now, MX may be nothing. Responsible persons who ask, "Can't we do better than MX in Dense Pack?" must also ask, "Can we afford to do nothing?"

The Trident submarine D5 missile, with an accuracy comparable to that of MX, is due in 1989. The U.S. ballistic missile force (as distinct from cruise missiles) may be destined to go to sea. Then America might have a somewhat less vulnerable but also less versatile deterrent. There would be no respite from spending billions to counter Soviet measures, which would be concentrated against submarines. Come what may, there will be no escape from the dialectic of weaponry.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., December 1, 1982.

DEAR COLLEAGUE: As you know, on Monday, November 22, 1982, President Reagan announced his selection of a system for deploying the MX missile. Under the President's plan, one hundred of these missiles would be deployed in closely spaced, superhardened shelters in a so-called "Dense Pack" configuration.

The theories and principles upon which the feasibility and survivability of the Dense Pack system rely are complex and highly technical. The Reagan Administration arrived at its decision to propose this basing plan only after an arduous internal review of these considerations was conducted at the express direction of the Senate. In the course of this review, the judgment and counsel of a number of distinguished experts outside the government were received. The Congress, no less than the Executive Branch, needs to give the questions raised by the closely spaced basing proposal full and fair deliberation.

Since the President's announcement, few, if any, of our colleagues have had the opportunity to receive the Administration's classified briefings or the counter-arguments thereto in the detail required to make an informed assessment of this technically complex proposal. Consequently, for the vast majority of our colleagues, a decision during the post-election session—be it an outright endorsement or a rejection of either the totality or any part of the funding for the MX—would have to be made on the basis of scant information and assertions of questionable validity.

The Armed Services Committee and its Subcommittee on Strategic and Theater Nuclear Forces will strive in their upcoming hearings to develop a record which fairly and systematically addresses the questions many of us have about the efficacy, cost-effectiveness, and strategic importance of a closely spaced basing of the MX missile.

Since whatever action we take will affect our strategic deterrent posture, U.S. foreign policy, and the sensitive START and Theater Nuclear Force discussions, we must avoid making a hasty, ill-informed decision. Let us permit more of our colleagues and the appropriate Senate Committee to explore the full range of views on the need for the MX and on the proposed basing mode unencumbered by the distractions and legislative time pressures inherent in the post-election session.

We believe that the passage of any proposal in the post-election session to delete MX production funds for the current fiscal year would be premature and incompatible with an objective and systematic Congressional review of the President's plan. Until that review is completed, all options—including that of initiating production of MX missiles and associated hardware in Fiscal

Year 1983 as requested by President Reagan—should be preserved.

Sincerely,

JOHN W. WARNER.
HENRY M. JACKSON.
JOHN TOWER.
TED STEVENS.●

DISSENTING VIEWS ON THE IMMIGRATION BILL

● Mr. EAST. Mr. President, in our attempts to solve difficult problems, we must never forget the admonition of Hippocrates "to help, or at least to do no harm." Most Members of Congress will agree that this Nation has lost control of its borders and that legislation to reduce illegal immigration is long overdue. I fervently hope that we can promptly enact an immigration control bill providing for increased enforcement efforts.

However, if the political price for passage of greater law enforcement measures is a mass amnesty for millions of illegal aliens, I am convinced that we would do more harm than good. A distinguished member of the House Committee on the Judiciary, Mr. F. JAMES SENSENBRENNER, JR., came to the same conclusion and reluctantly voted against H.R. 6514, the Immigration Reform and Control Act of 1982. I find his dissenting views on the bill convincing. I also believe they reflect the thinking of most Americans.

I ask that his views be printed in the RECORD for the edification of my colleagues.

The views follow:

DISSENTING VIEWS OF CONGRESSMAN F. JAMES SENSENBRENNER, JR., ON H.R. 6514

It is difficult for me to understand how H.R. 6514, the Immigration Reform and Control Act of 1982, can be characterized as immigration reform. This legislation does not even represent the lowest common denominator needed to accomplish immigration reform. H.R. 6514 should not be enacted into law for two reasons: it fails to deal effectively with the problem of legal immigration, and it provides amnesty provisions for illegal aliens residing in our country.

H.R. 6514 fails to deal with the problem of legal immigration in several ways. First, there is the failure to set a cap on the number of immigrants, asylees, parolees, entrants, etc., who enter our country each year. One of the major criticisms the American people have with the present immigration law is that we have "different strokes for different folks," or different quotas for different people, resulting in no real hard or fast limitation on how many foreigners are legally admitted into the United States on an annual basis. If a cap on legal immigration is not enacted then the current number of legal immigrants entering our country will continue to mushroom. In 1977, legal immigration was 399,000. In 1980, it was 808,000. In 1981, it was 697,000, with an increase expected in 1982.

Legal immigration mushroomed at a time of rising unemployment, at a time when we have been unable to provide enough jobs for our own American citizens. This has soured the American people on the entire issue of immigration and substantially reduced the compassion the American people have historically felt toward refugees from oppression and political and religious persecution around the world. Americans are having a difficult time understanding why our government continues to allow more people in this country who compete for jobs and place a drain on the treasuries of our state, local, and federal governments. Public opinion polls show that 80 percent of the American people want reductions in legal admissions. "Compassion fatigue" has, indeed, set in.

While some have argued that those are unsubstantiated fears, there are hard facts to support these concerns. For instance, a Presidential Report in 1980 revealed that taxpayers have spent over $2 billion a year in refugee admissions. Billions of dollars more have been spent since this report was issued. These figures are put into greater perspective by a GAO report which showed that over 70 percent of the Indochinese refugees of employable age had requested public assistance. Most requests were made within 30 days of arrival. In my own state of Wisconsin, which held more than 15,000 Cuban-Haitian refugees at Fort McCoy, I heard many complaints from both the state and local government officials strongly objecting to the open ended refugee policies.

Placing refugees under the legal immigration cap is essential for our country to be able to withstand increasing pressure in the future for more refugee admission. The current refugee explosion is only a preview of things to come. For instance, our world populations will increase another two billion by the end of the century. This means the labor force will grow by 900,000,000 people, who will join some 50 million currently unemployed. At the same time, economic and political tensions will add millions more. In other words, our country will be able to absorb only a small fraction of a percent of this number.

When H.R. 6514 comes before the U.S. House of Representatives, I will be offering an amendment to place a cap on legal immigrants entering this country. My amendment will place refugees under a ceiling of 425,000. This figure is generous when it is compared with the period from 1921-1980, when our average total legal immigration was under 300,000 per annum. This figure in my amendment is slightly above a 1980 Roper Poll figure of 400,000 which 80 percent of the American people wanted. Until refugees are included within this cap, there is no reform of legal immigration. There might be reform of legal immigration as we call it under the present law, but it is not what the American public wants. My amendment maintians flexibility. If an international crisis requires the admission of more refugees in one year, then the number of legal immigrants in other categories would be reduced. Conversely, if there is no need to admit a large number of refugees, then the other legal immigrant ceiling would be increased.

