HOUSE OF REPRESENTATIVES—*Thursday, April 14, 1983*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MURTHA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *April 13, 1983.*

I hereby designate the Honorable JOHN P. MURTHA to act as Speaker pro tempore on Thursday, April 14, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Dr. Charles V. Bergstrom, Lutheran Council in the USA, Washington, D.C., offered the following prayer:

O God of purity and peace, God of light, freedom, and justice, God of comfort and joy. Once more we join in the strength of prayers offered so many times in this place for our Nation as a land of hope and of sharing. We pray for the millions of people in the world who search for peace, who face hunger and are unemployed. May Your great power be with them.

As we thank You for Your care, we also ask for the strength that will bless this Nation through storm and darkness. Give us the wisdom to accept the responsibility and opportunity of giving the world a standard of impartial liberty. Bless these Halls of Government to make decisions and pass laws that support our families and our people. Give new resolve this week against bigotry, against prejudice—new hope for all minorities.

On this day, O God, we thank You for the lives of those who have served here—especially for Phillip Burton. Bless his wife Sala, daughter Joy, brother John, and all who memorialize him this day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 41. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

A STRONG EXPORT-IMPORT BANK IS NEEDED

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, today I am introducing legislation which would give the U.S. Export-Import Bank a new charter to make it the innovative, aggressive instrument that our exporters here in this country need in order to compete in the world for jobs and profits. It is similar to a bill introduced in the Senate by Senator HEINZ.

Mr. Speaker, America is being had when it comes to trade. We all know it. Part of the reason for this is due to the fact that America simply has not been aggressive enough when it comes to exporting. Frankly, Mr. Speaker, we have been on the defensive far too long. This Congress has the opportunity to take the offensive and the bill I am introducing today is but one step in that direction.

All of us agree that it would be nice if all the countries of the world decided to live by our notion of free trade. Unfortunately, they do not and we have been slow to correct that situation. A strong Eximbank is an essential first step in providing American exporters with the tools they need to compete in the world marketplace. Furthermore, we ought not to forget that the Eximbank annually supports over $18 billion in U.S. exports with each billion dollars providing nearly 31,000 jobs.

The House wisely approved a decent level of support for Eximbank direct loans and guarantees in the budget resolution. But simply providing adequate funding is not enough. The Eximbank, regardless of administration, has not done enough to enhance America's export opportunities. The bill I am introducing today provides the direction the Bank needs to help our exporters compete.

First of all, my bill leaves no doubt that the Bank's primary responsibility is to provide competitive financing in all of its programs. The bill also reestablishes the Eximbank Advisory Committee along the lines described in the bill introduced in the Senate. The authorization levels and the length of the extension are also identical to S. 869.

One of the key sections of the bill provides direction to the Bank with regard to its medium term credit program. This program is open to all exporters, but could be of tremendous assistance to firms dealing in smaller transactions or those firms attempting to enter into the export market. The bill directs the Eximbank to aggressively promote the medium term credit program and provides the means by which the Bank's resources can be used by an expanding list of businesses.

Mr. Speaker, the practice of mixing foreign aid moneys with official export credits is a growing problem and our exporters have been at a terrible disadvantage due to the lack of such programs from our Government. While the bill directs our Government to limit, through negotiation, the use of mixed credits, it also directs the Eximbank and the Agency for International Development to develop our own mixed credit programs. We simply cannot go to the bargaining table emptyhanded.

The bill also amends the Export Expansion Facility Act. Again, this section of the bill is designed to provide American exporters with the tools necessary to compete by giving the Bank additional leverage to meet foreign competition.

Mr. Speaker, a strong Eximbank is a prerequisite if our exporters are going to compete against foreign firms. It is not the only answer, but it is, as I said earlier, a step in the right direction. This Congress should act constructively and positively so that our exporters can compete on the same footing as the rest of the world.

KAREN A. PIESLAK, VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM WINNER

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARPER. Mr. Speaker, each year, the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of America Scholarship contest. This scholarship contest awards six scholarships nationally with the first place winner receiving a $14,000 scholarship to the school of his/her choice.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Many more awards are made in local contests across the United States.

This year, over a quarter million students participated in the contest. The winner from Delaware was Karen Anne Pieslak, of Wilmington, who is a student at Archmere Academy in Claymont. Karen is an outstanding student who has received many academic and forensic awards in addition to being involved in many activities outside of schoolwork. All of us in Delaware are proud of her.

I would like to submit for publication in the CONGRESSIONAL RECORD the text of the speech written and delivered by Karen for the Veterans of Foreign Wars contest. I believe you will find it, as I did, reassuring about the youth of America.

DELAWARE WINNER

The ancient Roman poet Lucretius once said: "In a short space the generations of living creatures are changed, and like runners, hand on the torch of life." Yet, the torch of life is not all that is being handed on. So is the torch of strength, a nation's strength, America's strength. Youth, the runners in the race, have been an important part of America and her strength from the beginning.

Look at Benjamin Franklin, for example. While he is most famous for his achievements as an adult, he was an extraordinary young man. At the age of seventeen, he set out on his own and traveled from Boston to Philadelphia. When he arrived, he had only one Dutch dollar to his name. Yet, in several years, he was a pillar of the community and later on, a founding father of the country. He had only two years of formal schooling. Yet, because of extensive reading and teaching himself, he was able to establish a newspaper and "Poor Richard's Almanac," the most popular magazine in the colonies, in which he published the moral sayings of his system of moral bookkeeping, which he adopted around the age of twenty to perfect himself and make him a more worthy servant of the community. Franklin's creativity and originality enabled him to invent bifocals, experiment with lightening and conceive and found the first fire station and police force in the colonies. Yet, it was evident from his beginnings in his early writings.

Franklin's career seems proof that a free society helps men achieve to their full potential from youth on. Franklin epitomizes the strengths that American youth are famous for; physical, intellectual, moral and creative strengths, strengths they have been famous for from the early days through the Civil War—through the World Wars. Yet, some claim that because of recent political and social upheavals that the youth today do not possess the same strengths of the youth of yesterday. I say no! America today is not the same as the America of 1776; that is all that has changed.

We have the same strengths and ideals as the youth of yesterday; they are just expressed in different ways. We do not get up early in the morning to go chop firewood; we get up early to go run three miles or spend hours down in the weight room benching. We are not organized in units of minutemen. Yet, we play on volleyball, football, basketball, baseball or track teams that promote many of the same values—unity, cooperation, hard work, physical strength and concern for one another, for the youth today are very concerned about one another. We don't bring chicken soup to sick neighbors or help build barns. We give the change from lunch to help buy a Thanksgiving dinner for a needy family. We organize dances to raise money to help handicapped children. We volunteer in nursing homes or day care centers. We join church youths that put on haunted houses and plays and parties for the parish, or manage spaghetti dinners or Fast-a-thons to raise money for Adopt-a-family. We develop responsibility, not through being in charge of the farm livestock, but by babysitting for our neighbors or managing a sports team. Our schools may not be the "little red schoolhouses" of the past. We have Apple Computers, audio-visual equipment and language tapes, but we still thirst for knowledge and want to learn about America. We just do it in different ways through field trips to museums, research projects about life in early America and movies. We do not invent new guns, lightbulbs or city papers. We found school newspapers, write computer programs and poetry and participate in debates about current issues. Our creativity is still alive; it is just expressed in different ways.

Youth today have many of the same traits of the youth of yesterday, and, like the youth of yesterday and the youth of tomorrow, we will be ready to step in, when our elders retire, and receive the torch of life and strength, the torch of America, and carry it on—high and bright and shining.

THE GENERAL REVENUE SHARING PROGRAM

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, during the district work period, I met with local leaders in each of the 13 counties in my congressional district. Clearly, the major concern among mayors and county commissioners is the future of the general revenue sharing program.

Several bills are pending which would extend the authorization of appropriations for revenue sharing, but I rise today in support of H.R. 1930. This measure would reauthorize the program for 5 years and increase allocations to keep pace with inflation.

Many States—not just my State of West Virginia—are suffering because of this economic recession. It is becoming increasingly difficult for many communities in my district to meet essential community needs. Cities and counties in my district have made excellent use of revenue sharing dollars and demonstrate the efficacy of this cooperative program.

Mr. Speaker, I urge my colleagues to explore the ways in which general revenue sharing moneys are utilized in their districts. Such review should confirm the need for prompt action to continue this vital program, as well as the need for increased allocations.

A ONE-STOP SERVICE DELIVERY SYSTEM

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, today I am introducing legislation to authorize federally assisted pilot projects designed to improve the delivery of human services by establishing integrated service delivery systems. The proposal would combine the administration of these separate programs into a one-stop service delivery system.

At last count, there were 62 separate federally funded programs that provide social services and benefits directly to needy individuals. These 62 separate Federal income security type programs are affected in one way or another by 11 committees of the House and 10 of the Senate and are administered by 9 executive departments or agencies. The one-stop service delivery program would not only more efficiently serve needy individuals but it also would save State and Federal resources.

The one-stop service delivery system is a step toward consolidating the administration of as many of these programs as possible into a smoothly integrated system where one caseworker deals with the family—or individual—through all of the various program requirements to develop an overall profile in one physical location. At present an individual in need of services must contact a variety of existing agencies throughout one community. If, for instance, the individual is mentally retarded, he or she would need to contact the Department of Human Resources, the Social Security Administration, the Department of Vocational Rehabilitation, and the Public Housing Commission. However, if these programs were combined under a one-stop service delivery system the individual would see one interviewer and be referred throughout the building to have his or her various needs met. In addition, under my proposal, paperwork would be reduced as the agencies would be able to keep information on the family in one location. Administrative errors, inequities and waste would be eliminated as the result of the consolidation of the administration of these programs.

I am convinced that both the client, and the agencies who serve the client, would greatly benefit from one-stop service delivery.

SLAVERY IS NOT ACCEPTABLE EVEN FOR DIPLOMATIC REASONS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise in some surprise at the statement by the Speaker that the Reagan administration was wrong in allowing Hu Na to stay in the United States.

The notion of requiring a 19-year-old girl to go back to a political tyranny, after she had publicly indicated she wanted to flee, would seem to guarantee her punishment, her probable imprisonment and conceivably her brainwashing.

Not since the Dred Scott decision have we had high officials of this Government actually saying slaves have to be returned to their owners. And for leading figures in this Government to start suggesting that slavery is something that is acceptable for diplomatic reason, that returning 19-year-old girls to slavery is an acceptable behavior strikes me as particularly saddening. And to have that come from the State which founded the abolition movement is peculiarly saddening.

THE NEED FOR MODERNIZING OUR BOMBER WING

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, yesterday I talked on the House floor during the nuclear freeze debate about the necessity of modernizing our strategic forces and particularly our bomber wing to protect not just the men and women of the United States of America, but the men and women of our Armed Forces. And I described a list of accidents that have befallen our B-52 force since I have been in Congress, just the last couple of years, and noted the last fatal accident that occurred in December 1982.

And I also mentioned that at that very moment, yesterday, a B-52 was missing over Nevada. I understand now we have found that B-52. It has, in fact, crashed and there are seven fatalities.

I would like to remind my colleagues that this freeze resolution, if passed and if followed, will preclude modernization, the modernization that is necessary to replace the B-52 force of the United States which will be at least 30 years old by 1990. Our youngest bomber will be 30 years old by 1990 and a number of them will be much older.

Mr. Speaker, I would like to remind my colleagues that a freeze resolution, without a modernization provision, will be a great disservice to the people who have been ignored in this debate, and those are the men and women of the armed services who operate our strategic systems.

U.N. INVOLVEMENT NEEDED IN CENTRAL AMERICA

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, I am today introducing legislation which would require the President to seek the assistance of the United Nations Secretary General in mediating the growing crisis in Central America, with specific reference to the heightened state of tension along the Nicaraguan-Honduran border.

Mr. Speaker, the root of our problem in Central America is that we are perceived as not being for anything—only against those with whom we do not agree. We will not contribute to a true solution of the problems in Central America unless and until we adopt a positive policy aimed at peace and stability. We can do that if we exert our own efforts and call upon the assistance of our friends, not to send military advisors and military hardware but to offer envoys of peace and alternatives to continued violence. That is the intent of the resolution I am introducing today, which I urge the Congress and the administration to consider promptly and seriously.

JUSTICE ASSISTANCE ACT OF 1983

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I am pleased to inform my colleagues that on April 6, 1983, the Committee on the Judiciary reported favorably to the House the Justice Assistance Act of 1983 (H.R. 2175). This bill is the first of a number of significant anticrime measures that the Subcommittee on Crime intends to initiate in an attempt to stem the rise of crime in this country.

Unfortunately for all of us, there can be no victory in our war against crime. But we can, I hope, win a few battles. In these battles the Federal Government's role is very limited in that it investigates and prosecutes less than 5 percent of the total criminal justice workload. We can, however, assist the State and local law enforcement communities in providing leadership by funding model programs and in this way give them added tools in their difficult task.

What we are proposing is a very limited program of Federal assistance to support activities that can help all crime-fighting agencies at the State and local levels, but which, realistically, few can afford to undertake. This includes developing good information and statistics to measure our crime problems. It includes research on matters of crime, testing promising ideas, and, when they seem to work, demonstrating their effectiveness in criminal justice agencies throughout the country.

In this way, I believe the Justice Assistance Act of 1983 will be a major anticrime benchmark for this Congress.

A TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, today a number of our colleagues departed for California on a sad mission to pay tribute to our departed colleague, Phil Burton.

He will be missed greatly in this House, but nowhere more than in this very well, where time and again he produced for the Democratic Party on the close votes. He was here able to persuade that winning margin that was necessary time and again on critical issues.

We will miss Phil Burton, especially on the close ones, for he delivered time and again.

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MILITARY COMMAND REORGANIZATION ACT OF 1983

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today, I am introducing the Military Command Reorganization Act of 1983, a bill which provides for a major reorganization in the top levels of our Armed Forces. The bill is a product of my experience as a member of the House Armed Services Committee. As I have participated in hearings in the committee, particularly in the Procurement Subcommittee, I have come to realize that we will never get a handle on the defense budget, and improve our defense capabilities, until we drastically restructure our present military command structure. Virtually everyone agrees there are problems in this area, and I am convinced that a fundamental change in the status quo is what is needed. We simply must do something that will eliminate the kind of interservice conflict that leads to duplication, overlap, and the waste of defense dollars.

In formulating the provisions of this bill, I have personally talked with two former Chairmen of the Joint Chiefs, as well as many others with expertise in this area. I am pleased to say that both Gen. David C. Jones, and Gen. Maxwell D. Taylor, distinguished former Chairman of the Joint Chiefs, indicated their support for my propos-

al after reviewing advanced copies. You will recall that it was General Jones who really started the current debate on the subject of Joint Chiefs of Staff reform with his provocative New York Times article of November 1982. General Taylor, who served as Chairman under President Kennedy, has frequently spoken out on the need for a thorough reform in this area.

Let me review some of the major provisions of my bill:

First the Joint Chiefs of Staff and the position of Chairman of the Joint Chiefs of Staff would be abolished. The Chiefs of Staff of the various components of our Armed Forces would then be free to devote their full time to running their particular services. This would eliminate one of the biggest flaws in the present system. These service Chiefs have been overloaded by the fact that they have two full-time jobs: First, head of an individual service, and second, member of the Joint Chiefs. Since they represent an individual service, the service Chiefs vie for their parochial share of the defense budget dollar in buying weapons systems that in many cases overlap and duplicate mission requirements. Moreover, this dual hatting not only divides loyalties, but it also leaves each service Chief with little time to ponder over long-term national problems or develop strong opinions on future military policy. This is precisely the kind of advice that is needed for the Defense Department and the Congress to make sound decisions on the long-term procurement of weapons systems and future force structures.

The present structure would be replaced with a single officer to be known as the Chief of Staff of the National Command Authorities who would serve as the principal military adviser to the President, the National Security Council, and the Secretary of Defense on matters related to current military policy, strategy, and major Department of Defense programs, and on all major matters related to current forces. He would be subordinate to the President and the Secretary of Defense in the chain of command.

To focus on the longer term, the bill establishes a National Military Council, a group of five distinguished military leaders, either recalled from retirement or on their last assignment, and, at the discretion of the President, one civilian. The Council will be responsible for advising the President and the Secretary of Defense on matters pertaining to national security policy, national and military strategy, and for providing independent assessments of the way in which national security policies and defense programs are carried out by the Department of Defense. In this latter function, the Council would serve as a check and balance on the Chief of Staff of the National Command Authorities.

It needs to be emphasized that this bill will not lessen civilian control of the Defense Department and create an all-powerful military figure. If anything, it will improve civilian control of the military, by insuring that civilian decisionmakers get better, and more timely, advice on military strategy and policy. As I stated earlier, the bill makes it clear that the Chief of Staff is to be subordinate to the Secretary of Defense and the President in the chain of command, that his duties are to be primarily advisory, and the bill provides for checks and balances in the form of the National Military Council. It is also interesting to note that when the Investigations Subcommittee of the House Armed Services Committee held hearings on this issue last year, those who were least worried about the effects of reform on civilian control were those witnesses who had experience on the civilian side of the Defense Department.

It is my strong feeling that enactment of the Military Command Reorganization Act of 1983 will improve the quality of advice from the military to civilian decisionmakers, will save defense dollars, particularly in the area of procurement of weapons systems, and will ultimately lead to a stronger national defense. I intend to seek cosonsors for the bill from both political parties, and to seek a hearing in the Investigations Subcommittee at the earliest possible date. I can report that the initial response to this proposal, from those of my colleagues who have seen it, has been extremely favorable.

HEALTH CARE FOR THE UNEMPLOYED ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as the number of American workers facing long-term unemployment continues to rise, we must realize that this condition spawns problems beyond the worker's loss of dignity and the strain on the Nation's social fabric. Recently, Congress took measures to provide emergency food and shelter assistance to the jobless. We must now work to guarantee adequate health care for them and their families. I, therefore, strongly support the Health Care for the Unemployed Act which was introduced yesterday by Mr. WAXMAN. This legislation addresses this critical issue and should receive the full and immediate support of the Congress.

Often we debate the role of the Federal Government in providing services to the American people. There is one thing that we are all in agreement upon, and that is our sworn obligation to promote the general welfare of the Nation. I believe that there is no ingredient more essential to our welfare as a nation than the health of our people.

Recent evidence points to a precipitous decline in the Nation's standard of health, primarily because of the protracted recession. Today, there are nearly 25 million people who lack health care insurance because of unemployment. Eleven million Americans lost their health insurance in 1982 alone.

In areas of high unemployment, like my own in northern Ohio, the problem is most acute. We are seeing infant death rates on the rise. The loss of health insurance is yielding poorer prenatal and maternity care. When we look at the jobless parents themselves, we see an even more desperate situation. Unemployed workers are resorting to home remedies or no remedies for major illnesses. They are without means to get cancer symptoms diagnosed, to get hypertension treatment, they are without the means to avail themselves of the medical attention they need to treat a host of serious health problems.

What we are witnessing is a vicious dilemma faced by the jobless. Most cannot qualify for medicaid, yet are without sufficient income to provide for themselves and their families. One municipal official in a major Midwestern city succinctly and freghteningly assessed this situation in these words, "We're sitting on a time bomb." In seeking help, they quickly bankrupt meager family savings.