A second problem affecting legal immigration concerns the method of allocating immigrants other than refugees into this country. H.R. 6514 does nothing to limit the 5th preference. The problem of "chain immigration," whereby alien brothers and sisters of U.S. citizens are given a preference for permanent residence, remains unchanged. Currently there is a 5th preference backlog of 700,000, which is continually growing. Less than one-half of this backlog are brothers and sisters of U.S. citizens themselves. The rest are spouses and children of those brothers and sisters. If the 5th preference is not modified, then closer family members, i.e., spouses, sons, and daughters will continue to have problems being united. If family reunification is to be a preferred public policy, it should be for the closest relatives—not a loophole to bring "every" relative into the country.

Because of the way in which the preference system is allocated, family reunification is becoming the principal way for immigrants, other than refugees, to enter this country. This will be felt even more a few years down the road when all the legal immigrants, which include refugees, become citizens; and, if amnesty is granted, the millions of now illegal aliens will be eligible for citizenship, and naturally will want to bring their relatives into this country.

There are, however, other public policy reasons for allowing immigrants into the United States. In certain industries there is a shortage of U.S. skilled labor. In some of these areas, i.e., high technology, these shortages will continue for some years in the future. As reported out of Subcommittee, H.R. 6514 has some provisions that were a step in the right direction because it created a category of "independent immigrants," which allows for greater numbers of skilled aliens and aliens of exceptional quality, to enter our country. These immigrants would not compete with American labor, because in order to be admitted, there must be an existing labor shortage.

The most objectionable features of H.R. 6514, however, are the provisions which grant amnesty to millions of illegal aliens. The amnesty provisions give permanent resident status to those illegal aliens who have continuously resided within the U.S. prior to January 1, 1977. It also gives temporary resident status to illegal aliens who have entered and resided in the United States continuously prior to January 1, 1980. Temporary residents would be able to receive limited benefits, such as emergency medical care, etc. However, after a three year period, illegal aliens granted permament resident status would be eligible for a whole plethora of welfare benefits, which would cost the taxpayers billions and billions of dollars each year.

The costs of the amnesty bill are unclear because it is not known how many illegal aliens will take advantage of this program. Any estimate is truly a shot in the dark. The CBO estimates the number of illegal aliens to be 4½ million; the Justice Department estimates the number to be 6 million; and other estimates vary from 8 to 10 to 12 million illegal aliens. Obviously, the costs will be astronomical. All these costs will be absorbed by either the federal, state, or local governments, some of which are already subject to enormous pressure to cut their budgets and reduce their spending. These additional costs could bankrupt some of these jurisdictions in the next few years.

Aside from the billions of dollars of increased costs to the federal, state, and local governments, there are numerous other reasons for opposing this legalization program.

The legalization program has no safeguards. It does not provide protection against aliens purchasing false documents, e.g., leases, affidavits, etc. to prove they have been in this country the required number of years. In addition, the amnesty program will be an incentive for more illegal aliens to enter our country. The limitations as to who will be eligible for amnesty will not filter down to the citizens residing in economically depressed countries. They will

only hear that amnesty is being granted and the influx will start.

Amnesty is a bad precedent for our country to set. It shows our country is not serious about enforcing its immigration laws. It truly makes our borders in the southwest borderless. Aliens will continue to come to the United States hoping in the future they, too, will be granted amnesty.

I fear that the U.S. Supreme Court decision rendered in *Plyler, Superintendent, Tyler Independent School District et al.* v. *Doe, Guardian,* which forced the state of Texas to provide free education benefits to children of illegal aliens, will be extended to include other benefits. This is yet another incentive for a family to move illegally to the United States.

The employer sanctions in the bill are equally ineffective. Illegal aliens drawn by the "economic magnet" to the U.S. will not be hindered. Supporters of the bill will argue the employer sanctions will turn off the "economic magnet." However, this is not true. The employer sanctions were considerably weakened in the full Judiciary Committee. The burden of proof in enforcement of immigration laws has now been shifted from the government to the employer. Employer sanctions must be stronger for the magnet to be turned off. Illegal aliens must not have an incentive to come or to stay in this country. The amnesty provisions in the bill are an admission that employer sanctions will not work, because they are weak and ineffective.

Blanket amnesty is unfair to the hundreds of thousands of immigrant applicants, some of whom have been waiting as long as 10 years to come to this country legally. We are saying to these people they were stupid for obeying the law. If they had come here illegally, they would be rewarded. However, because they decided to abide by our law, they are penalized. We are keeping law abiding applicants out of the country while giving resident status to lawbreakers.

There also will be a negative impact in the years to come on these prospective applicants if illegal aliens are granted amnesty. When the amnestied aliens are granted citizenship, they will bring into this country millions of relatives who are not subject to any numerical limitation. According to a Washington Post editorial of September 13, 1982, a single citizen filed petitions for 69 relatives. In certain areas, the current waiting period for relatives to enter this country is as long as 12 years. What will happen to family reunification when you add millions of newly eligible petitioners? What will the waiting periods be then?

Finally, it seems ludicrous to be granting amnesty to millions of illegal aliens at a time when our country is suffering from such high unemployment. The Congressional Budget Office shows that each unemployed American receives $7,000 annually in unemployment benefits and from public assistance programs. With 10 million unemployed, the American taxpayers are spending a minimum of $70 billion annually. Our country should be considering ways to remove the illegal drain on the work force. Former Secretary of Labor Ray Marshall stated that removing illegal aliens from the work force could cut the unemployment rate in half. This would amount to a savings of at least $35 billion per year. It has been said that illegal aliens are not a drain on the labor force because they work at jobs "no Americans want to take." After legalization, there will be incentive for them to move away from their traditional employment fields and put them in direct competition with American labor, thus causing further imbalances in the labor market.

I would hope the U.S. could continue as much as possible its "open door" tradition and policy toward the displaced, the persecuted, and the ambitious of the world. However, the reality of our economic and resource situation is that we simply cannot continue to be a nation without borders. We must limit the influx of aliens and immigrants and have an orderly and fair system for admitting those we are able to absorb. The Simpson-Mazzoli measure as reported by the House Judiciary Committee provides neither, so it cannot be regarded either as a true "reform' of our messed up immigration laws or as the first step toward restoring order to our immigration system. If it cannot be amended on the floor of the House to remedy these deficiencies, it should be defeated.

For all of the above cited reasons, I must respectfully decline in supporting H.R. 6514.

F. JAMES SENSENBRENNER, JR.●

VICTIM OF ALIEN GLUT

● Mr. EAST. Mr. President, no economy can produce an unlimited number of jobs. By allowing illegal aliens to take jobs at a time when millions of American citizens are unemployed, we are playing with social and political dynamite. Should Congress affirmatively act to grant amnesty to millions of illegal aliens, in other words to permanently give millions of jobs to these foreigners, I fear we will see a terrible backlash that will divide our country for years to come.

No Member of this body will lose his job to an illegal alien. Mike Royko, writing in the Chicago Sun-Times of October 1, 1982, tells the story of one unemployed American. I hope we will remember the plight of our unemployed fellow citizens as we consider legislation to deal with illegal immigration. I ask that Mr. Royko's column be printed in the RECORD.

Supporters of amnesty contend that we have no choice but to give amnesty to illegal aliens, that the expense of enforcing our immigration laws is too great. Yet we could triple the number of border patrol officers and INS criminal investigators for a fraction of the increased welfare costs that will eventually result from amnesty. Could it be that amnesty—opposed by the American people—is popular here because it allows us to placate the pressure groups that favor immigration.

The column follows:

[From the Chicago Sun-Times, Oct. 1, 1982]

VICTIM OF ALIEN GLUT—HE WAS JOBBED

(By Mike Royko)

Those kindly souls who oppose tougher immigration laws still insist that illegal aliens don't take jobs that otherwise would be filled by unemployed citizens of this country.

They say the illegals only do the grubby jobs that finicky U.S. citizens reject.

I can't buy that argument. It might be true if this country had more good jobs to fill than people to do them.

But in hard times like these—with hundreds of desperate job seekers showing up whenever some factory advertises a few jobs in a paper—I don't think there are many paying chores that jobless people of this country will turn down.

And I know that Charlie, 24, with a pregnant wife and no job, doesn't want his full name used, or the name of the company, because he still hopes to be rehired and doesn't want to burn that bridge behind him.

But Charlie is real, and he's bitter because he says many illegal aliens were kept on their jobs while he was let go.

"I'm an American citizen," he said, "and I've been working real hard. But I'm being kicked out of a company that's keeping illegals, and I don't think that's fair."

Charlie had been working for a suburban food-processing company. They mass-produce various kinds of salads and supply fast-food chains.

He was being paid $5 an hour. Not a princely sum, but it was enough for him and his wife to scrape by on in their tiny apartment. They had been doing better before she became pregnant and had to quit her job.

A few days ago, Charlie's supervisor called him into his office and told him he was being laid off. With summer ending, there was less demand for the salads, so the company was cutting back on its work force.

"It wasn't just me," he said. "At least seven others that I know of—three women and four men—were laid off at the same time. They were boxmakers, food trimmers and hand packers.

"Now, I can understand people being laid off by a seasonal company. And I wouldn't be complaining, except for this:

"I'd say the company employs about 150 workers, and about half are illegal aliens. None of the illegals were asked to leave.

"They told me that I was one of the ones being laid off because I don't have much seniority. But nobody there has much seniority because they lay us off when things slow up. But they don't lay off the illegals. So they've got us coming and going. We can never build up seniority, so that gives them an excuse to lay us off."

Charlie was in the plant a few months ago when it was raided by immigration agents.

"You never saw anything like it," he said. "All the illegals went flying out the back door. That was about half the work force. But with all the hullaballoo, only a couple of them were caught.

"The ones who weren't caught stayed away for about three days. Then they came back like nothing had happened and went back to work.

"Then, after a few weeks, one of the illegals who had been caught and shipped back to Mexico showed up again.

"She was back, and there she was, filling out new employment papers, and she had a new Social Security card.

"And she's still there, while I'm out of work. Can you believe that—somebody who was already deported once? And now she's back in this country illegally again, and she's working there, and I'm out on the street without a paycheck.

"I don't know what the illegals get paid, but I think maybe it's a little less than the rest of us get, but I can't be sure. It's not the kind of thing that people there talk about.

"There's a union at the company, and the illegals are members just like us. But I think

there must be some kind of collusion between the company and the union.

"The illegals are probably easier for both the union and the company to deal with. What the heck—they're not going to ask for anything extra or rock the boat. So the union gets their dues and the company doesn't get any grief from the union, and they've all got a good deal.

"Yeah, everybody's got a good deal except me and the others who were laid off.

"So don't buy that stuff about how native Americans won't do the jobs that the illegals take. That's a lie. I was happy to have that job, especially the way things are right now.

"And I can guarantee you that if all the illegals were taken out of those jobs and they advertised, they'd have a thousand people lined up in the morning. Maybe $5 an hour isn't much, but with the health and medical benefits, it sure as heck is better than I've got now, which is nothing."

Every time I've written about the illegal alien problem, and the impact it has on U.S. citizens like Charlie, I hear from people who tell me I have no compassion for the downtrodden.

That's not true. It's just that I have more compassion for a U.S. citizen who is currently downtrodden than for somebody downtrodden from another country who is in this country in violation of our laws.

And one thing I've noticed about those do-gooders who argue that we should do almost nothing about stopping the flow of millions of illegal aliens:

Unlike Charlie, the do-gooders have jobs.●

REAGAN'S AVOIDING SOCIAL ISSUES COSTLY

● Mr. EAST. Mr. President, the Washington Times of November 5, 1982, carried a thought-provoking column by John Lofton discussing the recent election. I ask that it be printed in the RECORD.

The column follows:

[From The Washington Times, Nov. 5, 1982]

REAGAN'S AVOIDING SOCIAL ISSUES COSTLY

(By John Lofton)

The fascinating thing about the New Right's criticism that the Republican Party would have probably done better in the midterm elections had the president been more strongly identified with the so-called social issues, is that this is a criticism with which Ronald Reagan would seem to be in agreement.

In his new biography, "Reagan," reporter Lou Cannon says that in 1977 Reagan knew that the GOP would never become a majority unless it shed what he called the party's "country club-big business image." The conventional wisdom among Republicans at that time, Cannon writes, was that the way to attract working men and their families was on the basis of what Reagan termed the "so-called social issues—law and order, abortion, busing, quota systems."

In their book, "The Reagan Revolution," Reagan—speaking about the 1980 elections—told columnists Rowland Evans and Robert Noak that he was sure the Moral Majority was helpful in his campaign, that the MM "is a reflection of another hunger on the part of the people, a hunger for a return to more spiritual things . . . a rebellion against the humanistic philosophy, materialism and so forth."

But, by 1982 the social issues had, for all practical purposes, been forgotten. They were given only lip service by the president and his men. And even this lip service came very late in the game. As Cannon notes: "It was (Ed) Meese—with enthusiastic support from (Jim) Baker and (Mike) Deaver—who kept the White House out of the morass of 'social issues' like abortion while the administration concentrated on its economic program."

But is Cannon's characterization correct? Are the social issues a "morass" to be avoided? I think not and believe there is persuasive evidence to indicate otherwise:

First, there is the electoral clout alluded to by Reagan. An ABC-Lou Harris survey released Nov. 11, 1980, credited the "moral majority TV preachers" with being largely responsible for turning around the white Baptist vote in the South for Reagan and thus providing him a sizable portion of his margin of victory.

An October 4, 1980 New York Times analysis on the impact of the social issues declared that they have the power to affect voter choices in all parts of the nation . . ." The Times said Reagan was helped as much as he was hurt by these issues because "social conservatives seem more likely to cast ballots solely on these issues than do many of those who take a liberal stance on these same issues." Reagan's support for a constitutional ban on abortion, said the Times, won sympathy for him "from voters whose fingers have long been allergic to the Republican lever."

A national AP/NBC poll taken in mid-September of 1981 showed that 18 percent of the American people thought the president's "most important duty"—above either the economy or foreign affairs—was dealing with the social issues.

A 1981 national survey on U.S. values, taken for the Connecticut Mutual Life Insurance Co. showed that 40 million to 45 million religious Americans rate the social-moral issues on a par with the economy and foreign policy

Finally, and ironically, the president's pollster, Richard Wirthlin, is quoted in the August/September issue of Public Opinion magazine as saying "The social issues that tap the Moral Majority support could be decisive in bringing many Republicans into the Congress who might otherwise not get there." And in the Wall Street Journal of Sept. 29, 1982, an anonymous presidential adviser said the social issues are "good, strong issues and we've been setting them up well."