The health of this Nation's working people is not a partisan issue. We cannot, in good conscience, stand by while mothers and fathers debate whether or not to take a desperately ill child to a doctor or a hospital because they are caught in this unfortunate web. The examples are not isolated or confined to a particular group. This is not a melodrama, but rather a bitter reality. I reject the premise that people will find a way to help themselves without the Government getting involved. As the evidence poignantly illustrates, this is too often a prescription for more illness and more loss of life. I believe that there are very few things more threatening to our national security than to have a large segment of the American people, the jobless, and their families in poor health— because they cannot afford it.

I urge all members to support this necessary legislation. Its cost is totally within the budget resolution which we passed.

SOCIAL SECURITY FINANCING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 15 minutes.

Mr. GREEN. Mr. Speaker, as you know both the House and the Senate passed legislation based on the National Commission of Social Security Reform's recommendations. The House passed its version of the bill on March 9 by a vote of 282 to 148. The Senate passed its version of the bill on March 23 by a vote of 88 to 9. The conference report adopted by a House vote of 243 to 102, and by a Senate vote of 58 to 14, ironed out the differences between the House and Senate versions. As we are all aware, the vote on this issue was a difficult one. It was no secret that many of the provisions contained in the bill were controversial. This controversy, however, did not justify a "no" vote on the entire package. The social security financing package, as approved by the conference committee, makes an honest attempt to reconcile the concerns of both present and future retirees while restoring financial soundness to the system. The fiscal crisis presently existing in the old-age and survivors insurance (OASI) trust fund made passage of this bill imperative. Without such action, insolvency would have been upon us as early as this summer. The $165.3 billion which this legislation will raise falls within the recommendations of the National Commission. This sum, to be secured over the next 6 years, should be sufficient to eliminate all of the deficit now projected in the social security trust fund, both over the short term and over the next 75 years.

In the following statement I have outlined the key provisions of the bill and some of the provisions on which I reserve objections. The bill is divided into six titles. Title I deals with short-term financing of the system. This includes: coverage of all newly hired Federal employees; delays in the cost-of-living adjustment; the installment of a stabilizer, beginning in 1988; and the elimination of windfall benefits to those individuals reaching 60 after 1983. Taxation of benefits as well as four special provisions continuing benefits for a surviving divorced or disabled spouse are also short-term measures. Title II deals with delayed eligibility; title III is a series of technical amendments; title IV concerns increasing the Federal SSI benefit payment; title V extends for 6 months emergency Federal supplemental compensation (FSC) and title VI initiates a "prospective payment" plan as a gradual substitute for the present reimbursement procedure to cover hospital medicare costs.

COVERAGE OF FEDERAL EMPLOYEES

All Federal employees hired on or after January 1, 1984, as well as all present Members of Congress, the President and the Vice-President, Federal judges, elected officials, political appointees, and nonprofit employees will be included in the social security system. Federal workers who are newly hired with previous Federal service (provided that the break in service lasted at least 365 days) will also be included among those having to participate in the social security system. The legislation makes no changes in the retirement coverage of current Federal employees—other than elected officials, judges, and senior political appointees. All other current Federal workers will continue to be covered by the civil service retirement system, and will not be brought under social security as long as their Federal careers are uninterrupted. The Senate provision to postpone coverage until a supplemental pension system for these workers was developed was not included in the conference agreement because of the tremendous impact it would have on the short range raising of revenue. I want to stress that I have never favored a merger of the civil service retirement system and the social security system. However, I have been a longtime advocate of "universal coverage."

COLA

Both the House and Senate versions of the financing package provided for a deferral in the cost-of-living adjustment (COLA) due in July 1983 until January 1984, with the payment of all future cost-of-living adjustments to be made every January 1 thereafter. There will also be a delay in the supplementary medical insurance (medicare part B) premium increase originally scheduled to coincide with this year's July COLA. This delay in the premium increase until next January is a one-time occurance. In addition, the new law waives the 3-percent cost-of-living adjustment trigger, but only for the January 1984 COLA. Thus, a cost-of-living adjustment will be paid in January 1984, even if the increase in the Consumer Price Index is less than 3 percent. In subsequent years, however, no COLA will be provided if the CPI increase is less than 3 percent.

TAXATION OF BENEFITS

Regarding the taxation of benefits, the conference agreement stated that, as of 1984, a portion of social security benefits and tier one benefits payable under the Railroad Retirement Act of taxpayers whose adjusted gross income combined with 50 percent of their benefits exceeds a base amount will be included in taxable income. The base amount would be $25,000 for an individual, $32,000 for a married couple filing a joint return and zero for married persons filing separate returns. The amount of benefits that could be included in taxable income would be the lesser of one-half of the excess of the taxpayers' combined income (adjusted gross income plus one-half of benefits) over the base amount. Unlike the House version of the bill, the Senate included a provision that requires the income from tax-exempt bonds be taken into account when determining whether or not a taxpayer's income is over the threshold at which social security benefits become subject to taxation. This Senate provision was included in the conference report and will take effect on 1984 income taxes. It should be understood that, while this measure requires income from tax-exempt bonds to be taken into account when determining the portion of benefits subject to taxation, the law does not affect in any way the tax-exempt status of income from such bonds. This particular provision was probably one of the most controversial sections of the bill for those of us who do not support the taxation of benefits.

Another provision advances the payroll tax increase scheduled for 1985 to 1984 and part of the increase scheduled for 1990 to 1988. To help offset this tax increase a one time credit of 0.3 percent of wages will be allowed against 1984 employee FICA and tier one railroad retirement taxes. Tax credits will also be allowed for self-employed persons. Starting in 1984, the tax rates for self-employed persons will be equal to the combined employer-employee tax rate. Self-employed persons will be allowed a tax credit of 2.7 percent of net self-employment income in 1984, 2.3 percent from 1985, and 2 percentage points for the period from 1986 through 1989. Effective in 1990, these credits will terminate and be replaced with a system designed to achieve parity between employees and the self-employed. Under this system, the self-employed will be allowed to take a deduction against both their income and self-employment taxes equal to 50 percent of the self-employment taxes they pay.

RAISED RETIREMENT AGE

In the House, an amendment offered by Representative PICKLE struck the Ways and Means Committee's long-term benefit cut and tax increase proposal from the bill and substituted in its place an increase in the normal retirement age from 65 to 67, to be phased in gradually in two stages between the years 2000 and 2027. No one now retired or nearing retirement would be affected. This amendment recognizes the changing demographics of the United States. During this century, there have been enough workers paying into the system to pay for the retirees—for every three individuals paying in, there has been one drawing out of the fund. This would not be the case in the coming decades under the previous law. After the age of 65, that number will decrease to one-and-a-half Americans working for every one drawing out. The amendment recognizes this demographic crisis in our pay-as-you-go system. It also recognizes that individuals live longer, healthier lives than they did when the

system was first enacted. This amendment insures that workers will still be able to retire as early as age 62, with partial reduction of their benefits, just as at present. The increase in the retirement age to 67 was adopted by the conference committee as a superior alternative to the other House or Senate proposals, namely further increases in the payroll tax, which would add to excessive tax burdens and contribute to unemployent and inflation, or a 5-percent across-the-board reduction in initial benefit levels combined with an increase in either taxation or retirement age.

Title III includes, among other things, a series of miscellaneous and technical provisions relating to trust fund investment procedures and the elimination of gender-based distinctions under the social security program. Among the examples of gender-based distinctions which have been eliminated under the new law are the following: prior law provided for spouse's benefits to aged divorced wives; the new law extends this treatment to aged divorced husbands. Prior law also provides that a widowed mother or surviving divorced mother who has an entitled child under age 16 in her care receives a benefit for both herself and her child based on the earnings of her former husband. The new law extends the same treatment to a father in a similar situation. One of the technical provisions relates to the suspension of benefits to any alien receiving benefits as a dependent or survivor of an insured worker when the alien beneficiary has been outside the United States for 6 consecutive calendar months.

Alien beneficiaries are exempt from this provision if they can prove that they had lived in the United States for a total of at least 5 years, during which their relationship to the insured worker was the same as the relationship upon which eligibility for benefits is based—spouse, child, parent, for example.

SUPPLEMENTAL SECURITY INCOME

Title IV of the new social security amendments concerns the increase in the Federal supplemental security income benefit. SSI is a means-tested income security program that provides cash payments to needy aged, blind, and disabled individuals. The new law delays until next January the cost-of-living adjustment in SSI benefits scheduled for this July and provides that all future cost-of-living adjustments will be paid in January instead of the previous July. This change coincides with the change made in the COLA for social security. Prior law provided for equal percentage increases in SSI and social security benefits to compensate for cost-of-living adjustments. SSI cost-of-living changes will be exempted from those situations where the social security COLA is made on the basis of the lower of the increases in wages or prices. Instead, SSI adjustments will always be made on the basis of the increase in prices.

The provision also allows a one-time permanent increase of $20 per month for all individuals and $30 for all couples receiving SSI benefits, effective July 1, 1983. Even with the COLA delay this represents a net benefit increase.

Under the new legislation, residents of public shelters will receive SSI payments for up to 3 months in any 12-month period. Prior law provided for only residents of private shelters. The measure also allows SSI and AFDC recipients to receive in-kind assistance until September 30, 1984, without affecting the level of their SSI benefits.

FEDERAL SUPPLEMENTAL COMPENSATION

Title V of the bill extends for 6 months, from April 1, 1983 through September 30, 1983, emergency Federal supplemental compensation (FSC). Enacted in response to the recession, this temporary program provides unemployment benefits to workers who have exhausted all other unemployment compensation. FSC provides workers with additional weeks of unemployment compensation, depending on the insured unemployment rate (IUR) of the State in which the worker claims benefits. Under the new law, unemployed workers who begin to collect FSC benefits after April 1 will be able to obtain benefits for the following number of weeks: 14 weeks in States with an IUR of 6 percent or more; 12 weeks in States with a IUR of 5 to 5.9 percent; 10 weeks in States with an IUR of 4 to 4.9 percent; and 8 weeks in all other States. Workers who began collecting FSC benefits under existing law but who exhausted their FSC benefits before April 1 are able to receive additional benefits for the following number of weeks: 10 weeks in States with an IUR of 6 percent or above; 8 weeks in States with an IUR of 4 to 5.9 percent; and 6 weeks in all other States. The new law provides for a phaseout of FSC benefits when the program ends on September 30, 1983. After this date no new claimants would be added to the program and current beneficiaries would be able to receive only 50 percent of their remaining entitlement.

MEDICARE PROSPECTIVE REIMBURSEMENT

Title VI initiates a "prospective payment" plan as a gradual substitute for the present reimbursement procedure to cover hospital medicare costs. The plan is part of the protection needed by the hospital fund to guarantee social security retirement benefits—and requires no additional copayments from the elderly. The prospective payment provisions of the legislation apply only to reimbursement of hospitals. Under the new law, fixed payment rates will be set in advance for each category of ailment or other reason for hospitalization. Hospitals will be permitted to keep any payments that exceed their actual costs, but will be required to absorb any costs that exceed the fixed payments. Hospitals will not be permitted to charge beneficiaries directly for costs not covered by the medicare payments, except for the deductible and copayments already required. The department of Health and Human Services will be required to make appropriate exemptions and adjustments to take into account the special needs of public hospitals and other hospitals that serve a disproportionately large number of low-income persons or medicare beneficiaries. Special provisions are also made for hospitals that are the sole providers of care in a community. Psychiatric, long-term care, children's, and rehabilitation hospitals will be excluded from the prospective payment system and will continue to be reimbursed on an actual cost basis.

One of the measures included in the House "prospective reimbursement" plan was a clause regarding the elimination of the 1.5-percent medicare savings requirement currently placed on New York State by the Department of Health and Human Services. Elimination of this requirement would mean at least $45 million in additional medicare funds available to New York State hospitals in 1985. As well as supporting this measure in the House passed version of the bill, I joined my New York colleagues in sending a letter to Senator DOLE, of the Senate Finance Committee, regarding the inclusion of such a provision in the Senate bill. I am pleased to inform you that this provision was included in final passage.

The merits of this package cannot be evaluated with item-by-item scrutiny. Its success rests in its ability to incorporate a variety of measures to solve both the long- and short-term financial crisis of the system. It is in light of this fact that H.R. 1900 and its counterpart, S. 1., passed the House and Senate, respectively, by significant bipartisan margins securing the vote of such distinguished defenders of the aged as our colleague from Florida (CLAUDE PEPPER).

THE NATURAL GAS CONSUMER ACCESS AMENDMENTS OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

Mr. CORCORAN. Mr. Speaker, today I am joined by Mr. SIMON and several other Illinois colleagues in introducing the Natural Gas Consumer Access Amendments of 1983—a bill that would substantially restructure

the interstate natural gas pipeline industry in the United States. The centerpiece of the consumer access plan is a provision that would immediately change natural gas interstate pipelines to common carriers. If the Congress were to adopt this legislation, it would cause a prompt reduction in natural gas prices nationwide.

Currently, the interstate gas pipeline industry is a regulatory anomaly—they buy gas in the field and resell it at the other end. No other transportation system operates in this exclusive fashion—not airlines; not trucking; and even oil pipelines have been common carriers since the early 1900's.

Our current system allows interstate pipelines to shut in producers that have gas available at reasonable prices. It prohibits distributors and users from acquiring reasonably priced and available supplies in the field.

If we presently had a common carriage system in place, these practices could not occur. Buyers and sellers would be able to negotiate a reasonable agreement and use the transportation system to move the gas to market.

Mr. Speaker, the Illinois Commerce Commission (ICC) has estimated that if Congress were to enact the consumer access plan, it would yield nationwide savings of $5 to $10 billion per year. Additionally, the ICC has also calculated that on the average, the gas bills of Illinois consumers would be reduced by 10 percent after the enactment of this legislation.

The consumer access amendments would complement many of the natural gas proposals presently pending before the Congress. I personally plan to offer it as an amendment to H.R. 1760, the administration's natural gas bill of which I am the chief sponsor in the House. I believe the President's bill, and the consumer access amendments, fit well together. However, they could also be enacted separately.

Let us begin to replace the excessive regulatory system, which allows gas prices to increase despite all of the signals in the marketplace, with one that fosters increased competition. This bold new approach would take a big step in that direction. Mr. Speaker, I urge my colleagues to seriously consider this innovative and timely plan.

How this legislation would affect a particularly unfortunate situation in a large part of Illinois, which is duplicated elsewhere in our State and in the Nation and which highlights the general problem, was outlined by the editor of the Springfield State Journal-Register, Ed Armstrong, on April 4 ("CILCO" is the Central Illinois Light Co., which serves gas consumers, and "Panhandle" is the Panhandle Eastern Pipe Line Co.):

Why could CILCO and other utilities buy gas cheaper than Panhandle is buying it?

Because Panhandle's contracts a shortage of natural gas was forecast, and supply, rather than price, was the major concern. The pipeline companies are required by those contracts to buy certain amounts of gas from suppliers, and, in turn, contracts with distribution companies require those companies to buy specified amounts of gas from the pipelines.

This keeps CILCO, for example, from going to another source and buying gas cheaper than Panhandle is selling it. In addition, Panhandle is the only pipeline company with lines into CILCO's service area; under present arrangements, Panhandle wouldn't transport gas CILCO bought independently. If O'Connor's plan were approved, Panhandle would be required for a reasonable fee to transport gas CILCO bought from someone else.

O'Connor, Corcoran and others contend there's a lot of cheap gas around that's not under contract to the pipeline companies, but now it's not available to anyone, because the pipelines won't transport it.

This concept of changing the role of pipelines has quickly received favorable reviews in Illinois. "Why don't natural gas prices obey the law of supply and demand?", asked an editorial in the March 22 Chicago Tribune, which continued—

According to ICC Chairman Philip J. O'Connor, the real source of rising prices is the pipeline companies that transport natural gas from the producer to the utilities that distribute it. Unlike other carriers—a railroad delivering coal, for example—the pipeline companies first buy the gas they deliver; they are buyers at one end of the pipeline and sellers at the other. And because of complexities in the way they are regulated by the government, they often have an incentive to buy the more expensive gas instead of cheaper gas.

Mr. O'Connor's proposal is to pass federal legislation treating pipelines as common carriers so that they must transport the product whether they own it or not and charge rates that do not discriminate between their own gas and other people's. This, he says, will allow utility companies to shop around for the best deals producers are offering instead of being forced to buy whatever the pipeline is selling at whatever price. And the consumer will benefit.

It is an appealing idea, and it complements President Reagan's plan to speed up deregulation of gas prices at the producer end. * * *

The editorial concluded, "if changing the way the law treats pipelines will help, then it ought to be done."

THE NUCLEAR FREEZE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 30 minutes.

Mr. LEVITAS. Mr. Speaker, before I begin the few remarks I would like to make, I would like to express my appreciation to the gentleman from Georgia (Mr. GINGRICH) for his leadership yesterday during the debate on the mutual guaranteed builddown amendment. I believe the gentleman made a substantial contribution to this ongoing debate.

Mr. Speaker, I have asked for this special order of 30 minutes to have some discussion of yesterday's debate on the issue of House Joint Resolution 13.

Mr. Speaker, I believe that it is fair to say that the debate yesterday on the question of a mutual guaranteed builddown has advanced the public discussion of this very important and meaningful approach to arms control. Even among some of the Members yesterday who found themselves, in the last analysis, voting against the particular proposal, there was substantial expression of support for this concept, and it is my firm belief that, as this debate continues, this concept will clearly be the approach that will be adopted because it does assure an end to the arms race and a reduction of nuclear forces.

The number of votes in favor of the builddown was significant and showed a broad base of support even under adverse circumstances. The administration did not support the proposal and no particular group in town was lobbying for the proposal. Yet the impact of the arguments, in this first instance of discussion, was based on the soundness, the rationale, and the merits of the proposal. This impact was evident in the significant number voting for the proposal, and I believe it augurs well for the future.

I have notified the office of the gentleman from Massachusetts (Mr. MARKEY) that I was going to make some reference to remarks he made yesterday, and I will make some comments about that, and will likely make additional remarks on Monday. Specifically I want to address some comments that the gentleman from Massachusetts (Mr. MARKEY) made during the course of the debate yesterday in which he stated that the mutual guaranteed builddown, what he identified as the Levitas amendment, ". . . is just a public relations cover for the arms buildup the administration wants. It is nothing more than START's version of shell game reductions."

That is an unfortunate comment because I think it demonstrates a total lack of understanding by the gentleman from Massachusetts of what the mutual guaranteed build-down would do, and it suggests that the administration is supporting this approach. Neither of those statements is correct. Indeed, it appears to me to be nothing more than the same sort of nonproductive rhetorical rubbish that we have had too much of on this debate rather than a serious consideration of how we can honestly put an end to the arms race.

It is one thing for us to go through exercises. It is another thing for the world to be made a safe place. And,

frankly, I do not believe the types of observations that the gentleman from Massachusetts made during the course of the debate are constructive in terms of furthering this Nation and the world along in reducing the threat of nuclear war.

The gentleman from Massachusetts further said that the proposal for a mutual guaranteed builddown is "likened to throwing away two crossbows for one artillery piece."

Now, that is another clever rhetorical tour-de-force. Again, it is a total misunderstanding because the difference between delivery systems and warheads is so fundamental that it must be understood by everyone engaged in this debate. It is not whether you have one missile or five missiles. It is how many nuclear warheads we are dealing with in order to reduce this arms race and to make this world a safer place.

I think it is going to be very important for us to put in perspective the efforts, the rhetorical efforts, being made by some of the unilateralists who are approaching this in the context of a nuclear freeze so that the rest of the people in this Nation and the world will understand that we have got to make this world a safer place in a nuclear age by literally reducing the amount of nuclear weapons that are available on either side which have the potential of bringing about a nuclear catastrophe.

Mr. Speaker, I hope that as this discussion continues, it can be restored to the high plain that, for the most part, was the nature of the debate yesterday and, as I have indicated, on next Monday I will continue some discussion of what this is about.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would also like to thank the gentleman from Georgia (Mr. LEVITAS) and the gentleman from Georgia (Mr. GINGRICH) for their efforts yesterday in what I thought was a very intriguing and a very positive approach. The one thing I would like to make reference to, however, was some comments made by the majority leader just prior to the vote on that amendment, because I think that some confusion arose and I think we ought to address it.

In quoting the majority leader, he said this concerning the resolution, as he argued against accepting the amendment of the gentleman from Georgia:

> It is a simple proposition that we face. It is not complicated. The question is, do we favor a mutual and verifiable freeze and reduction of nuclear weapons? There is nothing complicated about that, nothing sinister about that, nothing hidden about it.

Then he goes on to say this:

> So it seems to me that we need to uncomplicate the matter. Let us keep it clear, simple and straightforward. We should not—I repeat—not try to get into the technical questions of what comes first—freeze or reduction, qualitative or quantitative limitations, delivery systems or warheads. Leave those to the negotiators as properly we should.

The reason I bring those comments up is, it seems to me that they could have been used by those who were supporting the proposition of the gentleman from Georgia, they could have been used by the people who were supporting the proposition of the gentleman from Michigan (Mr. SILJANDER), they could have and should have been used, in my judgment, to support the proposition of the gentleman from Colorado (Mr. BROWN), all of whom were trying to point out that we ought to have more than one option, that if we can reduce first rather than freeze first, we ought to do that. I thought that was one of the elements of the gentleman's proposition yesterday. I know it was from the gentleman from Michigan (Mr. SILJANDER) and certainly the gentleman from Colorado.

I think what the gentleman from Georgia mentioned a minute ago is extremely important. Much of the rhetoric that has been heard in these Halls is confusing. And it ought not to be the question of whether you are for peace or against peace, whether you want to reduce weapons or you do not want to reduce weapons. It ought to be: How do we get together in working with the legislative branch and with the executive branch so that we put forward the most effective proposal to engage the Soviet Union in this exercise, because we all know we cannot do it unilaterally.

□ 1130

I would hope that perhaps the gentleman might bring his amendment up next time and maybe we could call it the majority leader's amendment and cite the majority leader's comments and perhaps we might get those few votes necessary to pass it.

I thank the gentleman from Georgia for his indulgence.

THE LIBERAL FOREIGN POLICY IS PROSLAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 30 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk today about the reality which came into focus this week about liberal foreign policy and its indifference to slavery and its indifference to issues of the survival of freedom on this planet.

We have had three incidents this week that I think are extraordinarily revealing. One was the leader of the Democratic Party in the House saying that allowing a 19-year-old girl to stay in America was unwise when her alternative was slavery. The second was a series of votes in the Committee on Foreign Affairs whose net effect is to say that if you are for freedom in Central America, we will not help you, and if you are against freedom in Central America, we will not stop you, and then an additional series of votes in the Committee on Foreign Affairs in which they applied that to North Africa as well, saying in effect to our friends in Morocco and Zaire and in Tunisia that your military problems, the reality of foreign aggression, the reality of the Polisario guerrillas, the reality of being next door to Libya and the dictator the reality of having Cuban and Soviet-trained guerrillas training against Zaire is irrelevant; your freedom and your survival does not matter to us.

Finally, a debate on the nuclear freeze resolution, whose sophistry and lack of realism was breathtaking at best and stunning at worst.

Let me start first with the case of Hu Na, the young lady who is a 19-year-old tennis player who decided she did not want to go home. It raises a fundamental issue, and I think a fundamental problem for America, a problem which was raised in larger numbers by the boat people, a problem which has been raised for us again and again since World War II.

In Abraham Lincoln's phrase, a house cannot stand half free and half slave. That may be true of the world. The long-run consequence of our giving in, of our withdrawing, of our pulling out, of our pulling back, of our isolationism, of the increasing cry for what is in effect unilateral disarmament, the consequence has been that free Vietnamese now live in Los Angeles or in Washington, they do not live in Saigon; that free Cambodians now live in Atlanta or Detroit, they do not live any longer in Cambodia; that free Laotians live literally in my district in Clayton County; they sadly no longer live in Laos.

That is a reality. That happened. Free Cubans live in Florida, in Atlanta; they do not live in Cuba.

Now, we have two choices. We can become a Byzantine empire surviving against a hostile world, closing our borders, crushing resistance when it comes near us, and paying the cost for that survival, or we can resurrect the flag of freedom and say that freedom is worth fighting for, that freedom is worth helping, that freedom is a noble cause, that freedom is worth the effort.

This week, after, I am sure, an acceptable and interesting and exciting visit to China, the leader of the Democratic Party in this House said, in what I think is the first time since the Dred Scott decision in the 1850's, that

it is legitimate to return a slave to its master and that a 19-year-old girl is not nearly as important as dining well with the people of the Republic of China, a logical first step toward giving up Taiwan and putting 18 million free Chinese under a Communist regime. It is a tragedy, but it is the first step in what was a terrible week for freedom.

The second step is the whole debate over El Salvador and Nicaragua and the Caribbean. What we have been saying is that if you are for freedom, granted, crude, clumsy, incompetent freedom, freedom more on the style of the former Chicago city machine, freedom more in the style of parts of south Texas and south Georgia, freedom of a style that has corruption, and anyone who saw "Murder in Coweta County," which occurred in my district, which was true in the late 1940's, knows that there has been repression in America, that probably, in fact, if those who are purest about El Salvador look carefully enough at America, they would find good reason not to defend us either.

But those who are against freedom, the Soviet Union, Cuba, increasingly the Nicaraguan Government, are in fact against freedom. It is very simple. They do not like free newspapers. They do not like free voting. They do not like free businesses. They do not like freedom, period. And they show it every day. It is not complicated. It is simple.

The real question is: Which is the underlying issue in the Caribbean, 55 American advisers in El Salvador? That is the liberal argument. Those 55 American advisers are destabilizing; they are not helping the cause of peace.

Let me list the other side of that equation. I wish I had a chart to list the 55 advisers on one side, and on the other side there is a Soviet brigade in Cuba protecting the largest intelligence operation the Soviets have outside their home country. The Cuban Air Force is now larger than all of the air forces in Latin America combined. There is a 10,000-foot airfield being built in Grenada. The KGB, the Soviet secret police, has a large contingent in the Nicaraguan Embassy. The Nicaraguan Army has increased four times in size and eight times in effective power since the Marxist Communists took over.

And the El Salvador guerrillas? The El Salvador guerrillas say openly on radio, for all to hear, they are glad they are getting help from the Soviet Union, they are glad they are getting help from Nicaragua. They intend to have their side, the side of slavery, do all it can to win in El Salvador.

In that setting, what does it tell us about the American news media and its liberal bias; indeed, what does it tell us about liberalism in this country and this Congress: that the issue is not the Soviet brigade, the issue is not the largest air force in Latin America, the issue is not a 10,000-foot airfield, the issue is not Soviet secret police in Nicaragua, the issue is not a Nicaraguan army large enough to conquer all of Central America, nor is the issue the fact that the El Salvador guerrillas consciously and openly accept and are grateful for and proud of Soviet and Cuban help.

Oh, no. The issue in our own backyard, in an area we once considered literally good neighbors, to quote Franklin Roosevelt, a great Democrat who understood the importance of protection, among our good neighbors the issue is 55 helpers from America.

Now, why does that matter to us? How in the abstract all of us agree we are for freedom but, after all, it is not our country; as Neville Chamberlain once said, it is a distant place about which we know little. And frankly, the people who gave us Ho Chi Minh City, the people who gave us the boat people, the half-million refugees, they now want to give us the KGB and the Cuban secret police in El Salvador. Next they will want to give us the KGB and the Cuban secret police in Guatemala. Finally, they will want to explain why we need to have the KGB and the Soviet secret police in Mexico.

As a former liberal Ambassador to the United Nations said, after all, the Cuban troops in Africa are stabilizing influences. If we want stability in Mexico, I am certain the Cubans and the Russians would be glad to provide that stability. Of course, that stability comes at the cost of freedom. You then have a Communist slave state in Mexico.

But, "Ah," our liberal friends will say, "dominoes do not exist. El Salvador is an isolated case, just as Nicaragua was, just as Grenada was, just as Cuba was. There is really no linkage." Tell that to the Cambodian refugee camps that are being bombed and attacked by North Vietnam in Thailand. Go back and read who was right and who was wrong in the early 1960's. Go back and look at who said if, in fact, Vietnam wins its war of aggression, which is not a civil war, it will impose a Communist state on Laos, it will impose a Communist state in Cambodia, and it will threaten Thailand. And look then at the newspapers of the last few weeks and ask yourself: Is there a lesson in the fact that the very people who were wrong, the very people who did not understand freedom and slavery in Southeast Asia, are as wrong and as blind and as arrogant today about Central America.

There are dominoes. I would challenge Ed Asner and Jane Fonda. I would challenge the members of the Foreign Affairs Subcommittee who voted against aid, go and visit the Cambodian refugee camps, go and look at the warfare being fought on the Thai border, go and talk to the Government of Thailand, and then, in God's name, come back and explain to us what lessons you have learned about the failures of the past.

But, oh, no, freedom is difficult; slavery is easy. Freedom requires effort; slavery requires nothing. We are having a good picnic in America. Why be concerned abut our neighbors? And these are people who call themselves New Deal Democrats and who think that they sup at the table of Franklin Roosevelt. He would turn in his grave at the thought that his good neighbor policy has become an excuse to hide from the reality of aggression.

Do we really think the KGB is better than the Gestapo? Do we really think that this effort to stop fascism was less important than our efforts to stop communism, or to have the gentleman who represents John F. Kennedy's seat in the House, John F. Kennedy, who said in his address, "We will go anywhere, bear any burden, to help the cause of freedom," to have that gentleman, representing the seat of John F. Kennedy, suggest that we send a 19-year-old girl back to China, back to slavery.

The mind boggles at the changes in this country in a quarter of a century. How can we explain the lack of historical memory, the lack of learning? We are repeating the horrors of slavery again. And it is not totally ignorance. The chairman of the Committee on Foreign Affairs was quoted as saying, "One of the problems we have with Communist regimes is that they do not always live up to their word."

May I repeat that. "One of the problems we have with Communist regimes is that they do not always live up to their word." This from the gentleman who is saying, "Let us not send a 19-year-old back." He is on the right side of that issue. Let us not send a 19-year-old back because we cannot necessarily trust the Communist regime not to imprison her, but let us pass a nuclear freeze because we can trust the Communist regime with the matter of the survival of America as a country and the survival of freedom in the world.

Now, if we cannot trust one Communist regime with a 19-year-old girl, how in the Lord's name can we possibly trust the Soviet Union with the entire fate of Western civilization? Yet the same gentleman who would not return the girl sponsors the freeze resolution. But he knows better. He at least understands that, as I said, quoting him, "One of the problems we have with Communist regimes is that they do not always live up to their word."

Now, the gentleman from Massachusetts may not know better. He was

quoted as saying in China, and I quote, "I am a domestic Congressman, the leader of the House, and my knowledge of foreign affairs, to be perfectly truthful, is extremely limited." He may not know better. He may not understand freedom versus slavery, El Salvador; in fact, in the tradition of Stanley Baldwin and Neville Chamberlain, both were remarkably successful politicians domestically, whose only weakness was they left their nation with war with Nazi Germany. He may well be a very good domestic politician, he may be one of the best, but I think he was honest in China.

And that should, and I mean this with no insincerity, that should lead him to pause and ask himself: If that is true, is it possible that the entire nuclear freeze debate is taking place in a vacuum and that if we looked at history we would learn something?

I would suggest that every American should read the debate 3 weeks ago, and everyone should read yesterday's RECORD. It is one of the most appalling examples of sophistry and irresponsibility we have had in a long time. The left in America on foreign policy is either ignorant, irresponsible or indifferent to the issue of freedom and slavery. These 2 days of debate indicate that some Members are ignorant, some Members are irresponsible, and some Members are indifferent. It will be useful for the average citizen to read it and decide which group their Member fits in if, in fact, they are very strong advocates of the freeze.

There are five great mistakes in the freeze advocates. The first is the issue of obsolescence. If we freeze today, 15 years of Soviet buildup and 15 years of relative American stability, we have obsolescent B-52's that are crashing. If that freeze lasts 10 years, then the balance of power will decisively shift to the Soviets.

No one in Britain wanted the Nazis to be superior, but no one in Britain except Churchill wanted to talk about it. Everyone in the freeze debate focuses on today, but if you look at America in 1993, if you look at those B-52's that are already 28 years old, you look at planes like the one that crashed this week in Nevada, then you can understand why the freeze frightens those of us who are genuinely worried about preserving the peace.

Second, there were Members yesterday who had the gall to say that our West German allies want a freeze. Imagine. For weeks, for months, we in America saw West Germany fight out its future on the battlefield of politics. We saw a free nation choose between no missiles and missiles, and they chose overwhelmingly to have missiles. Now that we have a West German Government asking us to put the Pershing II's in place, a West German Government whose Chancellor went to the mat and went to the country when it was difficult, now that we have a Socialist President of France, Mitterrand, saying you have to have deterrents, we have Members of this House with the gall to stand here, and it is in yesterday's RECORD, and tell us, "Oh, they do not mean it."

Are we then their masters and they our slaves? Is this House then to decide for the West Germans their fate? Are we to adopt a freeze which would, in fact, leave us without any options? Such shame.

Third, not a single Member of the freeze advocate side, all of whom proudly pointed to the Trident submarine, not a single Member talked about the transfer of resources into antisubmarine warfare.

□ 1145

Yet the fact is that if we have a freeze on nuclear weapons, the Soviets will almost certainly transfer resources into antisubmarine warfare, and if they do, the Tridents will eventually become vulnerable. Yet there is no provision in the freeze for freezing antisubmarine warfare.

Fourth, the discussion about the Soviet state yesterday was breathtaking. Let me repeat. The Soviet state is a tyranny. It is committed to slavery. It believes that the only way to coerce people is through the secret police. Andropov is the moral equivalent of Heinrich Himmler. He headed the KGB, which is the equivalent of the Gestapo. He spent 15 years torturing people, giving them brain treatments, and various kinds of shock treatments, and putting them in insane asylums. Anyone who talks with a refusenik or anyone who talks with a refugee gets a clear sense of who Andropov is and what fun he had as head of the secret police. That is the man they chose to lead their country.

We have to at least ask ourselves, if a country chooses the head of the secret police to be in charge, what kind of a nation does that make it? Were Andropov pro-American and living in Central America, he would be inappropriate, and Jane Fonda would be against him. Since he is a Soviet leader, he is, of course, somebody Walter Mondale wants us to go and negotiate with.

We have evidence about the nature of the Soviet Union, not just from the refuseniks, not just from the refugees, but from Poland and Afghanistan, and we have overwhelming evidence that thay are using chemical warfare weapons. We have evidence that the KGB is not a nice group. There is some evidence that through the Bulgarians the KGB, the secret police, may have in fact tried to kill the Pope—certainly not a stabilizing activity. Yet that is not given very high play. The KGB at that time, by the way, was headed by Mr. Andropov, who is now the head of the Soviet Government.

Even without the efforts to assassinate the Pope, the KGB is basically the nastiest organization left on the planet now that the Gestapo is gone. What we are facing in fact is a Nazi Germany without Hitler, a country that has a grim, gray, bureaucracy presiding over it, with a secret police that enslaves the nation.

Yet one advocate of the freeze said this—and my quote is from page 8418, probably the most mind-boggling single statement, and I quote:

> It is time that the peoples of the United States and the peoples of the Soviet Union attempted to handcuff their governments in a way so that we can have peace rather than a continued arms race.

Anyone who believes the people of the Soviet Union, living in a police state, can handcuff their government should vote for the freeze and promptly be defeated by the Nation at large on the grounds that they are totally out of touch with reality. That is like mistaking a rattlesnake for a bunny rabbit.

How can the people of the Soviet Union handcuff their government? They are in fact living in a police state, and they in fact have no real ability to influence that state. Yet there are Members of this body who actually think that Washington is the danger to peace and freedom, and that Moscow is our ally. What nonsense. What utter rot.

Finally, what does the freeze mean? We have had a number of versions or explanations so far. If one reads yesterday's RECORD, we have a number of new versions. Is the freeze, as one Member said, "simple and clear," or is the freeze, as the chairman of the Committee on Foreign Affairs suggested in his opening statement, in fact "very difficult and very complex"? I suspect that in reality, in negotiating with the Russians, the freeze will rapidly become very complex, even if it is a simple symbol.

In closing, Winston Churchill would have recognized this week. He lived in a time when Stanley Baldwin was popular and Neville Chamberlain was popular, and they told people what they wanted to hear. He lived in a time when freedom was not very important, when they could sell out Austria and then Czechoslovakia. He lived in a time when deterrence was not important, when people did not need weapons, when the Liberal Party or the left wing party of that day in fact was for unilateral disarmament. He lived in a time when people laid the base for what he was to call "the unnecessary war."

These are not simple political documents. These are not just symbols. We are in the process of cutting ourselves to pieces in Latin America. We are in the process of betraying our allies in Africa. We are in the process of repu-

diating our allies in Europe. We are in the process of crippling our own defense.

That is the legacy of liberalism in this country. It gave us a defeat in Vietnam, it gave us a half million boat people, it gave us the refusal to cope with Castro, and it is now giving us a triangular base in the Caribbean, from Grenada to Cuba to Nicaragua, which may well cripple this Nation. It is in the process of giving us a decisive defeat in El Salvador, and one of its leaders this week wanted to send a 19-year-old girl back into slavery.

Mr. Speaker, that is the state of this country today.

BELOW MARKET RATE AUTOMOBILE FINANCING: CONSUMERS BEWARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, every time I open a newspaper these days I see an advertisement proclaiming "below market rate" financing on new automobiles. If one were to believe these ads it would indeed seem that now is a time like no other to get an incredible deal on a brandnew car.

But that, unfortunately, is the problem, as many of these ads are full of seemingly believable statements that in many cases turn out to be enormously misleading—if not downright false—upon closer inspection. Many of them disguise the true cost of credit to such an extent that it is absolutely impossible for consumers to comparison shop for credit or cars. Consumers are unable to get the information they need to negotiate the best deal in buying a car. These advertisements and the supposed terms of the financing available frustrate both the spirit and the intent of the Truth in Lending Act.

The automobile dealers who are trying to attract customers with these new financing deals are offering loans at rates of anywhere from zero to 10 percent. All of the ads are short on details as they are designed to get the customer into the store. For example, I have seen ads containing headlines like "Our rates never lower" or "The No. 1 financing rate in the USA." One group claiming interest-free loans apparently anticipated the suspicions of wary customers as the ad also included in bold print the words "Yes, You can believe it!"

Well, no you cannot, for these ads are more noteworthy for what they do not say than for what they do. In order to qualify for the below market rate financing consumers frequently have to make a large downpayment, sometimes as high as one-third of the price of the car. Still other ads that claim low rates for new cars really apply only to certain models. Of course, consumers do not find out about these things until they are in the showroom.

What is even more dangerous about this misleading advertising is what the potential customers would not find out at all—behind almost every below market rate financing deal lurks an undisclosed finance charge. Although the automobile dealers claim that the potential customers are getting the loans at low rates of interest, the truth is very different indeed.