But, herein lies the problem: The administration did *not* set the social issues up well, not at all. In fact, until just a few weeks ago these issues were avoided like the plague. And, when addressed, they were, for the most part, given only rhetorical support. Instead of embracing simultaneously during the past 21 months the social issues *and* the economic issue, the president put all his eggs in the economy basket. This was the morass in which the administration became mired. And this was a huge mistake. As the brilliant professor of jurisprudence Hadley Arkes has observed:

"Few people identify Lincoln today as the man who presided over the Legal Tender Act . . . "The record of his administration was marked by an achievement far more unequivocal than that. In the same way, the final judgment on the Reagan administration should not be left to the arts of accountants and econometricians debating the prosaic question of whether Ronald Reagan really did succeed in cutting back the size of the government to the level that was indeed the 'right' one for the economy. Mindless reckonings of that kind could be displaced in the public judgment. Far better for Mr. Reagan to attempt to ensure that he is judged in the light of achievements far more precise and memorable."

Indeed. And this means significant achievements in the social-issue arena, which, alas, Reagan has not yet really entered in any meaningful way.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on November 1, 1982, was 232,306,018. The total for December 1, 1982, was 232,458,074. This represents an increase of 152,056 in 1 short month. Since this time last year, our population has grown by an additional 2,131,427.

Between November 1 and December 1, 1982, we added enough people to our population to more than fill the city of Little Rock, Ark. Over the past year, our population has increased enough to fill the city of Nashville, Tenn. more than five times.●

ACTION ON NATURAL GAS PRICES

● Mr. EAGLETON, Mr. President, I applaud the leadership of the Energy and Natural Resources Committee for scheduling a hearing Monday next to air concerns about the natural gas market. This is certainly an issue that is foremost in the minds of millions of Americans and one which the Senate must address immediately.

Mr. President, in response to gas consumers' cry for rate relief, last Thursday I introduced legislation to place a 2-year freeze on runaway natural gas prices. This measure will give consumers some price protection while Congress struggles to solve the many and complex gas market problems that plague both consumers and producers.

Today, I wish to briefly discuss the second provision in my bill. This profits provision directs the Comptroller General to conduct a study of the profitability of natural gas production and report to Congress by June of 1983. The bill also gives the Comptroller General the authority to gain access to such books and records that are necessary for the study.

Mr. President, although data on the profits made by gas producers would seem to be an essential element to any discussion of the state of the gas market, such data have been notably absent in congressional hearings and public forums on the subject.

A study performed for me by the Congressional Research Service (CRS) offers an explanation for the painful gas profits silence; gas profits information simply does not exist in material published by oil companies, by Gov-

ernment agencies, or by private financial services. However, it concludes that this type of data does exist in internal company records and that Congress will need to access this data in order to estimate profit margin and investment return.

Mr. President, I urge my colleagues to review the CRS study, (which I submit for the RECORD) and contemplate the many benefits that Congress would gain from an unbiased and thorough examination of gas company profits.

Mr. President, if, as my bill presumes, Congress is to take a good hard look at gas pricing and the gas market, it must be armed with good hard information on the producing end of the gas flow.

The study follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., December 1, 1982.

To: Honorable Thomas Eagleton, Attention: Kirk Robertson.

From: Sylvia Morrison, Analyst in Industry Economics, Economics Division.

Subject: Information about oil company profit margins and return on investment in natural gas production.

This responds to your inquiry about profit margins and return on investment in the production of natural gas.

As you may know, three methods of assessing profitability are generally used by financial analysts. The first is net profit which is profit remaining after taxes, expenses, and depreciation are deducted from revenues. The second is return on assets, which is the ratio of net profit to total assets. The third is return on investment, which is the ratio of net profit to average investment.

A search for information which would allow us to calculate these items for natural gas sales by major oil companies failed to turn up any body of data published by oil companies, by government agencies, or by private financial services which separates investments or expenses in gas exploration and production from investments or expenses in oil exploration and production. For example, a review of the 10K Forms for a half-dozen major companies turned up no data on expenses for gas production,[1] although some of the company reports do include data on how much gas was produced and how much revenue gas sales generated. Standard and Poor's Industry Analysis for Oil and Gas also lacked data for gas alone.

In reply to a request for this information, the American Petroleum Institute (API) sent its most recent update of its annual report, "Market Shares Individual Company Data for the U.S. Energy Markets: 1950-1980." This report contains data on volume of gas production by company as well as data on proved reserves of natural gas by company. However, the report does not contain data which would answer your questions about profit margins in gas production or return on investment.

In addition to carrying out a document search, CRS also made telephone calls to the Federal Energy Regulatory Commission, The American Gas Association and the Department of Energy's Economics and Statistics Division. A spokesman for the Producer Rates Office of FERC said that the oil companies (the primary source of information for all Federal agencies about the companies) never submit gas and oil expense figures separately. The American Gas Association confirmed this statement as did Dr. Arthur Andersen, Director of the Economics and Statistics Division of the DOE and manager of the DOE's Financial Reporting System confirmed the FERC statement. Dr. Andersen added that the companies say that since gas and oil deposits occur together, and since the companies do not know until they have drilled a field which, or how much of each product they will find, they cannot disaggregate the expenses of retrieving the separate products. However, once drilling has begun, the companies are able to estimate the nature and size of the deposits at a given site. These estimates form the data for the tables published by the American Petroleum Institute titled "Proven U.S. Natural Gas Reserves."

HOW NATURAL GAS PRICES ARE SET

Under the terms of the Natural Gas Policy Act (NGPA), effective November 9, 1978, ceiling prices for various categories of gas were set at rates prevailing in April, 1977. Companies are permitted under the act to increase this ceiling rate monthly by an inflation factor and, in some cases, an additional growth factor. The growth factor was created both to establish parity between projected oil and gas prices and to cover the additional expense as companies drilled for gas in more difficult locations, using more complex systems than they have previously used to get at the gas which has been easiest to recover.[2]

Since the companies are presumably aware in advance how much their gas will likely be worth in a given month (under the NGPA regulations), it would seem probable that they set a ceiling on the amount of expense they can economically undertake to retrieve gas. Therefore, it is likely that some form of these data exist in internal company records; the Congress would have to obtain these data in order to estimate profit margin and investment return.●

[1] Since calculation of all three measures of profitability require expense information, the lack of expense information for natural gas production prevents any calculation of net profit, return on assets or return on investment from gas sales.

[2] Subsequently, categories of "high cost" gas were totally deregulated.

INFRASTRUCTURE REPAIR SHOULD INCLUDE DAMS

Mr. GOLDWATER. Mr. President, I am pleased to submit for the RECORD the following editorial and accompanying letter to the editor which appeared last week in the Phoenix Gazette. The editorial addresses itself to a critical matter now pending in the Senate—the Reclamation Safety of Dams Act of 1982, S. 956. The related letter, authored by two of my colleagues in Congress who represent Arizona in the House of Representatives, further illustrates the need for immediate passage of this bill.