Below market rate financing is only possible because the automobile dealers arrange it and pay for it. In a typical case, the dealer tells a bank the rate that he wants to offer and then finds out how much it will cost him. The dealer pays the bank the difference between the prevailing market rate and the lower advertised rate. He then makes up this outlay by increasing the cost of the car to the customer.

For example, suppose the dealer wants to cut the prevailing rate of 15 percent on a $7,000 48 month loan to a more attractive rate of 9.9 percent. In order to do this, he must compensate the lender for the lower rate of interest charged to the consumer by paying a fee. In this example, that fee will come to $633.

The dealer then runs ads and tells potential customers that he is offering a $7,000 loan at 9.9 percent for 48 months. Consumers are told that the monthly payments on the loan will be $177.20. The payments will total $8,505.60 for the life of the loan and the finance charge is $1,505.60.

Though the consumer thinks that he is getting a $7,000 loan at 9.9 percent, he is really getting a $6,367 loan at 15 percent, because the dealer is almost certain to include the $633 fee in the final price of the car. The dealer must recover the cost of the cheap credit somewhere, and that somewhere is going to be in the price of the car. The consumer is not able to learn the separate cost of the credit and the car because they are sold as a single package. In effect, the consumer is back where he was before the Truth in Lending Act was passed, unable to ascertain in the true cost of goods and credit.

If, in my example, the dealer's $633 cost of the buy-down was included in the finance charge where it belongs, rather than hidden in the price of the car, it is obvious that the finance charge is actually $2,138.60, not $1,505.60. If all of this information was properly disclosed to the consumer, the fact that this is hardly below market rate financing would be quite evident.

Under the original Federal Reserve Board regulation concerning the treatment of sellers buy-downs under the original Truth in Lending Act it would still be quite evident. Under the old rule, buy-downs that were passed on to the consumer had to be revealed as part of the finance charge and taken into account in calculating the annual percentage rate. As a result, consumers were aware of the true cost of credit.

Unfortunately, this is no longer the case. Since the implementation of the Truth in Lending Simplification Act by the new Board regulation in March of 1981, automobile dealers, homebuilders and anyone else who wanted to offer below market rate financing have been able to deceive consumers by hiding these buy-downs without technically violating the Truth in Lending Act. When the Board had second thoughts and proposed that the old rule be reinstated, a torrent of screams from creditors and sellers washed away any possible reversal by the Board. Last fall, I wrote in support of the proposal to reinstate the old rule. I warned the Board that the new regulation actually encourages sellers to arrange low interest financing and pass the hidden cost on to consumers. Sadly, that prediction has been shown to be all too accurate.

It has always been quite clear to me that new regulation completely contradicts the findings and declaration of purpose for the act which states:

> The informed use of credit results from an awareness of the cost thereof by consumers. It is the purpose of [the Truth in Lending Act] to insure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily terms available to him and avoid the uninformed use of credit.

As the discussion of below market rate financing on automobiles clearly shows, the original goals of the Truth in Lending Act are not shared by many of those who arrange credit and sell products to consumers. And thanks to the Federal Reserve Board's loss of nerve on reinstating the original rule on the treatment of sellers points, they do not have to be. Unfortunately, it is the American consumer who is suffering, and who will continue to suffer from this regulation that completely nullifies the Truth in Lending Act.●

SEVEN AMERICANS LOST IN B-52 CRASH

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I, along with millions of Americans, was saddened to read again this morning of the loss of another B-52 and, with it, seven American lives.

As this Congress addresses the issue of whether or not the World War II technology and the 1950 production of our strategic bomber force is now sufficient to enter into the next century,

we should take into consideration the loss of three such aircraft since Christmas. We learned of the collapse of a wing during refueling some 18 days ago, and now the loss again of the fathers and sons of Americans as they attempt to protect this country on a duty that is entrusted to the Congress of the United States.

Mr. Speaker, as we call upon them to serve, we refuse to face the reality that a 25-year-old aircraft is too old to defend this country and too old to ask our airmen to fly.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DYMALLY of California (at the request of Mr. MURTHA) for April 18 through 22, 1983, to attend a conference in southern India.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, today, for 15 minutes.

Mr. CORCORAN, today, for 10 minutes.

Mr. GILMAN, on April 26, 1983, for 60 minutes.

Mr. GINGRICH, today, for 30 minutes.

Mr. LEACH of Iowa, today, for 30 minutes.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. LEVITAS, today, for 30 minutes.

Mr. MITCHELL, today, for 15 minutes.

Mr. ANNUNZIO, today, for 5 minutes.

Mr. SKELTON, today, for 10 minutes.

Mr. LEVITAS, on April 18, 1983, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) and to include extraneous matter:)

Mr. ARCHER.

Mr. MOORHEAD.

Mr. JEFFORDS.

Mr. KEMP in three instances.

Mr. FISH.

Mr. MCKERNAN.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. D'AMOURS in three instances.

Mr. CLARKE.

Mr. GRAY in three instances.

Mr. FASCELL.

Mr. LEHMAN of California.

Mr. STARK.

Mr. OBERSTAR.

Mr. MAVROULES.

Mr. FROST.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 41. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. RATCHFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes a.m.), under its previous order, the House adjourned until Monday, April 18, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

918. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles to Japan (Transmittal No. 83-28), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

919. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the annual report on the status and needs of tribally controlled community colleges, pursuant to section 106(e) and section 107(c)(2) of Public Law 95-471; to the Committee on Education and Labor.

920. A letter from the Executive Director, National Council on Educational Research, Department of Education, transmitting notice of a delay in submitting the Council's annual report; to the Committee on Education and Labor.

921. A letter from the Secretary, Department of Education, transmitting a draft of proposed legislation to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational and basic skills in the work force that will improve productivity and economic growth, and for other purposes; to the Committee on Education and Labor.

922. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to sell certain defense articles and services to Japan (Transmittal No. 83-28), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

923. A letter from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting a proposed plan for the use and distribution of the Mississippi and Lake Superior Bands of Chippewa Indians judgment funds in docket Nos. 18-C and 18-T, pursuant to section 2(a) and section 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

924. A letter from the Comptroller General of the United States, transmitting a report reviewing the neighborhood reinvestment corporation's financial statements for fiscal year 1982 (AFMD-83-55, April 13, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. House Concurrent Resolution 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes (Rept. No. 98-61, Pt. I). Ordered to be printed.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 594. A bill to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible (Rept. No. 98-62). Referred to the Committee on the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 596. A bill to transfer responsibility for furnishing certified copies of Miller Act payment bonds from the Comptroller General to the officer that awarded the contract for which the bond was given (Rept. No. 98-63). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 723. A bill for the relief of Marsha D. Christopher. (Rept. No. 98-55). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 726. A bill for the relief of James A. Ferguson. (Rept. No. 98-56). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 730. A bill for the relief of Ronald Goldstock and Augustus M. Statham. (Rept. No. 98-57). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 732. A bill for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A.

Redmond. (Rept. No. 98-58). Referred to the Committee of the Whole House.

Mr. KINDNESS: Committee on the Judiciary. H.R. 745. A bill for the relief of Stephen C. Ruks. (Rept. No. 98-59). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1750. A bill for the relief of Apolonio P. Tumamao and others. (Rept. No. 98-60). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SKELTON:

H.R. 2560. A bill to amend title 10, United States Code, to abolish the Joint Chiefs of Staff and establish a single Chief of Staff for the National Command Authorities, to establish a National Military Council, and for other purposes; to the Committee on Armed Services.

By Mr. AUCOIN:

H.R. 2561. A bill to amend the Export-Import Bank Act of 1945; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. BIAGGI:

H.R. 2562. A bill to amend section 45 of the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL (for himself, Mr. MATSUI, Mr. MOORE, Mr. PEASE, Mr. THOMAS of California, Mr. MARTIN of North Carolina, Mr. HANCE, Mr. FRENZEL, Mr. GIBBONS, Mr. SCHULZE, Mr. VANDER JAGT, Mr. ARCHER, and Mrs. KENNELLY):

H.R. 2563. A bill to amend the Social Security Act to authorize the conduct of federally assisted pilot projects designed to improve the delivery of services under the various human services programs by establishing integrated service delivery systems for those programs; to the Committee on Ways and Means.

By Mr. HANCE (for himself, Mr. PICKLE, Mr. MATSUI, Mr. MOORE, Mr. GIBBONS, Mr. DUNCAN, Mr. ARCHER, Mr. FOWLER, Mr. FRENZEL, Mr. JACOBS, Mr. HEFTEL of Hawaii, Mr. PEASE, Mr. VANDER JAGT, Mr. PHILIP M. CRANE, Mr. SCHULZE, Mr. ANTHONY, Mr. THOMAS of California, Mr. BEREUTER, Mr. BLILEY, Mr. BROWN of Colorado, Mr. CHENEY, Mr. DAUB, Mr. FIELDS, Mr. HUGHES, Mr. KINDNESS, Mr. LOEFFLER, Mrs. MARTIN of Illinois, Mr. NICHOLS, Mr. PATMAN, Mr. STUMP, Mr. WHITEHURST, and Mr. YOUNG of Alaska):

H.R. 2564. A bill to direct the Secretary of the Treasury or his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations with a system under which income tax is imposed on gross income; to the Committee on Ways and Means.

By Mr. CORCORAN (for himself, Mr. SIMON, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DURBIN, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. MICHEL, Mr. O'BRIEN, Mr. PRICE, Mr. MADIGAN, and Mr. RUSSO):

H.R. 2565. A bill to amend the Natural Gas Policy Act of 1978 to establish natural gas pipelines as common carriers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MAVROULES:

H.R. 2566. A bill to amend the Federal Reserve Act to provide for increased representation of small business interests and agricultural interests on the Board of Governors of the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ST GERMAIN:

H.R. 2567. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. FRENZEL, Mr. MATSUI, Mr. JENKINS, Mr. WYDEN, Mr. DYMALLY, and Mr. THOMAS of California):

H.R. 2568. A bill to amend the Internal Revenue Code of 1954 to repeal the provision which terminates the exclusion for amounts received under certain educational assistance programs; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.J. Res. 237. Joint resolution expressing the sense of the Congress that the Secretary-General of the United Nations should be requested to act as an intermediary in the Nicaraguan-Honduran border dispute; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H. Con. Res. 111. Concurrent resolution to commemorate the Ukrainian famine of 1933; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

76. By the SPEAKER: Memorial of the General Assembly of the State of North Carolina, relative to low-income housing programs; to the Committee on Banking, Finance and Urban Affairs.

77. Also, memorial of the Legislature of the State of Washington, relative to Port of Grays Harbor; to the Committee on Public Works and Transportation.

78. Also, memorial of the General Assembly of the State of North Carolina, relative to Tax Deductions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORSYTHE:

H.R. 2569. A bill for the relief of Harold N. Holt; to the Committee on the Judiciary.

PRIVATE RESOLUTIONS

H. Res. 162. Resolution to refer the bill, H.R. 2569, for the relief of Harold N. Holt to the chief commissioner of the Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of April 13, 1983]

H.R. 175: Mr. ALEXANDER, Mr. HAMILTON, Mr. HOWARD, Mr. MONTGOMERY, Mr. PRICE, Mr. ST GERMAIN, Mr. WHITTEN, Mr. DICKINSON, Mr. HORTON, Mr. FRENZEL, Mr. SNYDER, Mr. SPENCE, Mr. ROBINSON, Mr. MCKINNEY, Mr. MARRIOTT, Mr. HAMMERSCHMIDT, Mr. FORSYTHE, Mr. RAHALL, Mr. DAUB, Mr. STUMP, Mr. PORTER, Mr. WOLF, Mr. DWYER of New Jersey, Mrs. ROUKEMA, Mr. ROGERS, Mr. LUKEN, Mr. BEVILL, Mr. WHITLEY, Mr. LIPINSKI, Mr. HATCHER, Mr. CORRADA, Mr. SOLOMON, Mr. HUTTO, Mr. DANIEL, Mr. GOODLING, Mr. RINALDO, Mr. JONES of North Carolina, Mr. JACOBS, Mr. BARNES, Mr. RUDD, Mr. MARTIN of New York, Mr. NIELSON of Utah, Mr. MARTIN of North Carolina, Mr. MITCHELL, Mr. DREIER of California, Mr. STENHOLM, Mrs. HOLT, Mr. YOUNG of Alaska, Mr. LOWERY of California, Mr. EMERSON, Mrs. LLOYD, Mr. PAUL, Mr. BOEHLERT, Mr. MCNULTY, Mr. FORD of Tennessee, Mr. SUNIA, Mr. LENT, Mr. BLILEY, Mr. HANSEN of Idaho, Mr. REGULA, Mr. ROBERTS, Mr. WINN, Mr. DANIEL B. CRANE, Mr. WHITEHURST, Mr. CHAPPELL, Mr. CLINGER, Mr. HUBBARD, Mr. BEREUTER, Mr. VANDER JAGT, Mr. RITTER, Mr. HEFTEL of Hawaii, Mr. BEDELL, Mr. ROE, Mr. MARLENEE, Mr. ROSE, Mr. TAUKE, Mr. BURTON of Indiana, Mr. HOPKINS, Mr. MAVROULES, Mr. EDWARDS of Oklahoma, Mr. MCDONALD, Mr. OLIN, Mr. HANSEN of Utah, Mr. DAVIS, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, and Mr. NEAL.

[Submitted April 14, 1983]

H.R. 220: Mr. GOODLING, Mr. GUNDERSON, Mr. BEREUTER, and Mr. BEVILL.

H.R. 485: Mr. CHAPPELL.

H.R. 927: Mr. NEAL.

H.R. 1315: Mr. ACKERMAN, Mr. BARTLETT, Mr. BERMAN, Mr. BREAUX, Mr. CAMPBELL, Mr. CLINGER, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. DUNCAN, Mr. FORSYTHE, Mr. GARCIA, Mr. GINGRICH, Mr. SAM B. HALL, Jr., Mr. HILER, Mr. HUTTO, Mr. LAGOMARSINO, Mr. LOWERY of California, Mrs. MARTIN of Illinois, Mr. OTTINGER, Mr. PATTERSON, Mr. ROE, Mr. SAWYER, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHELBY, Mr. SMITH of Florida, Mr. STOKES, Mr. STANGELAND, Mr. SUNDQUIST, Mr. VANDER JAGT, Mr. WALKER, Mr. WEBER, Mr. WHITEHURST, Mr. WISE, and Mr. THOMAS of California.

H.R. 1543: Mr. BEILENSON, Mr. WON PAT, Mrs. SCHNEIDER, Ms. FERRARO, Mr. HOWARD, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. HEFTEL of Hawaii, Mr. BERMAN, and Mr. EDGAR.

H.R. 1598: Mr. LOWRY of Washington, Mr. WEAVER, Mr. DASCHLE, Mr. VENTO, Mr. FORD of Michigan, Mrs. BOXER, Ms. KAPTUR, Mr. LELAND, Mr. ROSE, Mr. MCNULTY, Mr. OTTINGER, Mr. STOKES, Mr. D'AMOURS, Mr. FRANK, Mr. FAUNTROY, Mr. HORTON, Mr. KILDEE, Mr. RATCHFORD, Mr. RICHARDSON, Mr. WILLIAMS of Montana, and Mr. PATTERSON.

H.R. 1905: Mr. WILLIAMS of Ohio, Mr. COATS, Mr. EDWARDS of Oklahoma, Mr. BLILEY, Mr. MAVROULES, Mr. NICHOLS, Mr. ROE, Mr. BEVILL, Mr. JEFFORDS, and Mr. HALL of Ohio.

H.R. 2071: Mr. LUJAN, Mr. BROWN of Colorado, Mr. PASHAYAN, Mr. MARRIOTT, Mr. CHENEY, Mr. HANSEN of Utah, Mr. MARLENEE, Mr. YOUNG of Alaska, Mr. MCNULTY, Mr. MCCAIN, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. PATTERSON, Mr. WEAVER, and Mr. NIELSON of Utah.

H.R. 2382: Mr. OXLEY, Mr. YATRON, Mr. SNYDER, Mr. GRAMM, Mr. LIVINGSTON, Mr. EMERSON, Mr. MONTGOMERY, Mr. SKEEN, Mr. CORCORAN, Mr. THOMAS of Georgia, Mr. VANDER JAGT, Mr. MARTIN of New York, Mr.

O'BRIEN, Mr. BROWN of Colorado, Mr. NATCHER, Mr. CHENEY, Mr. ALEXANDER, Mr. WILSON, Mr. MARLENEE, Mr. DUNCAN, Mr. QUILLEN, Mr. DE LUGO, Mr. BEVILL, and Mr. HILER.

H.R. 2560: Mr. GEPHARDT.

H.J. Res. 105: Mrs. BOGGS, Mr. JEFFORDS, Mr. LIVINGSTON, Mr. MARTIN of North Carolina, Mr. CHAPPELL, Mr. BARNARD, Mr. WALKER, Mr. MOORE, Mr. ROSE, Mr. GUARINI, Mr. TAUZIN, Mr. ANTHONY, Mr. TAUKE, Mr. DEWINE, Mr. CONTE, Mr. LAGOMARSINO, Mr. CARPER, Mr. WYDEN, Mr. ALEXANDER, Mrs. HOLT, Mr. NEAL, Mr. MINETA, Mr. PATTERSON, Mr. ADDABBO, and Mr. SAM B. HALL, JR.

H.J. Res. 187: Mr. SIMON.

H. Con. Res. 39: Mr. ANDERSON, Mr. BARNES, Mr. BOUCHER, Mr. DYMALLY, Mr. FLIPPO, Mr. FOLEY, Mr. FROST, Mr. GARCIA, Mr. WALGREN, Mr. MORRISON of Connecticut, Mr. JACOBS, Mr. SOLARZ, Mr. TOWNS, and Mr. VANDERGRIFF.

PETITIONS, ETC.

Under clause 1 of rule XXII,

74. The Speaker presented a petition of the American Public Health Association, Washington, D.C., relative to health insurance for the unemployed; which was referred, jointly, to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1983

By Mr. GLICKMAN:

—Page 8, line 18, strike out "a" and insert in lieu thereof "an involuntary".

Page 8, lines 19 and 21, insert before each semicolon the following: "due to adverse economic conditions".

—Page 8, line 18, strike out ", or reduction in".

Page 8, line 22, strike out "or reduction".

—Page 9, line 6, strike out "reasonable prospect" and insert in lieu thereof "significant likelihood".

—Page 10, after line 6, insert the following new subsection:

(c) The Secretary shall establish criteria for the computation and consideration of the assets of each mortgagor applying for assistance under this title, which criteria shall be applied by the Secretary in determining whether, as required in paragraphs (4) and (5) of subsection (a), such mortgagor is unable to correct a mortgage delinquency within a reasonable period of time or to resume full mortgage payments and such assistance is necessary to avoid foreclosure.

Page 10, line 7, strike out "(c)" and insert in lieu thereof "(d)".

—Page 10, strike out lines 3 and 4 and insert in lieu thereof the following: "the mortgagor applying for assistance under this title shall have the burden of proving that he or she will be able to fulfill".

H.R. 1190

By Mr. WATKINS:

—Page 8, line 17, insert "(a)" after "SEC. 4.".

Page 9, after line 3, insert the following new subsections:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers of rural technology development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that such center will be located in a rural area in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation and adaptation of existing technology) and commercialization of—

"(i) new products which can be produced in rural areas; and

"(ii) new processes which can be utilized in the production of products in rural areas.

"(C) A description of the activities which such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology search, investigations, and basic feasibility studies in any field or discipline for the purpose of generating principles, facts, technical knowledge, new technology, and other information which may be useful to rural industries, agribusinesses, and other persons, in rural areas in the development and commercialization of new products and processes.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, and other information which may be useful to rural industries, agribusinesses, and other persons, in rural areas in the development and commercialization of new products and processes.

"(iii) Programs providing training and instruction for individuals residing in rural areas with respect to the development (through technological innovation and adaptation of existing technology) and commercialization of new products and processes.

"(iv) Programs providing loans and grants to individuals in rural area and to small businesses in rural areas for purposes of generating, evaluating, developing, and commercializing new products and processes.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, and industries, in rural areas for purposes of developing and commercializing new products and processes.

"(D) A description of the contributions which such activities are likely to make to the improvement of the economic condition of the rural area in which such center is to be located.

"(E) Provisions that such center, in carrying out such activities will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 (7 U.S.C. 2661 et seq.) in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) the monitoring and evaluation of such activities by the institution operating such center; and

"(ii) the accounting of money received by such institution under this section.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology development which—

"(A) will be located in rural areas which have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment;

"(iii) high rates of migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(B) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) the term 'nonprofit institution' means any organization or institution, including any accredited institution of higher education, no part of the net earnings of which inures, or may lawfully insure, to the benefit of any private shareholder or individual; and

"(B) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.".

"(c) The amendment made by subsection (b) shall take effect October 1, 1983.

SENATE—*Thursday, April 14, 1983*

(Legislative day of Tuesday, April 12, 1983)

The Senate met at 10 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.

God of Abraham, Isaac, and Jacob, of our Lord Jesus Christ, the Apostles and the church, having been reminded yesterday of the most vicious violation of human rights in modern history, may we heed the insightful words of Thomas Jefferson: "God who gave us life gave us liberty." Hearing these words, O Lord, may we respond to the profound, penetrating question which Jefferson asked, "Can the liberty of a nation be secure when we have removed a conviction that these liberties are the gift of God?"

Father in Heaven, in a day when Godless forces would deny and destroy human rights, help us to see the futility in struggling to preserve them when we deny, privately and publicly, the God who gave them. Restore to us the convictions of our forefathers: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, ***. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Righteous God, in mercy, enable us to return to our spiritual and moral roots. In the name of Him who is "the Way, the Truth, and the Life." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

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

SENATE SCHEDULE

Mr. STEVENS. Mr. President, after the time of the two leaders under the standing order, the Senator from Wisconsin will be recognized for 15 minutes. Following that, there will be a period for the transaction of routine morning business until the hour of 11 a.m., during which time Senators may speak for not to exceed 2 minutes each. At the hour of 11 a.m., the Senate will go into executive session to resume consideration of the Adelman nomination. The vote on the nomination is scheduled for 2 p.m. Time on the nomination is equally divided and under the control of the chairman and the ranking member of the Foreign Relations Committee.

We do wish Senators to be on notice that there may be votes that will occur prior to that vote on the nomination itself. I have no notice of precisely when those votes may occur or if they will occur. It is entirely possible, if not probable, that at least one vote will occur. I think the Senate ought to be on notice that there is the possibility of a vote before 2 p.m. That is the message we would like to deliver to the leadership and hope the two cloakrooms will deliver that to respective Members.

I reserve the remainder of the time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

S. 1050—NATIONAL SECURITY AND ARMS EXPORT REVIEW ACT OF 1983

(Introduced by Mr. BYRD, for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON, and Mr. PROXMIRE.)

Mr. BYRD. Mr. President, prior to the Easter recess, Senators PELL, BIDEN, and SARBANES joined with me in expressing concern about one of the most important aspects of our foreign policy: The foreign military sales program. My distinguished colleagues and I made it plain that we see these sales as a valuable part of a well-crafted foreign policy. But we and many other Members of Congress are deeply troubled by the fact that the present administration views arms sales not as a valuable tool of foreign policy, but as the centerpiece of its program, almost to the exclusion of any other considerations. As I said several weeks ago, this approach does not give due consideration to the matter of how such sales contribute to the defense and security goals of our own country. Nor, in my opinion, does it recognize the risks which accompany the sale of some of our best and most sophisticated weapons to a growing list of developing countries.

Our concerns were well founded. The Congressional Research Service has completed its annual survey of sales to developing countries, utilizing Defense Department information. The results show that the United States leads the Soviet Union and all other suppliers, with sales agreements for 1982 totaling more than $15 billion to the Third World. That amount exceeds Soviet sales by more than $5 billion, challenging administration claims that there is a sales gap, with the United States far behind. In fact, the survey reveals that combined Western allied sales were more than double the value of all Communist agreements with Third World customers last year. France alone sold more than $7 billion, and the combined Western European allies sold more than the Soviets.

These new statistics show that the administration's program of aggressive arms sales promotion has resulted in a clear U.S. lead in transfers to the Third World. But, as I have said before, we must ask ourselves whether increasing the sales of some of our most sophisticated weapons is in our interest. Does an unrestrained, open-ended program of weapons transfers to developing nations promote our security and improve our defenses? I very much doubt that it can.

In fact, our experience with the reported compromise of F-14 aircraft and the Phoenix missile after the fall of the Shah of Iran points up the danger of such a policy. We may find that these sales provide our adversaries with access to new high-technology systems, permitting them to be reverse engineered or otherwise compromised. We may even find, as the British did during the Falklands war, that this equipment can be used against our own Armed Forces.

Along with these obvious security concerns, accelerated sales to foreign countries already have resulted in borrowing from our own military inventories. As such sales continue to increase, we stand to lose even more materiel. This means diminishing U.S. Armed Forces readiness for the benefit of a foreign market which we have created. It also may mean reducing technical support, as we struggle to fulfill the demands of foreign buyers

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

for trained maintenance personnel, draining the limited pool of specialists available to keep our own Armed Forces at the ready. The sales of F-16 fighters to Pakistan and Venezuela are recent examples of this problem. And I was concerned to read in last week's New York Times that the administration is considering the sale of some 1,200 of the Army's new M-1 tanks to Saudi Arabia. Since it takes more than 800 Americans to service less than 60 new F-15 fighters we sold to the Saudis, it is impossible to imagine how many of our trained technicians they would need to keep that many of the complex and troublesome M-1's going.

In light of these concerns, I have sent a letter to the Comptroller General, Mr. Bowsher, to request that the General Accounting Office look into the effects that these foreign military sales have on the U.S. Armed Forces. I believe that it is imperative that Congress understand the consequences of such sales, so we may weigh the security and defense risks. Mr. Bowsher has indicated that his office will undertake such an investigation.

But beyond further research and investigation, we must act now to return to a policy of selectivity and restraint in arms sales. Senators PELL, BIDEN, SARBANES, PROXMIRE, CRANSTON, and BINGAMAN have been most helpful in their support and sponsorship of a bill I am introducing today on my behalf and on their behalf to require congressional approval of all arms sales in excess of $200 million in value. This bill also calls upon the President to initiate negotiations among the NATO countries to limit the level of sophistication of weapons sold to developing countries, in an effort to stem the tide of regional arms races. Finally, it requires automatic submission to Congress of defense requirements surveys, used by the Pentagon in planning foreign purchases. All of these measures are intended to assure a greater congressional role in this very important expression of American foreign policy. I hope to see the support of other Members of Congress in achieving this objective. I feel that Senators PELL, BIDEN, and SARBANES will introduce this measure as an amendment to the Arms Control Act in committee, and I urge other members of the Foreign Relations Committee to add their support.

Mr. President, I send forward the bill and ask unanimous consent to have it printed in the RECORD, and, of course, it will be referred appropriately to the appropriate committee, and I also ask unanimous consent to have printed in the RECORD the Congressional Research Service report to which I alluded.

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

S. 1050

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 "National Security and Arms Export Review Act of 1983".

POLICY ON LIMITING TRANSFERS OF CONVENTIONAL ARMS TO DEVELOPING COUNTRIES

SEC. 2. The first section of the Arms Export Control Act (22 U.S.C. 2751) is amended by adding at the end thereof the following:

"In recognition of the goals and policies set forth by this section, it is further the sense of the Congress that the President should initiate, through the North Atlantic Council or other appropriate committes of the North Atlantic Treaty Organization, discussions to limit the transfer by member countries of the North Atlantic Treaty Organization to developing countries of conventional arms with regard to the level of sophistication of such arms, with regard to the region of which the country eligible to receive certain arms is a part, and with regard to any other appropriate criterion for the limitation of such arms.".

DEFENSE REQUIREMENT SURVEYS

SEC. 3. Section 26 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) by inserting after "in the survey" the following: "and shall provide as an addendum to such quarterly report the text of all defense requirement surveys completed during the preceding calendar quarter"; and

(2) by striking out subsection (c).

REQUIREMENT OF CONGRESSIONAL APPROVAL FOR CERTAIN ARMS SALES SOLD UNDER THE ARMS EXPORT CONTROL ACT

SEC. 4. (a) Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) by inserting before the period at the end of the second sentence the following: "and an item stating whether the proposed recipient country or organization has entered into an agreement with the United States under section 3 and, if so, including the text of such agreement; and

(2) by striking out in the fifth sentence "The letter of offer" and inserting in lieu thereof "A letter of offer to sell any defense articles or defense services under this Act for not less than $50,000,000 but less than $200,000,000 or a letter of offer to sell major defense equipment for not less than $14,000,000 but less than $200,000,000".

(b)(1) Section 36(b) of such Act (22 U.S.C. 2776(b)), as amended by subsection (a), is further amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) A letter of offer to sell any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $200,000,000 or more shall not be issued, unless—

"(A) the Congress within thirty calendar days after receiving such certification agrees to a joint resolution stating that it approves the proposed sale and such joint resolution is enacted; or

"(B) the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States and sets forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.".

(2) Paragraph (3) of section 36(b) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended by inserting before "resolution" each of the four places it appears "joint or concurrent".

(3) Paragraph (4) of section 36(b) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended—

(A) by inserting "and joint resolutions" after "concurrent resolutions"; and

(B) by inserting "joint or concurrent" after "any such".

REQUIREMENT OF CONGRESSIONAL APPROVAL FOR CERTAIN COMMERCIAL SALES

SEC. 5. (a)(1) The first sentence of section 36(c)(1) is amended—

(A) by striking out "$14,000,000 or more" and inserting in lieu thereof "not less than $14,000,000 but less than $200,000,000"; and

(B) by striking out "$50,000,000 or more" and inserting in lieu thereof "not less than $50,000,000 but less than $200,000,000".

(b)(1) Section 36 (c) of such Act (22 U.S.C. 2776(b)), as amended by subsection (a), is further amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) inserting after paragraph (2) the following:

"(3) A license for the export of any defense articles or defense services sold under a contract in an amount of $200,000,000 or more or any major defense equipment sold under a contract in an amount of $200,000,000 or more shall not be issued, unless—

"(A) the Congress within thirty calendar days after receiving such certification agrees to a joint resolution stating that it approves the proposed export and such joint resolution is enacted; or

"(B) the President states in his certification that an emergency exists which requires such proposed export in the national security interests of the United States and sets forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.".

(2) Paragraph (4)(A) of section 36 (c) of such Act (22 U.S.C. 2776 (b)), as redesignated by paragraph (1)(A), is amended by inserting "joint or concurrent" before "resolution".

(3) Paragraph (4)(B) of section 36(c) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended—

(A) by inserting "and joint resolutions" after "concurrent resolutions"; and

(B) by inserting "joint of concurrent" after "any such".

PROHIBITION AGAINST FRAGMENTATION OF ARMS SALES

Sec. 6. Section 36 of the Arms Export Control Act (22 U.S.C. 2776), as amended by sections 4 and 5, is further amended by adding at the end thereof the following new subsection:

"(e)(1) No letter of offer to sell any defense article, defense service, design and construction service, or major defense equipment under this Act may be constitut-

ed so as effectively to circumvent any reporting or review requirement of this section.

"(2) Each letter of offer for the sale of any defense article or major defense equipment under subsection (b) shall include, as part of its proposed sales price, the sales price of any related defense article or defense service, including related munitions, support equipment, spare parts, training, training equipment, and technical assistance, proposed to be sold in connection with such sale.".

APPLICATION OF CERTAIN AMENDMENTS MADE BY THIS ACT

Sec. 7. The amendments made by sections 4, 5, and 6 of this Act shall apply to any letter of offer or any application for a license for export, as the case may be, under the Arms Export Control Act the numbered certification for which is required to be submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations by section 36 (b) or section 36 (c), as the case may be, of such Act and which certification is so submitted after the date of enactment of this Act.

TRENDS IN CONVENTIONAL ARMS TRANSFERS TO THE THIRD WORLD BY MAJOR SUPPLIER, 1975-82

INTRODUCTION

This report updates its predecessor—"Trends In Conventional Arms Transfers To The Third World By Major Supplier, 1974-1981"—published by the Congressional Research Service (CRS) on August 12, 1982. It provides unclassified background data on transfers of conventional arms to the Third World by major suppliers for the period from 1975-1982.

The Third World category includes all countries except NATO nations, Warsaw Pact nations, Europe, Japan, Australia and New Zealand. U.S. data are for fiscal years 1975-1982 covering the period from July 1, 1974, through September 30, 1982. All foreign data are for the calendar year given. U.S. commercial sales and deliveries data are excluded. However, all Foreign Military Sales (FMS) construction sales and deliveries are included in the U.S. values totals. The reader is directed to the footnotes of the tables for other details regarding data used in this report.

The data in this report are set out in a series of tables illustrating dollar values of sales agreement and deliveries as well as actual numbers of weapons delivered to Third World countries. Table 1 shows the dollar values of arms transfer agreements with the Third World by supplier from 1975-1982. Table 2 shows the dollar values of arms transfer deliveries to the Third World for the same years. Tables 1A and 1B show the averages of agreement values for suppliers for 1975-1978 and 1979-1982 respectively. Tables 2A and 2B show the averaged data for delivery values by suppliers for the respective periods of 1975-1978 and 1979-1982.

Tables 3 through 7 provide delivery data of major suppliers to the Third World and to specific regions from 1975-1978, 1979-1982 and 1975-1982. These tables give detailed totals of specific weapons categories actually delivered to either the Third World as a whole or to a specific region of it by the United States, the USSR, or the four major Western European suppliers as a group. Regions are indentified at the end of the tables as are descriptions of items included in the twelve specific weapons categories. None of the data included in the weapons deliveries tables includes items delivered to any country not defined as a Third World nation.

SELECTED SUMMARY OF DATA TRENDS, 1975-82

Table 1—Third World arms transfer agreements values

Table 1 shows the annual current dollar values of arms transfer agreements (sales contracts) with Third World nations by major suppliers from 1975-1982. Some of the notable facts reflected by these data are summarized below.

From 1975-1982 the United States led in total value of arms transfer agreements with the Third World at $75.58 billion. The Soviet Union ranked second with $65.23 billion. The French ranked third with $30.75 billion. As a group, the four major West European suppliers made $59.97 billion in agreements during this period.

In 1982 the United States reached a record high in arms transfer agreements with the Third World at $15.3 billion. The Soviets ranked second with $10.2 billion, while the French ranked third at nearly $7.7 billion. The four major West European suppliers, as a group, made nearly $11 billion in agreement during this year.

Tables 1A and 1B—Third World arms transfer agreements values averages

Tables 1A and 1B show the average of arms agreement values of suppliers for 1975-1978 and 1979-1982 respectively in order to smooth out high and low points in the data for these two periods. Among the facts reflected in these tables are the following:

In the earlier period, 1975-1978, (Table 1A) the United States averaged about $2.93 billion more in arms transfer agreements with the Third World than did the Soviet Union.

From 1975-1978, the four major West European suppliers, as a group, averaged about $5.62 billion in agreements, slightly less than the Soviet Union's average of $5.81 billion.

In the recent period, 1979-1982, (Table 1B) the Soviet Union averaged about $840.5 million more in agreements than did the United States.

From 1979-1982, the four major West European suppliers, as a group, averaged $9.37 billion in agreements, only about $288 million less than the United States sales agreement average for these years. The French alone averaged $5.51 billion in agreements during these years, reflecting a notable growth in their share of the Third World arms market from the earlier four year period.

The data on Third World arms transfer agreements in Tables 1, 1A, and 1B show that the French are the major conventional arms seller after the United States and the Soviet Union. At the same time, as a group, the four major West European suppliers have played an important role in the conventional arms marketplace throughout the years 1975-1982. Further, in the more recent period (1979-1982) it seems apparent that their share of the Third World arms market is increasing.

Table 2—Third World arms deliveries values

Table 2 shows the annual current dollar values of arms transfer deliveries (items actually transferred) to Third World nations by major suppliers from 1975-1982. Some of the notable facts reflected by these data are summarized below.

From 1975-1982 the Soviet Union led in total value of arms deliveries to the Third World at $50.1 billion. The United States ranked second with $45.75 billion. The French ranked third at $14.57 billion. As a group, the four major West European suppliers made arms deliveries during this period valued at about $33.6 billion.

In 1982 the value of U.S. arms deliveries to the Third World was the highest of any year in 1975-1982 period at $7.6 billion. The Soviet Union ranked second in deliveries values at $7.25 billion, the French were third at $2.4 billion. The four major West European suppliers, as a group, made about $4.94 billion in deliveries during this year.

Tables 2A and 2B—Third World arms deliveries values averages

Tables 2A and 2B show the averages of arms delivery values of suppliers for 1975-1978 and 1979-1982 respectively. Among the facts reflected in these tables are the following:

In the earlier period, 1975-1978, (Table 2A) the United States averaged about $752 million more in the value of arms deliveries to the Third World than did the Soviet Union.

From 1975-1978, the four major West European suppliers, as a group, averaged about $2.67 billion in the value of arms deliveries—about 62 percent of the average value of the Soviet's arms deliveries during this period ($4.33 billion).

In the recent period, 1979-1982, (Table 2B) the Soviet Union averaged about $1.84 billion more in the value of arms deliveries to the Third World than did the United States.

From 1979-1982, the four major West European suppliers, as a group, averaged about $5.61 billion in the value of arms deliveries—over 88 percent of the average value of United States arms deliveries during this period ($6.36 billion).

The data on Third World arms deliveries in Tables 2, 2A and 2B show that the average value of Soviet deliveries increased 91 percent from the earlier period (1975-1978) to the most recent period (1979-1982). In the case of the four major West European suppliers, their average delivery values, as a group, have increased over 110 percent from the earlier period to the most recent one. The United States, meanwhile, has increased its average delivery values by only 27 percent from the 1975-1978 period to the 1979-1982 period.

The basic utility of the dollar values of arms transfer agreements and deliveries data is in indicating long-range trends in sales activity by major arms suppliers. These dollar values reflect what is or has been in the delivery "pipeline." To use these data for purposes other than assessing general trends in seller/buyer activity in the Third World is to risk drawing hasty conclusions that may be rapidly invalidated by events.

More useful data for assessing arms transfers to the Third World by suppliers are those that indicate who has actually delivered numbers of specific classes of military items to a region. These data are relatively hard in that they reflect events that have occurred. They have the limitation of not giving detailed information regarding the

sophistication level of the equipment delivered. However, these data will show relative trends in the delivery of various classes of military equipment and will also indicate who the leading suppliers are from region to region over time. This trend line data can thereby indicate who is developing a market for a category of weapon in a region, and perhaps suggest whether or not an arms race is emerging. For these reasons, the following tables set out actual deliveries of 12 separate categories of weaponry to the Third World from 1975-1982 by the United States, the Soviet Union, and the four major West European suppliers as a group.