As Representative RHODES and Representative UDALL point out, infrastructure preservation is needed on a national basis, but should be undertaken with a sensitivity toward regional differences. While bridges, for instance, may be crumbling in the East, both bridges and dams are decaying in the West. Both are equally deserving of Federal aid and attention.

Congress is now focusing on legislative remedies to restore the Nation's physical assets. In so doing, I believe we should give serious consideration to the unique needs of the West. Enacting the reclamation dam safety bill during this lameduck session would be a step in that direction.

The material follows:

[From the Phoenix Gazette, Dec. 1, 1982]

A MOST WORTHY MEASURE

In a joint statement in the adjoining columns, the senior members of Arizona's congressional delegation make a persuasive case for immediate action to ensure the safety of federally constructed dams.

Reps. Udall, chairman of the Interior Committee, and Rhodes, winding up a distinguished career in the House, represent opposing parties. But just as there is bipartisan support for a program to rebuild the nation's roads and bridges, Democrat Udall and Republican Rhodes demonstrate that dam safety rises above partisanship.

Actually, the disagreement, if there is any, is between the two legislative bodies. The House of Representatives passed the legislation last spring. To avoid a costly delay, it will be necessary for the Senate to act during the lame duck session now in progress.

The federal government has a clear legal and moral obligation to finance modifications to Roosevelt and Stewart Mountain dams, as well as other Reclamation dams, that it is requiring for safety's sake. There is a question of cost-sharing for modifications beyond the federal obligation. But that should not be allowed to drown the whole legislation, so important to the lives and fortunes of millions of Americans.

Moreover, dam construction/rehabilitation is important in economic terms. The $119 million presently estimated for work at Roosevelt translates into nearly 4,000 jobs. The $550 million authorized in the Senate bill could mean more than 17,000 jobs.

Any way you look at it, the Dam Safety Bill is a measure worthy of quick adoption.

DAM SAFETY IS A NATIONAL CONCERN

Editor:

As we approach the last weeks of the 97th Congress, Eastern and Midwestern senators are asking their Western colleagues to support federal legislation that provides funds to repair and rebuild roads and bridges in their home states.

They cite alarming safety statistics and point out the potential disasters that may result from unsafe bridges. They also stress that the federal repair program would provide a significant number of jobs and would help put America back to work.

At the same time, many of those same senators from east of the Mississippi seem to be unconcerned about moving legislation that would repair 35 unsafe dams located in Western states.

S. 956, a bill authorizing federal funds to repair dams constructed by the federal government, has been stalled in the Senate for months. The dams, which have been identified by the United States as needing safety repairs, are located upstream from some five million people in the West.

It is true that we in the West receive most of the direct benefits of those dams. Most of the direct benefits of the bridges across the Ohio and Hudson rivers, to name just two, accrue to residents of those areas. It is important to remember, however, that Western dams and Eastern roads are both important parts of the national infrastructure. The indirect benefits to secure urban areas, improved transportation, and navigation flow far beyond the locality to the region and to the nation as a whole.

Similarly, if a dam upstream from a city like Phoenix were to fail, the damage inflicted would extend much further than the city and the state of Arizona. The impact of such a disaster would be felt in commercial centers all across the country. And the federal government, as owner of the dam, would be subject to potentially astronomical claims.

We should encourage our Western senators to support a road and bridge repair bill. In turn, senators from the East and Midwest should recognize the national interest in making existing dams safe again.

Passage of S. 956, the Reclamation Safety of Dams Act, in the current session of Congress can save months, even years of valuable time. We should act now to repair dams that have been determined to be unsafe. The country needs to avoid another tragedy like the collapse of the Teton Dam.

Rep. JOHN J. RHODES,
Rep. MORRIS K. UDALL.●

SIXTH ANNIVERSARY OF THE FOUNDING OF THE LITHUANIAN HELSINKI GROUP

● Mr. DOLE. Mr. President, the announcement of June 9, 1982, that the Moscow Helsinki Group had been forced to disband under pressure by the Soviet Government once more turned the world's attention to the fate of those brave Soviet citizens who dared challenge the Kremlin to live up to the Helsinki accords, signed by representatives of the Soviet Government in 1975. Few in number, but significant beyond measure, these courageous individuals have been treated like criminals for having the temerity, by KGB standards, to collect and publicize Soviet violations of the human rights provisions of the Helsinki accords.

November 25, 1982, marked the sixth anniversary of the founding of one of these Soviet Helsinki monitoring groups, "The Lithuanian Public Group To Promote Observance of the Helsinki Accords." In its founding statement, five Lithuanian human rights activists declared that:

> The aim of the group is to promote the observation and fulfillment of the humanitarian articles of the final act of the conference on security and cooperation in Europe.

The Lithuanian Helsinki Group also noted that the status of Lithuania as a Soviet Socialist Republic was a result of the Soviet occupation of that formerly free nation on June 15, 1940.

The Soviet Government was swift to respond to this independent initiative in the same way that it responded, for instance, to the recent independent peace movement in Moscow * * * with prison sentences, psychiatric abuse, and exile. Five members of the Lithuanian Helsinki Group are presently being held in labor camps or prison, one is incarcerated in a special psychiatric hospital run by the MVD, one was forced to emigrate, and two are at liberty, having been harassed by the KGB to a state of virtual inactivity. I might also add that two of these imprisoned Helsinki monitors from Lithuania also hold American citizenship.

WHO WILL RID ME OF THIS TROUBLESOME PRIEST?

Father Bronius Laurinavicius, a human rights activist and Helsinki Group member, was struck and killed by a truck in Vilnius, capital of Lithuania, in November 1981. At least one witness stated that Father Laurinavicius had been thrown into the path of the vehicle by four men who accosted him on the street. Perhaps it is only a coincidence, but Father Laurinavicius had been the subject of an accusatory article in the official government newspaper a few days prior to his death.

I would like to briefly quote from a letter written by Dr. Algirdas Statkevicius, a Lithuanian Helsinki Group member who was arrested in February 1981 and is currently being held in the special psychiatric hospital in Chernykhovsk. Told that his Helsinki Group activities were criminal acts according to Soviet law, Dr. Statkevicius wrote:

> I belong to a criminal organization that was created to support the Helsinki agreement . . . this seems unbelievable! Can the defense of human rights ever be a criminal matter anywhere? But they wanted to do away with a defender of human rights, and so they had to find some justification for doing it.

Mr. President, at a recent session of the Madrid Review Conference on the Helsinki accords, I reminded the Soviet Union that Americans find it difficult to reconcile the harsh realities of Soviet repression with the noble ideals of the Helsinki agreements. The treatment accorded the members of the Lithuanian Helsinki Monitors is just one example of these harsh realities. I call upon the Soviet Union to honor both the letter and the spirit of the Helsinki accords, as a matter of justice for the Lithuanian people, and as a matter of vital importance to maintaining the dialog on security and cooperation in Europe. Security is of the utmost concern to the signatory nations of the Helsinki accords, particularly in these dangerous times in which we live. But I would remind the Soviet Union that there can be no real security without the balance of cooperation pledged in the Helsinki Final Act.●

CLINCH RIVER: DOE'S LATEST $3.3 BILLION ERROR

● Mr. HUMPHREY. Mr. President, last Tuesday I entered material into the RECORD detailing how misleading the Department of Energy's recent estimates were of how much money the Clinch River breeder reactor would make once it was built. The Department of Energy claims that at least $8 to $20 billion in net operating revenues will be made from Clinch River electricity sales.

Last Wednesday, though, the General Accounting Office held a special briefing on its latest cost estimate findings and explained that once Clinch River is completed its operation may cost the taxpayers an additional $3.3 billion.

This information soon made its way to the press and the press, in turn, started to ask questions. Why were DOE's estimates so far off from those of the GAO? What was the basis for DOE's estimates? Did they have the calculations to back their estimates up?

The answers from DOE were not encouraging. There were no documents backing the estimates. Nor should this be surprising, according to DOE—a lot of administration breeder calculations are, "a back of an envelope type of thing." If this is so, how can DOE argue there is $8 billion to be made? Answer: "It was just to give people a perspective on the issue."

This makes for sad reading. Indeed, if this is the way DOE does business, we all have reason to worry.

National Public Radio has done us all a public service in supplying us with a transcript of its report on Clinch River aired last Thursday. Also we have firm information on the GAO briefing courtsey of a Dear Colleague letter produced on the House side. I ask that the complete text of both documents be entered into the RECORD.

The material follows:

NATIONAL PUBLIC RADIO BROADCAST "ALL THINGS CONSIDERED" DECEMBER 2, 1982

(By Dan Zwerdling)

The controversial Clinch River Breeder Reactor could be in trouble again. President Reagan says the proposed experimental reactor is crucial for the future of nuclear power. Opponents call the breeder a technological turkey and a waste of money. Just before the election, the Senate saved the breeder from defeat, but by only one vote. Now a new showdown is coming up and PR's Daniel Zwerdling has more.

The Administration has been persuading many legislators to back the breeder by insisting that the reactor will make money. Energy Department officials have told the Congress that the breeder would earn between 8 and 20 billion dollars profit during the life of the reactor. And during the recent Senate debate on the breeder, that statement that the breeder will pay its own way was crucial, and the Administration has been making the same argument in recent

weeks as the Congress gets ready for a new showdown on the breeder. But a confidential draft study by the GAO staff concludes the opposite. Far from making money the GAO report says the Clinch River Breeder would lose money. It would lose more than 3 billion dollars over the life of the plant. The way GAO researchers see it the Energy Department's basic assumptions about the breeder are wrong. So the Administration says the breeder will cost 5 billion dollars to operate, but the GAO says try 50% more. The Administration says that income from the breeder will top at least 16 billion dollars maybe twice that, but the GAO staff says try 30% less. The result according to GAO researchers, the Clinch River Breeder could cost billions of dollars and the taxpayers would have to make up the losses. Energy Department officials say they haven't seen the draft report and they stress that it's not yet final.

John Longenecker manages the Breeder program; "We have made what we consider to be realistic and very well founded assumptions on the cost."

In order to figure out why the estimates are so different, GAO investigators asked the Energy Department to give them all the documents the Administration used to justify its figures. But according to GAO's staff, the Energy Department has not turned over all the documents. Sources close to the investigation say that some of them were accidently thrown out. Gordon Chipman, Deputy Assistant Secretary told me in a phone call that there is nothing surprising about that. He said a lot of the Administration's breeder calculations have been, in his words, "a back of an envelope type of thing". In that case I asked how can the Department really claim that the breeder will make 8 billion dollars? That figure Chipman answered is just a rough figure, designed "just to give people a perspective on the issue". The House and Senate will vote on appropriations for the breeder before Christmas. I am Daniel Zwerdling in Washington.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 3, 1982.

CLINCH RIVER BREEDER REACTOR PRICE TAG JUMPS TO $11 BILLION

DEAR COLLEAGUE: Recently, the supporters of the Clinch River Breeder Reactor Project (CRBR) have asserted that revenues from the operation of the CRBR will provide a net return of $8.2 to $20.7 billion from the project. This has led some CRBR supporters to claim that the project will return many times its original investment.

The General Accounting Office (GAO) requested the Department of Energy's (DOE) documents that justified these curious estimates. After a period which the GAO describes as a "contemptuous delay" of 4 to 5 weeks—DOE officials alleged they had inadvertently destroyed the requested documents.

However, the GAO has just performed its own analysis of projected CRBR revenues and expenses. It shows, convincingly, that the claim is not only complete nonsense, but also that if the CRBR project is completed, its operation may cost the taxpayers as much as an additional $3.3 billion. These operational costs are in addition to CRBR's already massive construction cost, which GAO estimated earlier this year could exceed $8 billion.

Construction and operation of the CRBR now threaten to cost more than $11 billion, and this figure could grow even more.

The basis for the GAO's estimate is as follows:

The Department of Energy has overestimated by 8.5 million megawatt hours the amount of electricity the CRBR will generate. To achieve the DOE's claim, the CRBR must maintain a capacity factor of 80 percent for more than 10 years—something neither the French Phenix breeder nor conventional nuclear reactors have done.

The GAO used a more realistic average 63 percent capacity factor, a figure which is based on the operating experience of the Tennessee Valley Authority plants and is consistent with overall experience in the United States. However, it must be remembered that the CRBR is an experimental design and cannot be expected to operate as efficiently as a conventional nuclear powerplant.

The DOE estimates that it will be able to sell the reactor's power for much more than TVA estimates it will pay. Moreover, the DOE estimate is based on a method of electricity pricing which is at variance with the DOE-TVA contract.

The result is that the GAO believes the net 30 year revenues from CRBR power sales will be at least $3.8 billion, or 23 percent less than DOE claims.

The DOE has also seriously underestimated the 30 year cost of operating the reactor. The GAO estimates that operation and maintenance costs will exceed the DOE estimate by $2.4 billion. The GAO estimates an additional $5.4 billion in reprocessing and fuel related costs (even considering credits from plutonium produced) will be incurred—costs for which the DOE has not accounted.

Apart from these serious miscalculations of revenues and expenses, the DOE has seriously underestimated the project cost. The GAO now estimates the project's construction cost will exceed $8 billion—far more than the DOE estimate of $3.6 billion. The GAO also believes the CRBR will experience significant cost growth similar to that of other nuclear projects in recent years. Based on GAO's findings, we have concluded that the Congress will need to appropriate more than $1 billion in FY 1984—four times this year's proposed appropriation of $227 million—if the project is to remain on schedule and even greater costs are to be avoided.

In the face of Federal deficits which may reach $200 billion, then Congress simply must not continue to authorize a project for which there is no foreseeable need and the total cost of which could exceed $11 billion.

We urge you to vote for the Coughlin/Wolpe amendment to delete funds for the Clinch River Breeder Reactor when the Energy and Water Development Appropriations bill is voted on in the House of Representatives.

Sincerely,

John D. Dingell, Morris K. Udall, Fernand J. St Germain, Lawrence Coughlin, Vin Weber, John E. Porter, Hamilton Fish, Ed Bethune, Richard L. Ottinger, Jonathan B. Bingham, Silvio O. Conte, Howard Wolpe, Claudine Schneider, Judd Gregg, Bill Green, and George E. Brown, Jr.●

MEDICAL PROGRESS: MORE TECHNOLOGY OR LESS?