Table 3—Weapons delivered to the Third World

The data in Table 3 show that from 1975-1982 the Soviet Union led in 5 of the 12 categories of weapons delivered to the Third World as a whole, while the major West European suppliers led in 4 and the United States in 3. In the most recent four year period (1979-1982) the Soviet Union led in seven categories, the major West Europeans in four, and the United States in one.

Table 3 illustrates that from 1975-1982 the Soviets led in deliveries of tanks and self-propelled guns, artillery, supersonic combat aircraft, surface-to-air missiles, and guided missile boats. In the 1975-1982 period the major West European suppliers led in deliveries of both major and minor surface combatants, submarines, and helicopters. The United States from 1975-1982 led in deliveries of APCS and armored cars, subsonic combat aircraft, and other aircraft.

Table 3 shows that in the most recent period (1979-1982) the Soviets led in deliveries of tanks and self-propelled guns, artillery, supersonic and subsonic combat aircraft, helicopters, guided missile boats and surface-to-air missiles. The major West European suppliers led in deliveries of major and minor surface combatants as well as submarines in this same period. They also led in deliveries of other aircraft. The United States from 1979-1982 led only in the delivery of APCs and armored cars.

Breaking the Third World delivery data into major regions gives an indication of which supplier or suppliers are dominating in deliveries in specific classes of equipment and in general. The regions examined are East Asia and the Pacific, Near East and South Asia, Latin America, and Sub-Saharan Africa.

Table 4—Weapons delivered to East Asia and the Pacific

The data in Table 4 show that from 1975-1982 the United States dominated the delivery of major weapons to East Asia and the Pacific, leading in 9 of the 12 categories. The Soviets led in only 2 categories, while the major West Europeans led in one. In the most recent period (1979-1982) the delivery picture became much more competitive. The Soviet Union led in six categories to five for the United States and one for the major West Europeans.

Table 4 illustrates that from 1975-1982 the United States led in the delivery of artillery, APCs and armored cars, major and minor surface combatants, supersonic and subsonic aircraft, other aircraft, helicopters, and surface-to-air missiles. The Soviet Union led in deliveries of tanks and self-propelled guns, and guided missile boats. The major West European suppliers led in deliveries of submarines.

Table 4 shows that in the most recent period (1979-1982) the Soviet Union led in deliveries of tanks and self-propelled guns, minor surface combatants, supersonic combat aircraft, other aircraft, helicopters and guided missile boats. The United States led in deliveries of artillery, APCs and armored cars, major surface combatants, subsonic combat aircraft, and surface-to-air missiles. The major West European suppliers led in the delivery of submarines.

Table 5—Weapons delivered to Near East and South Asia

The data in Table 5 show that from 1975-1982 the Soviet Union dominated the delivery of major weapons to the Near East and South Asian region, leading in 8 of the 12 categories. The United States and the major West European suppliers led in 2 categories each. In the most recent period (1979-1982) the Soviet Union led in nine categories, and tied with the major West Europeans in another. The major West Europeans led in two categories, while the United States led in none.

Table 5 illustrates that from 1975-1982 the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, major surface combatants, submarines, supersonic and subsonic combat aircraft, guided missile boats, and surface-to-air missiles. The United States led in the delivery of APCs and armored cars, and other aircraft. The major West European suppliers led in deliveries of minor surface combatants and helicopters.

Table 5 shows that in the most recent period (1979-1982) the Soviet Union led in deliveries of tanks and self-propelled guns, artillery, APCs and armored cars, major surface combatants, supersonic and subsonic combat aircraft, other aircraft, helicopters, and surface-to-air missiles. The Soviets tied with the major West Europeans in deliveries of submarines. The major West European suppliers led in deliveries of minor surface combatants and guided missile boats. The United States did not lead in any category.

Table 6—Weapons delivered to Latin America

The data in Table 6 show that from 1975-1982 the major West European suppliers led in five categories of weapons delivered to Latin America. The Soviet Union led in four categories and the United States in three. In the most recent period (1979-1982) the major West European supplies led in six categories and tied with the Soviet Union in one other. The Soviet Union led in four categories, while the United States led in one.

Table 6 illustrates that from 1975-1982 the major West European suppliers led in the delivery of APCs and armored cars, major and minor surface combatants, submarines, and helicopters. The Soviet Union led in the delivery of tanks and self-propelled guns, supersonic combat aircraft, and other aircraft.

Table 6 shows that in the most recent period (1979-1982) the major West European suppliers led in deliveries of major and minor surface combatants, subsonic combat aircraft, other aircraft, helicopters, surface-to-air missiles and tied with the Soviet Union in the deliveries of submarines. The Soviet Union led in deliveries of tanks and self-propelled guns, APCs and armored cars, supersonic combat aircraft and guided missile boats. The United States led in the delivery of artillery.

Table 7—Weapons delivered to Africa (sub-Saharan)

The data in Table 7 show that from 1975-1982 the Soviet Union led in seven categories of weapons delivered to Sub-Saharan Africa. The major West European suppliers led in four categories. The United States led in none. In the most recent period (1979-1982) the Soviet Union led in six categories, while the major West European suppliers led in five. The United States led in none.

Table 7 illustrates that from 1975-1982 the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, APCs and armored cars, supersonic and subsonic combat aircraft, guided missile boats and surface-to-air missiles. The major West European suppliers led in the delivery of major and minor surface combatants, other aircraft, and helicopters. The United States led in no delivery category.

Table 7 shows that in the most recent period (1979-1982) the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, supersonic and subsonic combat aircraft, guided missile boats, and surface-to-air missiles. The major West European suppliers led in deliveries of APCs and armored cars, major and minor surface combatants, other aircraft, and helicopters. The United States led in no delivery category.

Regional summary 1979-82

The regional weapons delivery data collectively show that the Soviet Union was the leading arms supplier to the Third World of several major classes of conventional weaponry from 1979-1982. The United States also transferred substantial quantities of many of the same weapons classes, but did not match the Soviets in sheer numbers delivered during this period. The major West European suppliers were serious competitors of the two superpowers in weapons deliveries from 1979-1982, making notable deliveries of certain categories of armaments in every region of the Third World, but most particularly in Latin America.

In spite of these various trends a note of caution is warranted. Aggregate data on weapons categories delivered by suppliers do not provide indices of the quality or level of sophistication of the weaponry actually provided. As the history of recent conventional conflicts suggests, quality and/or sophistication of weapons can offset a quantitative disadvantage. The fact that the United States, for example, may not "lead" in quantities of weapons delivered to a region does not necessarily mean that the weaponry it has transferred cannot compensate, to an important degree, for larger quantities of less capable weapons systems delivered by the Soviet Union or others.

Further, 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 last analysis, be a more important factor in a nation's ability to engage sucessfully in conventional warfare than the size of its weapons inventory.

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TABLE 1.—ARMS TRANSFER AGREEMENTS WITH THE THIRD WORLD, BY SUPPLIER [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	1979	1980	1981	1982
Total	19,717	24,339	25,077	20,434	28,212	45,620	30,209	43,197
Non-Communist	15,302	16,579	13,987	16,534	17,807	27,840	15,984	29,292
Of which:								
United States	9,617	12,574	6,042	6,714	9,077	9,660	4,589	15,307
France	2,625	1,040	3,065	1,965	4,130	8,700	1,555	7,670
United Kingdom	495	500	1,410	2,535	1,270	2,140	1,835	1,485
West Germany	630	725	1,225	2,510	875	780	1,640	430
Italy	1,040	360	980	1,390	345	2,875	345	1,405
Other free world	895	1,380	1,265	1,420	2,110	3,685	6,020	2,995
Communist	4,415	7,760	11,090	3,900	10,405	17,780	14,225	13,905
Of which:								
U.S.S.R	3,655	6,550	10,155	2,875	8,925	15,485	7,380	10,205
Other Communist	760	1,210	935	1,025	1,480	2,295	6,845	3,700
Dollar inflation index (1975=100) [3]	100	107	114	123	132	146	166	180

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1982). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. 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 1975 was $544,000,000. 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; $100,000,000 for fiscal year 1981, and $130,000,000 in fiscal year 1982. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: fiscal year 1975 ($1,157,000,000); fiscal year 1976 and transitional quarter ($236,000,000); fiscal year 1977 ($2,953,000,000); fiscal year 1978 ($1,673,000,000); fiscal year 1979 ($6,000,000); fiscal year 1980 (0); fiscal year 1981 (0); fiscal year 1982 (0). Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and 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 1A.—ARMS TRANSFER AGREEMENTS VALUES AVERAGES, TO THIRD WORLD BY SUPPLIER, 1975–78 [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	Average (1975–78)
Total	19,717	24,339	25,077	20,434	22,391.75
Non-Communist	15,302	16,579	13,987	16,534	15,600.50
Of which:					
United States	9,617	12,574	6,042	6,714	8,736.75
France	2,625	1,040	3,065	1,965	2,173.75
United Kingdom	495	500	1,410	2,535	1,235.00
West Germany	630	725	1,225	2,510	1,272.50
Italy	1,040	360	980	1,390	942.50
Other free world	895	1,380	1,265	1,420	1,240.00
Communist	4,415	7,760	11,090	3,900	6,791.25
Of which:					
U.S.S.R.	3,655	6,550	10,155	2,875	5,808.75
Other Communist	760	1,210	935	1,025	982.50
Dollar inflation index (1975=100) [3]	100	107	114	123	

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1978). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. 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 1975 was $544,000,000. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: Fiscal year 1975 ($1,157,000,000); fiscal year 1976 and transitional quarter ($236,000,000); fiscal year 1977 ($2,953,000,000); and fiscal year 1978 ($1,673,000,000). Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and 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 1B.—ARMS TRANSFER AGREEMENTS VALUES AVERAGES, TO THIRD WORLD BY SUPPLIER, 1979–82 [1]

[In millions of current U.S. dollars]

	1979	1980	1981	1982	Average (1979–82)
Total	28,212	45,620	30,209	43,197	36,809.50
Non-Communist	17,807	27,840	15,984	29,292	22,730.75
Of which:					
United States	9,077	9,660	4,589	15,307	9,658.25
France	4,130	8,700	1,555	7,670	5,513.75
United Kingdom	1,270	2,140	1,835	1,485	1,682.50
West Germany	875	780	1,640	430	931.25
Italy	345	2,875	345	1,405	1,242.50
Other free world	2,110	3,685	6,020	2,995	3,702.50
Communist	10,405	17,780	14,225	13,905	14,078.75
Of which:					
U.S.S.R.	8,925	15,485	7,380	10,205	10,498.75
Other Communist	1,480	2,295	6,845	3,700	3,580.00
Dollar inflation index (1975=100) [2]	132	146	166	180	

[1] U.S. data are for fiscal year given (and cover the period from Oct. 1, 1978, through Sept. 30, 1982). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. 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, 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; $100,000,000 for fiscal year 1981; and $130,000,000 in fiscal year 1982. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: fiscal year 1978 ($1,673,000,000); fiscal year 1979 ($6,000,000); fiscal year 1980 ($0); fiscal year 1981 ($0); and fiscal year 1982 ($0). Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and New Zealand.

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

Source: U.S. Government.

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

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	1979	1980	1981	1982
Total	8,040	11,996	15,587	19,534	23,170	22,241	26,358	26,376
Non-Communist	5,015	7,726	9,787	12,139	12,415	12,571	16,268	15,876
Of which:								
United States	3,085	4,646	5,932	6,649	6,825	5,001	6,008	7,601
France	480	970	1,050	1,755	1,445	2,745	3,755	2,365
United Kingdom	405	575	785	1,120	900	1,765	1,755	1,305
West Germany	270	515	655	660	750	980	1,155	435
Italy	190	190	345	705	620	630	1,000	830
Other free world	585	830	1,020	1,250	1,875	1,450	2,595	3,340
Communist	3,025	4,270	5,800	7,395	10,755	9,670	10,090	10,500
Of which:								
U.S.S.R	2,390	3,445	5,060	6,410	9,720	8,260	7,570	7,245
Other Communist	635	725	740	985	1,035	1,410	2,520	3,255
Dollar inflation index (1975=100) [3]	100	107	114	123	132	146	166	180

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1982). 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 1975 were $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; $100,000,000 in fiscal year 1981; and $130,000,000 in fiscal year 1982. Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. data for fiscal year 1976 includesthe 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, 1975–78 [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	Average (1975–78)
Total	8,040	11,996	15,587	19,534	13,789.25
Non-Communist	5,015	7,726	9,787	12,139	8,666.75
Of which:					
United States	3,085	4,646	5,932	6,649	5,078.30
France	480	970	1,050	1,755	1,063.75
United Kingdom	405	575	785	1,120	721.25
West Germany	270	515	655	660	525.00
Italy	190	190	345	705	357.50
Other free world	583	830	1,020	1,250	921.25
Communist	3,025	4,270	5,800	7,395	5,122.50
Of which:					
U.S.S.R.	2,390	3,445	5,060	6,410	4,326.25
Other Communist	635	725	740	985	771.25
Dollar inflation index (1975=100) [3]	100	107	114	123	

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1978). 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 1975 was $544,000,000. Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. 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 2B.—ARMS DELIVERIES VALUES AVERAGES TO THIRD WORLD BY SUPPLIER, 1979–82 [1]

[In millions of current U.S. dollars]

	1979	1980	1981	1982	Average (1979–82)
Total	23,170	22,241	26,358	26,376	24,536.25
Non-Communist	12,415	12,571	16,268	15,876	14,282.50
Of which:					
United States	6,825	5,001	6,008	7,601	6,358.75
France	1,445	2,745	3,755	2,365	2,577.50
United Kingdom	900	1,765	1,755	1,305	1,431.25
West Germany	750	980	1,155	435	830.00
Italy	620	630	1,000	830	770.00
Other free world	1,875	1,450	2,595	3,340	2,315.00
Communist	10,755	9,670	10,090	10,500	10,253.75
Of which:					
U.S.S.R.	9,720	8,260	7,570	7,245	8,198.75
Other Communist	1,035	1,410	2,520	3,255	2,055.00
Dollar inflation index (1975=100) [2]	132	146	166	180	

[1] U.S. data are for fiscal year given (and cover the period from Oct. 1, 1978, through Sept. 30, 1982). 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; $100,000,000 in fiscal year 1981; and $130,000,000 in fiscal year 1982. Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] Based on Department of Defense price deflator (minus pension funds).

Source: U.S. Government.

TABLE 3.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO THE THIRD WORLD [1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	3,703	4,250	1,100
Artillery	3,093	6,250	1,110
APCs and armored cars	6,740	6,525	2,000
Major surface combatants	38	15	23
Minor surface combatants	85	70	176
Submarines	6	4	14
Supersonic combat aircraft	824	1,360	220
Subsonic combat aircraft	452	190	20
Other aircraft	838	200	500
Helicopters	358	400	970
Guided missile boats	0	36	13
Surface-to-air missiles (SAM's)	4,617	13,100	1,500
1979–82			
Tanks and self-propelled guns	2,485	5,830	320
Artillery	2,426	6,350	560
APCs and armored cars	5,971	5,950	2,500
Major surface combatants	25	26	43
Minor surface combatants	39	105	137
Submarines	0	5	7
Supersonic combat aircraft	430	1,800	250
Subsonic combat aircraft	127	190	100
Other aircraft	224	280	330
Helicopters	184	850	640
Guided missile boats	0	42	26
Surface-to-air missiles (SAM's)	3,390	5,200	1,450
1975–82			
Tanks and self-propelled guns	6,188	10,080	1,420
Artillery	5,519	12,600	1,670
APCs and armored cars	12,711	12,475	4,500
Major surface combatants	63	41	66
Minor surface combatants	124	175	313
Submarines	6	9	21
Supersonic combat aircraft	1,254	3,160	470
Subsonic combat aircraft	579	380	120
Other aircraft	1,062	480	830
Helicopters	542	1,250	1,610
Guided missile boats	0	78	39
Surface-to-air missiles (SAM's)	8,007	18,300	2,950

[1] Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.

[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.

Source: U.S. Government.

TABLE 4.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO EAST ASIA AND THE PACIFIC[1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	734	110	70
Artillery	1,213	90	30
APCs and armored cars	388	80	50
Major surface combatants	28	2	1
Minor surface combatants	51	5	0
Submarines	0	0	0
Supersonic combat aircraft	278	15	0
Subsonic combat aircraft	137	0	0
Other aircraft	269	70	100
Helicopters	97	30	90
Guided missile boats	0	0	0
Surface-to-air missiles (SAM's)	409	0	10
1979–82			
Tanks and self-propelled guns	419	1,050	10
Artillery	778	700	100
APCs and armored cars	993	350	250
Major surface combatants	13	4	0
Minor surface combatants	31	40	23
Submarines	0	0	2
Supersonic combat aircraft	138	250	0
Subsonic combat aircraft	103	50	10
Other aircraft	79	100	80
Helicopters	131	140	100
Guided missile boats	0	8	3
Surface-to-air missiles (SAM's)	1,287	300	50
1975–82			
Tanks and self-propelled guns	1,153	1,160	80
Artillery	1,991	790	130
APCs and armored cars	1,381	430	300
Major surface combatants	41	6	1
Minor surface combatants	82	45	23
Submarines	0	0	2
Supersonic combat aircraft	416	265	0
Subsonic combat aircraft	240	50	10
Other aircraft	348	170	180
Helicopters	228	170	190

TABLE 4.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO EAST ASIA AND THE PACIFIC[1]—Continued

Weapons category	United States	U.S.S.R.	Major Western European [2]
Guided missile boats	0	8	3
Surface-to-air missiles (SAM's)	1,696	300	60

[1] Excludes Japan, Australia, and New Zealand. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.

[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.

Source: U.S. Government.

TABLE 5.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO NEAR EAST AND SOUTH ASIA [1]

Weapons category	United States	U.S.S.R	Major Western European [2]
1975–78			
Tanks and self-propelled guns	2,892	2,960	900
Artillery	1,060	3,700	750
APCs and armored cars	6,125	4,500	1,450
Major surface combatants	4	11	13
Minor surface combatants	29	15	89
Submarines	1	4	3
Supersonic combat aircraft	507	1,030	150
Subsonic combat aircraft	173	100	10
Other aircraft	392	50	210
Helicopters	194	250	685
Guided missile boats	0	30	10
Surface-to-air missiles (SAM's)	4,208	11,100	1,420
1979–82			
Tanks and self-propelled guns	2,041	4,080	230
Artillery	907	3,970	300
APCs and armored cars	4,890	4,950	1,200
Major surface combatants	5	15	8
Minor surface combatants	6	12	50
Submarines	0	2	2
Supersonic combat aircraft	278	1,300	220
Subsonic combat aircraft	6	90	40
Other aircraft	68	100	90
Helicopters	4	650	360
Guided missile boats	0	19	23
Surface-to-air missiles (SAM's)	2,103	3,900	690
1975–82			
Tanks and self-propelled guns	4,993	7,040	1,130
Artillery	1,967	7,670	1,050
APCs and armored cars	11,015	9,450	2,650
Major surface combatants	9	26	21
Minor surface combatants	35	27	139
Submarines	1	6	5
Supersonic combat aircraft	785	2,330	370
Subsonic combat aircraft	179	190	50
Other aircraft	460	150	300
Helicopters	198	900	1,045
Guided missile boats	0	49	33
Surface-to-air missiles (SAM's)	6,311	15,000	2,110

[1] U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.

[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.

Source: U.S. Government.