● Mr. QUAYLE. Mr. President, anyone reading the front page of last Friday's Washington Post, Indianapolis Star, or any other major newspaper, confronted the report of a tremendous medical advance: The installation of an artificial heart. The Washington Post readers also read about a second major advance: The Group Health Association's decision to begin using nurse midwives in routine obstetrical deliveries.

As the heart implant patient's day-to-day progress continues to capture worldwide attention, interest in this new procedure is already turning to long-range issues. The patient, a dentist from the State of Washington, was literally snatched from death as he lay dying at the University of Utah, so critically ill that his heart transplant had to be done days before it was originally scheduled. Dr. Barney Clark would not be alive today unless his heart had been replaced.

It is estimated that there could be up to 50,000 people annually who, like Dr. Clark, will die unless they can have an artificial heart. As Dr. Clark's metal and plastic heart continues to beat and he regains his strength, we should begin to address the difficult economic and ethical issues that are raised when we consider the implications of the widespread use of the artificial heart.

While producing no less than a miracle, the installation of an artificial heart is very costly. At the present time, the machinery alone costs $20,000, the hospitalization and surgery $15,000, a total of $50,000 per procedure. With 50,000 patients waiting in the wings, it is appropriate that we begin to ask how these costs will be met.

Kidney dialysis, a procedure covered by medicare and medicaid, was initially intended for a select few. The number of cases was seriously underestimated and the Government now pays $2 billion to dialyze 63,000 Americans a year.

The Health Care Financing Administration (HCFA) has also decided this year that it will no longer reimburse all human heart transplant procedures because of the tremendous cost potential for an operation that was chancy at best. To be done now, a patient must raise the funds from a non-Government source.

This raises the second set of questions regarding the artificial heart: those of an ethical nature. If the procedure is costly, will it be available only to the wealthy? The other dilemma is the quality-of-life debate and the problems that arise regarding a recipient's right to disconnect themselves from the machinery should they want to die.

All these future-oriented questions need to be raised and discussed when the 98th Congress convenes. The advances of medical technology—however beneficial to society—need to be viewed in many ways and from many

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angles. The introduction of an artificial heart is welcome, not only for the genius it represents, but for the debate that is sure to result.

Turning from the story of the artificial heart to the report that GHA will be expanding their use of nurse midwives, one can not help but be struck by the contrast of moving from a highly technical health delivery world into a less mechanized one.

Nurse midwives have demonstrated, without a doubt, their ability to perform high-quality obstetrical care at a tremendous cost savings. GAO recommended earlier this year that the Department of Health and Human Services encourage greater use of nurse midwives, and assist them in eliminating the barriers that exist toward their practice. Births attended by nurse midwives use much less technology with the same favorable results.

The Omnibus Reconciliation Act of 1980 provides for mandatory medicaid payments for nurse midwife services to catagorically needy patients. The Department of Health and Human Services has estimated that when the regulations take effect later this year. The result in savings in Federal dollars will range from $2.2 to $2.8 billion in fiscal year 1983.

Not only does the expanded use of nurse midwives result in substantial savings, but more importantly, they are well received by patients, who actually seem to prefer delivering their babies in the least mechanized setting possible.

Two new moves in the health care field, both wondrous in their own right, both worth a second look and our continued attention next year.●

HEROIC ATF SPECIAL AGENTS

● Mr. ABDNOR. Mr. President, I was shocked and saddened to learn of the tragic death of special agent Ariel Rios, and of the wounding of special agent Alexander D'Atri during their participation in an undercover operation in Miami, Fla.

Their heroism and selfless dedication to duty are the strongest kind of evidence of the committment and professionalism of the ATF special agents.

Mr. President, being a law enforcement officer is a lonely and dangerous job. Far too often the work of our police forces go unnoticed and unappreciated. As chairman of the Treasury Appropriations Subcommittee, which funds and oversees the Bureau of Alcohol, Tobacco, and Firearms, I want every Treasury law enforcement agent to know of my complete support and gratitude for the hazardous services they perform in the war on crime.

The families, friends, and colleagues of agents Rios and D'Atri have my deepest and most profound sympathy.●

CATHY BURKE—IRISH AMERICAN WOMAN OF THE YEAR

● Mr. BRADLEY. Mr. President, with great pride and pleasure I now take this opportunity to congratulate Ms. Cathy Burke, a resident of New Jersey, who was recently chosen the Irish American Woman of the Year by the Independent American Irish Society of America. Ms. Burke was chosen for this honor because of her numerous humanitarian services to her community in church, cultural and social areas. She has served for two terms as president of the local parent-teachers' association and she has been a major fundraiser for the American Heart Fund, the Cancer Fund, the Community Drive, and the March of Dimes. In addition, she has been active in her local church, the St. Nicholas of Tolentine Church in Atlantic City, N.J.

I can think of no better recipient of the Irish American Woman of the Year honor than Ms. Burke who exemplifies the best of American voluntarism. The French critic and journalist, Alexis de Toqueville, in his book "Democracy in America," observed this same spirit of voluntarism in our Founding Fathers. De Toqueville wrote:

> Everything is in motion around you; here the people of one quarter of a town are met to decide upon the building of a church; there the election of a representative is going on; a little farther, the delegates of a district are hastening to the town in order to consult upon some local improvements; in another place, the laborers of a village quit their plows to deliberate upon the project of a road or a public school.

As long as this Nation has citizens like Cathy Burke who give themselves for their community, I am sure that the dream of our Founding Fathers will continue and thrive.●

BUDGET CUTS FOR PUBLIC HEALTH SERVICE

● Mr. BRADLEY. Mr. President, on December 1, 1982, the Washington Post published a most disturbing set of budget cuts projected for the U.S. Public Health Service. Mr. Stockman has proposed a $500 million reduction in the fiscal 1984 budget, a 7-percent decrease from fiscal 1983. Coupled with a 5- to 6-percent inflation rate, the overall reduction in the budget amounts to a 12- or 13-percent shortfall. Having already been subjected to 2 years of belt tightening the human service programs of the Public Health Service are once again being pared back, this time with a more selective scalpel which will perhaps mortally wound some of the most successful and cost-effective Federal programs in health. Although all programs will be affected by the cuts, the Center for Disease Control and the National Health Service Corps have been singled out for the most severe fiscal maltreatment.

Let me comment on what these cuts will mean for the health of our Nation.

The Center for Disease Control is charged with protecting the health of the Nation by providing leadership and direction in the prevention and control of diseases and other preventable conditions. It will experience, if these cuts are implemented, a budget reduction of more than a third—from $318 to $215 million for fiscal 1984. Personnel will be reduced by 20 percent. This agency serves as the major link to all State health departments and implements the major elements of our national public health policy. Besides providing basic laboratory support in evaluating communicable disease outbreaks and reference laboratory services for State health departments, the center through its epidemiology program assists States, the military, and foreign governments in investigating and controlling disease outbreaks. Its Center for Environmental Health and National Institute for Occupational Health evaluate and protect our workplace environments. Its research facility determines toxicity levels of hazardous chemicals and, in conjunction with the Environmental Protection Agency, helps in setting safe working standards. No other government agency has this responsibility.

At a time when disease prevention and health promotion measures have begun to bear fruit in terms of enhanced quality and length of life, the CDC's centers of Health Promotion and Prevention Services will have to be curtailed. Programs to promote improved nutrition, exercise, hypertension detection and smoking cessation cannot be maintained without funding.

Through its international health program the CDC provides assistance to underdeveloped nations particularly in the Southern Hemisphere. When our less fortunate Latin and South American neighbors look to us for guidance and assistance in eradicating major communicable and infectious diseases, what will we tell them?

The budget cuts proposed by OMB for the Center for Disease Control would jeopardize that agency's basic mission and impair its ability to protect our Nation's health.

The National Health Service Corps has been slated for a one-third reduction in personnel and a budget reduction for $93 to $75 million. This physician resource specifically provides medical professionals in medically underserviced areas throughout our Nation. Although there are some preliminary indications that this program

has improved care in underserved efforts in previous budget cuts have already taken their toll. And the new budget cuts are justified by assuming that fewer unserved areas will exist next year, an unlikely occurence. What remains are hard core, economically destitute, and remote areas. Cuts for the National Health Services Corps will directly reduce our ability to provide minimal and basic primary care to our Nation's most underserviced populations.

Mr. Stockman proposes to cap the budgets of other Public Health Service agencies at present dollar amounts. This includes the Food and Drug Administration and the National Institutes of Health. Inflation alone will effect a 6-percent reduction in operations and personnel. These cuts though modest came on the heels of previous budget reductions and strike at the heart of medical progress, our ability to understand disease processes and to treat those diseases more effectively. Our medical advances have increased life expectancy to 70 years for men and 77 for women. Heart disease as a cause of death has plummented 32 percent since 1950. Infant mortality rates have continued to decline to less than 14.4 per 1,000 live births. Vaccine discoveries and technological improvements have almost banished measles and rubella from the American scene. A recently introduced hepatitis vaccine promises to do the same for that disorder. A good deal of this progress can be directly linked to our Federal research enterprise, the National Institute of Health. Our continued progress is directly linked to ability to attract, train, and to retain outstanding young scientists. Declining budgets make it ever more difficult to maintain our basic research enterprise. Once interrupted these human skills and advance technology can be restored at only great expense and over a long period of time.

The Food and Drug Administration in its approval and monitoring of new drugs, food additive, cosmetics, and devices has provided us that ever important seal of safety and effectiveness for pharmaceutical products. Witness the rapid and decisive action taken during the most recent Tylenol tradegy. The cuts proposed by OMB will surely reduce our ability to protect our Nation's citizens from similar tragedies.

Mr. President, I categorically oppose the Public Health Service cuts proposed by OMB. We are flirting with disaster by dismantling the research, human services, and public health initiatives for the sole purpose of providing antitank missiles, another cruiser or a B-1 bomber. The good health of our society ought to be at least as important as its destruction.●

THE PROPOSED GAS TAX

● Mr. PRESSLER. Mr. President, while I support the intent of the proposals to revitalize our Nation's highway systems, I have become increasingly concerned over the haste at which the Congress is being asked to consider this wide-reaching legislation.

Most Americans, and indeed many Members of Congress, preceive this issue as a simple bill which will raise the gasoline tax. In reality, this legislation contains extremely complicated reauthorization legislation for the Federal-aid highway program, the urban mass transit program and changes in Federal standards governing permissible vehicle weights and lengths for use on our Nation's roads.

I have met in the last few days with many of the truckers from my home State of South Dakota and have heard from scores more. There is increasing alarm that in the hurry to pass this legislation, revenue and other provisions relating to the trucking industry are not being adequately consedered.

Our Nation's truckers, particularly in my home State, provide valuable services on which all Americans depend for receiving food and other goods. The passage of legislation which will harm the trucking industry will not only put already hard-pressed truckers out of work, but will also adversely affect American consumers.

There are several areas of the bill which I fear will have this negative effect. I intend to fight on the Senate floor to insure that a death blow is not dealt to the trucking industry. I will not support a bill which will raise revenues in adddition to fuel taxes by placing an inordinate burden on American truckers.

In addition, I plan to introduce an amendment which will address this problem. The amendment would provide flexibility for States, enhance interstate commerce, keep consumer prices down, and in the long run will be beneficial to employment.●

IN RECOGNITION OF PUBLIC EMPLOYEES

● Mr. BRADLEY. Mr. President, I am pleased to join my colleagues as a cosponsor of Senate Joint Resolution 244, a joint resolution designating January 17, 1983, as "Public Employees Appreciation Day."

The designation of such a day in recognition of the contributions of public employees is long overdue. Too often in our attempts to control government spending we lose sight of the tremendously important services performed by public employees—work performed at the local, State, and National level.

In 5 years this Nation will commemorate the 200th anniversary of the writing of the Constitution of the United States. While the Founding Fathers provided the genius behind that document, it is the public employees of this country who have had the actual responsibility to carry out the provisions of that Federal charter. Public employees work to "establish justice"—from the local policeman who places his life on the line for our security to the Federal officials who fight organized crime. Public employees work to "insure domestic tranquility"—by promoting decent housing, sufficient food, proper medical care, and a clean environment for all Americans. Public employees "provide for the common defense" by serving their country in the Army, the Navy, the Air Force, and the Marines. Public employees "promote the general welfare" by educating our children and maintaining the many public goods which are necessary for a growing economy.

On Public Employees Appreciation Day we must not forget these important contributions made by government employees which keep our Federal constitution a living document and keep this "American experiment in democracy" a thriving institution.●

ORDER OF BUSINESS

Mr. BAKER. Madam President, I conferred with the minority leader before and I advised him that I did not plan to transact any further business today. He indicated to me there was no requirement then for him to return to the floor prior to my making the motion which I will now make.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. I see no Senator arising and seeking recognition. I, therefore, move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 6:32 p.m. the Senate recessed until Tuesday, December 7, 1982 at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate December 6, 1982:

DEPARTMENT OF STATE

Paul D. Wolfowitz, of the District of Columbia, to be an Assistant Secretary of State, vice John H. Holdridge.

THE JUDICIARY

James F. Merow, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

CIVIL AERONAUTICS BOARD

Diane Kay Morales, of Texas, to be a Member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1988, vice George A. Dalley, term expiring.

IN THE AIR FORCE

The following-named officers for appointment in the U.S. Air Force under the provisions of chapter 36, title 10 of the United States Code:

To be regular major general

Lt. Gen. James E. Dalton, [redacted] FR, Regular Air Force.

Lt. Gen. Robert T. Herres, [redacted] FR, Regular Air Force.

Lt. Gen. John S. Pustay [redacted] FR, Regular Air Force.

IN THE 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 general

Lt. Gen. William R. Richardson, [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 by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Fred K. Mahaffey, [redacted], U.S. Army.

The following-named officer for appointment to the position indicated under the provisions of title 10, United States Code, section 711:

To be senior Army member of the Military Staff Committee of the United Nations

Maj. Gen. Fred K. Mahaffey, [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 in grade as follows:

To be lieutenant general

Maj. Gen. Bennett L. Lewis, [redacted], U.S. Army.

The following-named Army Medical Department officers for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. John E. Major, [redacted], Medical Corps, U.S. Army.

Col. Billy Johnson, [redacted] Dental Corps, U.S. Army.