TABLE 6.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO LATIN AMERICA[1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	43	130	110
Artillery	601	190	120
APCs and armored cars	194	20	200
Major surface combatants	6	0	8
Minor surface combatants	5	15	40
Submarines	5	0	11
Supersonic combat aircraft	18	100	30
Subsonic combat aircraft	142	10	10
Other aircraft	172	40	80
Helicopters	63	70	70
Guided missile boats	0	5	3
Surface-to-air missiles (SAM's)	0	750	110
1979–82			
Tanks and self-propelled guns	5	140	20
Artillery	673	490	90
APCs and armored cars	0	170	140
Major surface combatants	7	3	20

TABLE 6.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO LATIN AMERICA[1]—Continued

Weapons category	United States	U.S.S.R.	Major Western European [2]
Minor surface combatants	2	25	30
Submarines	0	3	3
Supersonic combat aircraft	10	120	30
Subsonic combat aircraft	18	0	20
Other aircraft	42	40	90
Helicopters	49	30	90
Guided missile boats	0	8	0
Surface-to-air missiles (SAM's)	0	340	500
1975–82			
Tanks and self-propelled guns	48	270	130
Artillery	1,274	680	210
APCs and armored cars	194	190	340
Major surface combatants	13	3	28
Minor surface combatants	7	40	70
Submarines	5	3	14
Supersonic combat aircraft	28	220	60
Subsonic combat aircraft	160	10	30
Other aircraft	214	80	170
Helicopters	112	100	160
Guided missile boats	0	13	3
Surface-to-air missiles (SAM's)	0	1,090	610

[1] Excludes Canada. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.

[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.

Source: U.S. Government.

TABLE 7.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO AFRICA (SUB-SAHARAN) [1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	34	1,030	50
Artillery	219	2,250	220
APCs and armored cars	33	1,850	310
Major surface combatants	0	2	1
Minor surface combatants	0	35	43
Submarines	0	0	0
Supersonic combat aircraft	21	225	50
Subsonic combat aircraft	0	80	6
Other aircraft	5	40	120
Helicopters	4	80	130
Guided missile boats	0	3	1
Surface-to-air missiles (SAM's)	0	1,150	10
1979–82			
Tanks and self-propelled guns	20	550	60
Artillery	68	1,200	80
APCs and armored cars	88	500	900
Major surface combatants	0	4	15
Minor surface combatants	0	28	34
Submarines	0	0	0
Supersonic combat aircraft	4	110	5
Subsonic combat aircraft	0	50	40
Other aircraft	35	40	80
Helicopters	0	60	70
Guided missile boats	0	7	0
Surface-to-air missiles (SAM's)	0	680	200
1975–82			
Tanks and self-propelled guns	54	1,580	110
Artillery	287	3,450	300
APCs and armored cars	121	2,350	1,210
Major surface combatants	0	6	16
Minor surface combatants	0	63	77
Submarines	0	0	0
Supersonic combat aircraft	25	335	55
Subsonic combat aircraft	0	130	46
Other aircraft	40	80	200
Helicopters	4	140	200
Guided missile boats	0	10	1
Surface-to-air missiles (SAM's)	0	1,830	210

[1] U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.

[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.

Source: U.S. Government.

DESCRIPTION OF ITEMS COUNTED IN WEAPONS CATEGORIES, 1975–82

Tanks and Self-propelled Guns: Light, medium and heavy tanks, self-propelled artillery, self-propelled assault guns.

Artillery: Field and air defense artillery, mortars, rocket launchers, and recoilless

rifles—100 mm. and over; FROG launchers—100 mm. and over.

Armored Personnel Carrier (ACP's) and Armored Cars: Personnel carriers, armored and amphibious, armored infantry fighting vehicles, armored reconnaissance and command vehicles.

Major Surface Combatants: Aircraft carriers, cruisers, destroyers, frigates.

Minor Surface Combatants: Minesweepers, subchasers, motor torpedo boats, patrol craft, motor gunboats.

Submarines: All submarines, including midget submarines.

Guided Missile Patrol Boats: All boats in this class.

Supersonic Combat Aircraft: All fighters and bombers designed to function operationally at speeds above Mach 1.

Subsonic Combat Aircraft: All fighters and bombers, including propeller driven, designed to function operationally at speeds below Mach 1.

Other Aircraft: All other fixed-wing aircraft, including trainers, transports, reconnaissance aircraft, and communications/utility aircraft.

Helicopters: All helicopters, including combat and transport.

Surface-to-air Missiles (SAM's): All air defense missiles.

REGIONS IDENTIFIED IN ARMS DELIVERY TABLES AND CHARTS

EAST ASIA AND PACIFIC

Australia, Brunei, Burma, China, Fiji, French Polynesia, Gilbert Islands, Hong Kong, Indonesia, Japan, Kampuchea (Cambodia), North Korea, North Vietnam, Laos, Macao, Malaysia.

Nauru, New Caledonia, New Hebrides, New Zealand, Norfolk Islands, Papua New Guinea, Philippines, Pitcairn, Singapore, Solomon Islands, South Korea, South Vietnam, Taiwan, Thailand, Western Samoa.

NEAR EAST AND SOUTH ASIA

Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, India, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya.

Morocco, Nepal, North Yemen (Sana), Oman, Pakistan, Qatar, Saudi Arabia, South Yemen (Aden), Sri Lanka, Syria, Tunisia, United Arab Emirates.

EUROPE

Albania, Austria, Bulgaria, Belgium, Canada, Czechoslovakia, Cyprus, Denmark, Finland, France, Germany, Democratic Republic, Germany, Federal Republic.

Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Turkey, United Kingdom, U.S.S.R., Yugoslavia.

AFRICA (SUB-SAHARAN)

Angola, Benin, Botswana, Burundi, Cameroon, Cape Verde, Central African Empire/Republic, Chad, Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar.

Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Reunion, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, St. Helena, Sudan, Swaziland, Tanzania, Togo, Uganda, Upper Volta, Zaire, Zambia, Zimbabwe.

LATIN AMERICA

Antigua, Argentina, Bahamas, Barbados, Belize, Bermuda, Bolivia, Brazil, British Virgin Islands, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Falkland Islands, French Guiana, Grenada, Guadeloupe.

Guatemala, Guyana, Haiti, Honduras, Jamaica, Martinique, Mexico, Monteserrat, Netherlands Antilles, Nicaragua, Panama, Paraguay, Peru, St. Christ-Nevis, St. Lucia, St. Pierre and Miquelon, St. Vincent, Suriname, Trinidad-Tobago, Turks and Caicos, Uruguay, Venezuela.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BYRD. I yield.

Mr. TOWER. Will the Senator's instructions to the Comptroller General include any possible savings that might result from lower per unit costs? In some instances we may produce more military sales. We can see the plus side of that also.

Mr. BYRD. I will be delighted to do that.

Mr. TOWER. I know in the instance of certain type of aircraft, for example, the more we sell abroad the lower the procurement costs for our own military forces.

Mr. BYRD. I would hate to see those same aircraft used against our boys as the British saw their own weapons used against their own boys in the Falklands dispute.

Mr. TOWER. We should be very careful how we sell them.

Mr. BYRD. I am happy to do that.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD. I yield it to the Senator from Texas if he needs the time.

Mr. TOWER. No.

I simply wanted to make that point for the distinguished Senator from West Virginia.

There are some instances in which we do have excess capacity, for example, in the F-16, and the fact we sell those to Israel and manufacture those here in our plants actually reduces the per unit cost to us.

I think the Senator will agree it is legitimate to sell aircraft to our ally Israel.

Mr. BYRD. Yes, I agree.

I think the Senator made a good suggestion and I will submit a second letter requesting such action on the part of the General Accounting Office.

Mr. TOWER. I thank the distinguished minority leader.

Mr. BYRD. I yield back the remainder of my time unless the acting Republican leader would like to have it.

Mr. STEVENS. No, Mr. President.

Mr. BYRD. I yield back my time, Mr. President.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

VERIFICATION—THE KEY TO ARMS CONTROL

Mr. PROXMIRE. Mr. President, again and again and again, we hear that we cannot trust the Russians, that if we make an agreement with the Russians, they will violate it, that they will violate their treaties. Others say that they do not violate their treaties and that we can make an agreement that will be kept depending on the agreement, and so forth. This morning, I would like to address myself to the whole record—every treaty we have had in recent years, every treaty that has affected the strategic situation—and see the extent to which the Russians have violated the treaties, have abided by the treaties, and the circumstances which will persuade them to abide by the treaties.

Mr. President, will the Soviets abide by a negotiated nuclear freeze or would they cheat? The stark answer is that the Soviets will cheat under two related conditions: When they deem it of overriding value and when they think they will get away with it. Foolproof verification procedures are the only deterrent to this behavior.

If there is only one element that proponents and skeptics of the arms control process agree on, it is the need for a reliable, high-confidence verification. Verification is the key to the arms control process. Since treaties are not built on trust or blind faith, only strong verification procedures can provide the confidence required for both nations to agree to curtailing or reducing weapons programs.

Verification, in effect, is the third-party policeman of arms control. In the absence of adequate verification, arms control becomes too risky in most calculations of nation-state behavior.

The more complex the treaty, the more provisions that must be watched, the more difficult the verifications process. Therefore, we are faced with a serious question when thinking about the role of verification and the nuclear freeze proposals. By far the most comprehensive suggestions for arms control and potentially the most complex from the standpoint of verification, the freeze raises serious questions as to how verification will work and with what confidence level.

REVIEW OF ARMS CONTROL AGREEMENTS

Before examining the role of verification in the freeze proposal, it is important to review a little diplomatic history, since the most fundamental question of all is, What track record does the Soviet Union have with respect to cheating on its treaty obligations?

Even if we have adequate verification procedures, if the Soviets systematically violate treaties, arms control is counterproductive.

Surprisingly the history of bilateral and multilateral arms control agreements involving the Soviet Union is comparatively rich. There have been about 14 major treaties that could be described as involving primary arms control principles linking the United States and the U.S.S.R.

GENEVA PROTOCOL

Let us start with the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare which was signed in 1925 and ratified by the United States in 1975. Although generally observed during World War II, spurious charges were leveled against the United States by North Korea during the Korean war that United Nations troops were using bacteriological warfare. During Vietnam the United States was criticized for using tear gas and chemical herbicides. The U.S. position was that these were not covered under the Geneva protocol. Subsequently in 1975 we renounced the first use of tear gas or herbicides while retaining the right to retaliate in kind.

There can be little doubt but that the U.S.S.R. has systematically violated the terms of the Geneva protocol by assisting in the use of various poisonous gases and toxins in Southeast Asia and Afghanistan. There are no verification procedures outlined in the Geneva protocol.

ANTARCTIC TREATY

The Antarctic Treaty, ratified in 1961, is interesting from another standpoint. It introduced the concept of onsite inspection of scientific facilities and has served as a model for other treaties. The treaty requires that the continent of Antarctica be free of military activity and be used only for peaceful purposes. Nuclear explosions, bases, and equipment are prohibited unless the military equipment is used exclusively for peaceful purposes—such as transport aircraft. Onsite inspection is unlimited geographically. It can occur at any place, any time including all cargoes coming to or leaving the continent. There is no evidence that the U.S.S.R. has violated this treaty.

HOT LINE

In 1963, the United States and U.S.S.R. signed the so-called Hot Line Treaty establishing a direct communications link between top policymakers of both countries. This was modernized by a subsequent agreement in 1971. These provisions have been carried out by both sides.

LIMITED TEST BAN

Also in 1963, the United States and U.S.S.R. ratified the limited nuclear test ban. In its day the Limited Test Ban Treaty was as controversial as the freeze resolution is today. It prohibits nuclear weapons tests in the atmosphere, in outer space, under water, and under ground where radioactive debris drifts across national boundaries. Otherwise, underground nuclear tests were permitted.

Verification was a primary concern during the limited test ban negotiations. The Soviet position in 1956 was that verification could be achieved by national means. The United States disagreed and suggested onsite inspection among other control devices. The U.S.S.R. unilaterally stopped testing and challenged the United States to do likewise. We continued testing while proposing a suspension of tests on a yearly basis while installing a complex inspection system. The Soviets rejected the offer and resumed testing in 1958. Then the United States and U.S.S.R. self-imposed moratoriums on testing which lasted until the Soviets resumed testing in 1961. The United States followed weeks later.

During negotiations leading up to the 1963 treaty, the U.S.S.R. agreed to accept three on site inspections a year while the United States insisted on a minimum of seven annually. There was disagreement on various technical details regarding inspection. The result was a treaty concentrating on explosions in areas which could be monitored by national means solely. That treaty has been abided by by both countries.

OUTER SPACE TREATY

The Outer Space Treaty followed in 1967 with its provisions prohibiting the stationing of nuclear weapons or other weapons of mass destruction in outer space. During negotiations, the Russians employed the linkage argument—stating that they could only agree to an outer space restriction if the United States withdrew its short and medium range missiles from around the Soviet border.

There have been no charges of Soviet violations of this treaty although concerns have been expressed about Soviet fractional orbit and multiple orbit missile systems that were tested in the 1960's. The treaty also applies to the Moon and other celestial bodies. Should the United States develop and deploy a space-based ABM with a ground attack capability—something that the President had hinted at and spoke directly in favor of recently—it might be challenged on the basis of being a weapon of mass destruction under the Outer Space Treaty, but that again is a treaty that has been abided by by both sides.

TREATY OF TLATELOLCO

The treaty for the Prohibition of Nuclear Weapons in Latin America was built on the concept of limiting the proliferation of nuclear weapons into new regions. The U.S.S.R. is a signator of protocol II as is the United States. This calls for nuclear parties to respect the nuclear free zone and not use or threaten the use of nuclear weapons against the treaty's parties.

Stimulated by the Cuban missile crisis, Cuba is not a party to this 1968 treaty. There have been charges by Argentina that Great Britain violated the treaty when it sent nuclear capable military equipment to the South Atlantic during the Falkland crisis. There is no evidence of Soviet violations of the treaty.

NPT

The purpose of the 1970 Nonproliferation Treaty was to restrict the spread of nuclear weapons. An international system of safeguards was established. Once commonly thought of as a successful example of international controls, the International Atomic Energy Agency more recently has been found to be far from adequate in stopping the flow of nuclear technology or materials to nonnuclear countries. The United States, in particular, along with its major commercial nuclear competitors France, Germany, and Italy, have been less than diligent about safeguarding nuclear technology.

Permitting this proliferation and, in fact, selling our own commercial know-how with respect to nuclear weapons to other countries constitutes a very serious violation and a very serious mistake on the part of the United States.

Now, I might say, Mr. President—this will shock some people—the Soviet Union, on the other hand, seems to have been quite strict in its export controls.

The Nonproliferation Treaty has been hampered by its lack of success in obtaining support from nuclear-interested nations such as India, Pakistan, Israel, Brazil, Argentina, and South Africa.

So far as proliferation is concerned, maybe for understandable reasons, the Soviet Union has not proliferated. It has done its best to refrain from sending nuclear know-how, equipment, and capability to other countries. We, unfortunately, have not.

SEABED TREATY

Two years later, the U.S. and U.S.S.R. became parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil Thereof. A logical outflow from other treaties geographically restricting nuclear weapons, this treaty is limited to an area 12 miles beyond the coastal zone. It calls for verification by national means with an appeal to the United Nations, where, obviously it could be blocked by veto.

BIOLOGICAL WARFARE CONVENTION

This then brings us to the Biological Warfare Convention of 1975. I have spoken of this at length a number of times before this body so suffice it to

be said that there is compelling evidence that the U.S.S.R. has violated this Convention by stockpiling and using toxin weapons which are clearly prohibited, except for minor amounts, in the terms of this agreement. President Nixon first unilaterally renounced the offensive use or stockpiling of biological and toxin weapons. President Ford submitted the treaty to the Senate. Its major failing is the complete absence of international or bilateral safeguards. There are no verification procedures aside from a complaint to the United Nations Security Council. I have proposed and the Senate has accepted language that the President reopen this Convention and place therein tough verification standards.

I got that resolution passed through the Senate but it did not pass the House. Here is a treaty without enforcement procedures, without verification, and the Soviet Union violates it.

THRESHOLD TEST BAN

By 1974 the U.S. and U.S.S.R. had arrived at a modification of the Limited Test Ban called the Threshold Test Ban. This treaty limits underground tests to below a threshold of 150 kilotons. Not yet ratified by the United States this treaty has some verification requirements particularly the exchange of data about specific test sites, the nature of the geology at these sites and certain data useful for calibration of monitoring equipment. In addition, both nations recognize that there may be unintended breaches of the 150-kiloton limit from time to time—perhaps one or two a year. These are found to be acceptable by mutual agreement. This provision has often been overlooked when various parties have charged that the U.S.S.R. has breached the 150-kiloton limit. Eminent U.S. scientists say that current technology will allow for monitoring of clandestine underground nuclear tests down as small as 1 kiloton in size. While onsite inspection would help, it is no longer a requirement, they argue. Nonetheless, the administration has broken off negotiations on a comprehensive Test Ban Treaty and has requested that the Threshold Treaty be renegotiated to strengthen its verification procedures.

PEACEFUL NUCLEAR EXPLOSIONS TREATY

At nearly the same time, the United States and the U.S.S.R. agreed not to carry out peaceful nuclear explosions larger than 150 kilotons. This treaty is important since it establishes the principle of onsite inspection in the U.S.S.R. Detailed provisions spell out what advance notification and inspection procedures must be adhered to when using a nuclear device for peaceful purposes. Onsite inspection, with appropriate equipment, is carefully established. I repeat: Onsite inspection is carefully established. Since neither country has utilized nuclear explosions for peaceful purposes since ratification, the onsite provisions have not been exercised. Like the Threshold Test Ban, this treaty has not been ratified by the United States.

In the aftermath of the Vietnam war, concerns began to be expressed about using the environment as an act of war. The United States reportedly had tried some forms of weather modification over Laos to limit infiltration down the Ho Chi Minh Trail. Theoretical discussions about the possibility of changing ocean currents, causing earthquakes, or interfering with crop production led to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. The ranking minority member of the Foreign Relations Committee, Mr. PELL, played a dominant role in the passage of this treaty. This treaty has no verification clause except for a protest being lodged with the Security Council.

SALT I AND II

This leaves us, Mr. President, with SALT I and SALT II. There have been extensive discussions as to whether or not the Soviets have been cheating on these two treaties—the latter of course unratified by the United States although we have pledged to abide by its provisions, the President has. Any interpretation of Soviet cheating must by necessity rely heavily on intelligence data to which I am not privy. Nonetheless the general areas of concern revolve around three areas: Soviet encrypting of telemetry to impede United States monitoring; possible violations of the ABM Treaty by the testing of certain ABM missiles and associated equipment; and the testing of more than one type of new light ICBM. The U.S.S.R. and the United States are allowed one new light ICBM under the terms of SALT II. The Soviets notified our Government that their one new ICBM was tested on October 26, 1982—a test monitored by the United States. A subsequent test of what appears to be a totally different missile occurred on February 8, 1983, only about 2 months ago. If this second missile is a modification of an older generation ICBM such as the SS-13 as the Russians claim, then it is constrained in size growth to a 5-percent variance. Apparently this second missile was much larger than 5 percent giving rise to the possibility that the terms of SALT II have been violated.

This state of events causes any thoughtful person to reanalyze the freeze concept in light of Soviet behavior. How do we answer the question "Why have any agreement if the Soviets are going to cheat to their own advantage?" For the time being the answer regarding SALT I and SALT II must remain—"it is not clear if a violation has occurred." That data just is not public. The SALT II Treaty may be subject to different interpretation. Perhaps our intelligence data is preliminary in nature and subject to change. Or perhaps the Russians are cheating. The issue is in doubt.

What is not in doubt is the absolute requirement for strict verification standards in every treaty we enter into with the U.S.S.R.—including onsite inspection where it is called for.

VERIFYING A FREEZE

Now how about verification of a freeze? An indepth review of U.S. national means of verification and how these resources could be applied to a freeze has been conducted by the Federation of American Scientists. They examine a freeze on ICBM deployments; delivery vehicle testing; nuclear weapons testing; ballistic missile, bomber and submarine production; nuclear warhead production and production of weapons-grade nuclear materials. The range of national technical means at our disposal is matched against each freeze component.

The conclusion of this analysis indicates that a comprehensive freeze could be verifiable with confidence by national means in almost every case.

This should not dispell our resolve for more complete assurances that would come from onsite inspection. That should be our persistent goal—the highest degree of information and the greatest degree of security from surprise.

SUMMARY

Let me now summarize the facts of this review, Mr. President.

In two instances, the case of Soviet violations is clear. There can be little doubt but that the U.S.S.R. has systematically violated the terms of the Geneva Protocol of 1925 by assisting in the use of various poisonous gases and toxins in Southeast Asia and Afghanistan. There are no verification procedures outlined in the Geneva Protocol.

There is compelling evidence that the Soviet Union also has violated the 1975 Biological Warfare Convention by stockpiling and using toxin weapons, which are clearly prohibited except for small amounts, by the terms of that Convention. Again there are no verification procedures in this Convention except for a complaint system to the Security Council of the United Nations where a veto could be exercised by the Soviet Union.

Treaties with onsite inspection such as the Antarctic Treaty, the Peaceful Nuclear Explosions Treaty (unratified by the United States) and the Nuclear Non-Proliferation Treaty (onsite inspection agreed to in principle by the U.S.S.R. but no inspections have taken place) seem to give the best assurances against cheating.

Treaties with strong national means of verification coupled with clear defi-

nitions of violations such as the Limited Test Ban, the Outer Space Treaty, and the Seabed Treaty, have been safe from significant violations.

There is more ambiguous data with regard to the complex technical treaties verified by national means such as SALT I and SALT II. The issue there is in doubt for the time being.

Mr. President, I ask unanimous consent that the Federation of American Scientists analysis be printed in the RECORD.

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

VERIFYING A MODEL FREEZE

This issue is an effort to bring the concept of a strategic weapons freeze into sharper focus. It contains three elements.

First, there is an editorial describing some fundamental premises underlying verification—without agreement on these or other such premises, no consensus on "verifiability" is possible.

Second, some background information is provided on the many, and astonishingly effective, means of verification which are at our Nation's disposal. Last, but obviously not least, is a sketch of one way in which a freeze might be defined.

We hasten to add that this yeoman effort by two of our staff (Christopher Paine and Thomas Karas) has many loose ends, some of which we hope to treat in late issues. There is the question of controls on defensive weapons. There is the linkage between the freeze and subsequent reductions; no freeze is going to be stable indefinitely and, by the same token, no freeze is going to be politically or strategically defensible if viewed in steady state. There is the question of how the freeze might be implemented. There are obviously a host of definitional questions. And so on.

Indeed, this freeze is only a sketch of one of a variety of treaty possibilities in each of which enough is frozen to justify the word "freeze." In its design, there are necessarily branch points, not all of which are fully exposed and for none of which was there space to justify the choices. Thus for long-lived weapons such as nuclear submarines and nuclear bombers, need replacement provisions be included in the freeze? And can the same be said of missiles? What is the real meaning of this model freeze's decision to close down final assembly plants for missiles but not to prevent missile components from being manufactured and installed?

Accordingly, it might be well to state briefly here what distinguishes the freeze approach from other approaches. Obviously, in neither case can one halt more than the two sides can agree on, and verify. But in the one case the presumption is that the negotiation is aimed at isolated weapons systems most vulnerable to agreement, and that no effort will be made to put together a really comprehensive package.

In the freeze approach, on the other hand, the presumption is that an effort will be made to end, or dramatically slow, the arms race rather than simply to manage it. In this context, the presumption is that serious negotiating efforts will be made to stop the central manifestations of the arms race. Weapons sysems testing, production or deployment would be permitted to continue only if the negotiators saw no way to stop it, or if it would hopelessly complicate or burden the agreements they could otherwise reach.

In sum, what is contained within is designed simply to stimulate more concrete thought on a subject which now commands the support of solid majorities from the most diverse walks of American life. It behooves all interested in arms control to begin to think through the details of what can, and what cannot, be done with this public support. Readers are encouraged to write.

NATIONAL TECHNICAL MEANS—IMAGING RECONNAISSANCE SATELLITES

"KH-11"

The KH-11 satellite won fame in 1978 when CIA employee William Kampiles went to jail for selling its interpretation manual to Soviet agents. The big spacecraft, which probably weighs about 10,300 kilograms, usually flies at altitudes of about 300 to 600 kilometers. That means that its imaging system probably returns fairly wide-area pictures of the ground. But if it also carries longer focal-length telescopes, it could zoom in on more interesting targets for greater detail. The "ground resolution"—meaning the smallest size of objects distinguishable—of KH-11 images is probably between 2 and 5 meters, depending on what assumptions we make about its telescopes and sensors.

The military virtue of the KH-11 is that it operates nearly in "real time." It doesn't use cameras with photographic film, but instead forms images on an electronic focal plane. A scanning mirror sweeps across the satellite's field of view, and the light from the mirror registers on the focal plane as a series of electrical impulses which become digital "bits" of data, either recorded for later playback or directly transmitted to the earth stations of the U.S. Air Force Satellite Control Facility. It is possible, but not certain, that KH-11 data is beamed upward to the satellites of the Air Force Satellite Data System, from which it is relayed to ground stations. In any case, the Satellite Control Facility Remote Tracking Station in Greenland can pick up KH-11 signals minutes after the satellite has passed over the Soviet Union. Again via the Satellite Data System satellites, the Remote Tracking Station can pass the data immediately to the Air Force satellite headquarters in Sunnyvale, California for futher processing. Because this is a CIA-owned satellite, at some point the images go to CIA headquarters for analysis.

Most likely the sensors on the KH-11 are multispectral—they form images in several bands of visible and infra-red light. These images can carry information that is just as valuable as the details of size and shape produced by the finer resolution of "close-look" photographs, as we shall see below. The KH-11 satellites keep recording images and transmitting data until their maneuvering fuel runs out—which takes upwards of two years. The U.S. seems to keep two of these spacecraft operating at any one time.

"Big Bird"

The "Big Bird" satellite, primarily an Air Force vehicle, stays up about six months, weighs about 11,000 kilograms, and flies somewhat lower than the KH-11—between about 160 and 280 kilometers. Maneuvering at lower altitudes, where some air resistance against the vehicle accumulates, probably uses up a good deal of thruster fuel. But the main limit on the satellite's lifetime is its use of old-fashioned photographic film to record images. The satellite surveys larger areas with a camera developed by Kodak that develops the film on board and then transmits a television-scanned image of the developed picture. The satellite also carries a few (some say 4, others 6) film pods that it can send back to earth for development. These are no doubt used to have the satellite take a more detailed look at specially chosen targets.

"Close-look"

A third type of imaging satellite can take quite close-up pictures, resolving objects on the ground which are perhaps six inches across. This "close-look" satellite can swoop in to altitudes as low as 80 or 90 miles, photographing the ground with color film. The film is released on command for re-entry and then caught in mid-air by special airplanes based in Hawaii. The close-look satellites run out of fuel and film more quickly than the other types, and they usually stay in orbit for 60 days or so.

Since the "Big Bird" became available, the Air Force has flown the close-look satellites much less than before and apparently is almost out of them. The most recent went into orbit at the end of February, 1980. According to the trade press, both the "Big Bird" and the close-look satellites will be replaced in 1984 with a large satellite that will have a long lifetime and take very detailed pictures as well.

ELECTRONIC RECONNAISSANCE

"Ferret"

From time to time, when the Air Force launches a Big Bird, it attaches a much smaller satellite which jumps up to a higher orbit, over 400 miles up. This smaller satellite probably collects information about Soviet radar, indicating what frequencies and types of signals the Soviets are using to watch out for incoming planes and missiles. Since the U.S. has flown very few of these in recent years, one might speculate that the Big Bird or the KH-11 can collect some of the same types of information.

"Rhyolite-Chalet"

The United States has also sent up a series of geosynchronous satellites—they revolve around the equator once every 24 hours, thus hovering over one spot—for intelligence purposes. In a spy trial a few years ago, this type of satellite was identified as "Rhyolite," although the name has probably changed by now (the new name may be "Chalet"). The Rhyolite type of satellite collects the telemetry—the information on rocket performance—sent back by Soviet missiles when they are tested. It may pick up other kinds of military communications inside the Soviet Union as well.

A likely candidate for the most recent satellite in the Rhyolite series is one launched in March, 1981. It probably has more sensitive listening devices than the earlier versions. Senator John Glenn, who in 1979 expressed doubts about the verifiability of the SALT II agreement, now says he thinks new developments do make them verifiable. In 1979, Secretary of Defense Brown said that in a year or so we could replace the eavesdropping capabilities we lost in Iran. Apparently we have. (We also have ground-based listening posts in China.)

OCEAN RECONNAISSANCE

The Navy has another kind of electronic intelligence satellite for monitoring the oceans. These satellites fly in a series of four—a "mother ship" and three sub-satellites nearby. By detecting the radar and communications signals of ships from more than one receiving point, the Navy can locate the ships. If necessary, the imaging

reconnaissance satellites or aircraft could be assigned to take pictures.

"UNKNOWN"

In January, 1982, the U.S. launched yet another type of intelligence satellite, one from which apparently three subsatellites split off. This set of satellites flies at about 360 miles up, not 600 like the ocean reconnaissance type. And while the plane of the ocean reconnaissance satellite orbit is inclined about 62.5 degrees to the equator, the inclination of this type is 97 degrees. That brings the satellite closer to the poles and allows them to cover more of the earth's surface. They would have a better view of the Soviet naval ports north of the Arctic circle than do present U.S. ocean reconnaissance satellites.

MISSILE WARNING

Defense support program (DSP)

With 3 satellites in geosynchronous orbit (1 over the Eastern Hemisphere and 2 over the Western Hemisphere) the DSP system provides early warning of ICBM and SLBM launches by infrared detection of rocket plumes. The satellites also carry visible light detectors and radiation sensors for detecting nuclear explosions and provide surveillance of missile test launches.

NUCLEAR EXPLOSION DETECTION

"Vela Hotel"

Launched in the 1960's into orbits 60,000 miles up, these satellites carried "bangmeters," or nuclear explosion detectors for monitoring the atmosphere and space for violations of the partial test ban treaty. The last working pair of these satellites still provide some data.

Defense support program

The U.S. missile early warning satellites also have some ability to detect the electromagnetic radiation from nuclear explosions.

Global positioning system (GPS)

The new military navigation system satellites also carry a system called "IONDS"—the Integrated Operational Nuclear Detection System. Combinations of signals from the ultra-violet and x-ray sensors which will eventually be carried by all 18 of the GPS satellites will give the precise locations, using time of flight measurements, of any nuclear explosions in the atmosphere or in space out to 11,000 miles.

Seismic sensors

Seismic stations around the globe detect underground nuclear explosions. In connection with the incomplete draft treaty for a Comprehensive Nuclear Test Ban Treaty, the Soviet Union has agreed to the placement of additional unmanned stations on Soviet soil.

UNDERWATER ACOUSTIC SURVEILLANCE SYSTEM

The U.S. Navy has the world's oceans virtually "wired for sound," using both seabed and mobile acoustics sensors. These are useful not only for keeping tabs on nuclear-capable Soviet ships but also for detecting any nuclear tests in the oceans.

GROUND-BASED MONITORING POSTS

The U.S. Intelligence Community maintains a network of electronic "listening posts" and test observation radars near most of the major Soviet missile-testing areas. For example, posts in Turkey monitor the IRBM and developmental SLBM testing range at Kapustin Yar, while two listening posts in Sinkiang, China's western-most province bordering on Soviet Central Asia, monitor the main ICBM test complex at Tyuratam. Listening posts in Norway monitor operational tests of SLBMs fired from submarines in the White Sea. Additional facilities are believed to exist at other locations.

OTHER SPECIAL RADARS

Soviet test warheads descending to their impact areas on the Kamchatka Peninsula or in the Western Pacific are tracked during the high-altitude portion of their flights by the giant "Cobra Dane" phased-array radar at Shemya Air Force Station, Alaska, and during their near-earth trajectories by the shipborne "Cobra Judy" phased-array radar.

PLANES AND SHIPS

SR-71, U-2, and TR-1 Aircraft

These high-altitude reconnaissance platforms, based in the United States, Europe, and Japan, fly along coastlines and border areas of the Soviet Union and Warsaw Pact nations, peering into the foreign territory with side-looking radars, cameras, and electronic intelligence receivers.

Electronic intelligence submarines and ships

So-called "Holystone" submarines—Los Angeles-class nuclear attack submarines specially configured for signal and communications intelligence missions, eavesdrop along the coastlines of the USSR. Intelligence-gathering surface ships overtly perform a similar mission.

HUMINT

Intelligence analysts also garner information from agents, defectors, emigrés, defense attachés, businessmen, tourists, and from the painstaking collation and sifting of published literature.

ON-SITE INSPECTION

Under the Protocol to the 1974 Treaty on Underground Nuclear Explosions for Peaceful Purposes, the Soviet Union and the United States agreed to detailed "on-site" inspection procedures whose general principles were carried over into the negotiations for a comprehensive ban on all nuclear tests. While not immediately available to the intelligence community to assist in verifying agreements, such inspection arrangements are clearly not as far out-of-reach as they once were.

In verifying the delivery vehicle and nuclear warhead production bans which could be a part of a far-reaching comprehensive nuclear freeze agreement, on-site verification would be selectively employed to further investigate—with the intent of definitively identifying—ambiguous activities which are detected by national means but whose explanation remains unclear.

VERIFICATION OF A MODEL FREEZE: MONITORING TASKS

A comprehensive freeze on the testing, production, and deployment of nuclear weapons and their primary delivery vehicles could be broken into seven key provisions which are distinct for the purposes of negotiation and analysis but interlocking and mutually reinforcing from the perspective of verification:

(1) a freeze of "indefinite duration" (like the ABM Treaty), without modernization,* on the deployment of ICBMs, SLBMs, IRBMs, and (if necessary) GLCMs;

(2) a numerical freeze—permitting modernization and one-for one replacment of delivery vehicles, but with no increase or modernization of weapons load—on strategic bombers, other "dual-capable" aircraft assigned a nuclear role, nuclear-armed ships and subs, and nuclear artillery and battlefield missiles;

(3) a prohibition on the flight testing of "new" or significantly modified ballistic missiles, and a low limit on the number of operational ballistic missile flight tests;

(4) a Comprehensive Test Ban (CTB) on nuclear explosions;

(5) a shut-down of existing main assembly facilities for intercontinental, submarine-launched, and intermediate-range ballistic missiles, and a prohibition on the transfer of this activity to other sites,

(6) a shut-down of existing key nuclear component fabrication and final assembly facilities for nuclear weapons, and a prohibition on the transfer of this activity to other sites; and

(7) the international inspection and installation of safeguards at all nuclear facilities to permit a verifiable cutoff of weapons-grade nuclear materials production and the conversion or disposal of existing stockpiles.

I. The deployment freeze.—Few would dispute that a freeze on the number of deployed strategic nuclear delivery vehicles can be adequately verified. Soviet missiles are unambiguously identified with either fixed ICBM launchers, in the case of large liquid-fueled ICBMs, or easily counted submarines, in the case of submarine-launched ballistic missiles. As Secretary Brown testified during July 1979 Senate hearings on ratification of the SALT II Treaty, "We have high-confidence in our ability to monitor the number of fixed ICBM launchers, SLBM launchers, and heavy bombers" ("high-confidence" means a counting error of 10% or less—see chart). Brown noted that ICBM silos are "readily identifiable during construction, and take a year or more to build."

The missiles themselves, he reported, "require extensive support facilities, including missile handling equipment, checkout and maintenance facilities, survivable communications, and nuclear warhead handling, storage, and security facilities. Our intelligence collectors regularly examine the existing ICBM fields, but in addition they also conduct extensive surveys of the Soviet Union at periodic intervals for evidence of additional ICBM activity. The intelligence community judgment is that we would detect a Soviet effort to deploy a significant number of excess fixed ICBM launchers even if they departed substantially from their current deployment practices." In other words, even if the Soviets were to deploy their missiles in salt mines or grain elevators, U.S. ability to monitor ICBM-associated support, transport, communications, and security measures guarantees a high probability of detection.

"Turning to SLBMs," Brown testified, "we monitor the launch, fitting out, and sea trials of each submarine. We also monitor Soviet ballistic missile submarines at operational bases, at sea, and at overhaul facilities. In addition, we search for evidence of SSBN-related activity at other facilities, and we monitor naval activities generally with a wide range of intelligence collection systems. We are confident we can monitor closely the number of SLBM launchers."

As for strategic bombers, Brown said, they are "large in size, built at a small number of plants, and deployed at a limited number of operational bases which are closely monitored. The total inventory of heavy bomber-type aircraft can be monitored with confidence."

Potential prohibitions on major modernizations (e.g., adding a new stage, more reentry vehicles, etc.) and system replacement for new production are primarily verifiable

through monitoring other aspects of the Soviet weapons program, for the simple reason that before a new missile or reentry vehicle can be installed in a silo, it must first be developed, tested, and produced. Under one scheme, the only replacement permitted would be for missiles fired in operational tests, and since no new production would be allowed under a freeze, this would foster a tendency to conserve missiles, leading to few tests and therefore few "opportunities" for replacement. However, since transporting a Soviet missile from its storage area and loading it into a silo requires, according to official testimony, "a minimum of two or three days," there is a significant chance that missile replacement in violation of the freeze would be detected by imaging reconnaissance satellites.

VERIFICATION OF A NUCLEAR FREEZE: TASKS AND SYSTEMS

Monitoring tasks	Intelligence systems—												
	Imaging reconnaissance satellites	Electronic reconnaissance satellites	Ocean surveillance satellites	Missile warning satellite	Nuclear explosion detection: Satellites "Vela Hotal" IONDS	Nuclear explosion detection: Ground-based seismic sensors	Acoustic underwater surveillance	Ground-based monitoring posts	Test observation radars	Aircraft and ships	Humint and overt collection	On site inspection	Overall monitoring confidence level (estimate)
I. Deployment freeze:													
(a) Count fixed ICBM/IRBM launchers [1]	X	X											High.
(b) Count mobile ICBM/IRBM/GLCM launchers [1]	X	X											High moderate.
(c) Count SLBM launchers [1]	X	X	X										High.
(d) Count launchers for MIRV'd missiles [1]	X										([2])		Do.
(e) Count strategic bombers (including ALCM) [1]	X	X											Do.
(f) Count other primary nuclear mission aircraft (e.g., FB-111, Backfire).	X	X						X		X	X		High moderate.
(g) Count nuclear-armed ships/subs (including those with SLCM's, ASROC's, SUBROC's).	X	?	X				X			X	X		Do.
(h) Count nuclear artillery/battlefield missile units, weapons depots.	X	?						?		X	X		Do.
II. Delivery vehicle testing freeze:													
(a) To monitor (prohibited) testing of new ICBM's/SLBM's/IRBM's, monitor flight tests of existing missiles to detect:													
1. Changes in length, diameter, launch-weight and throw-weight (no greater than 5 percent).	X	X						X	X	X	X		Moderate-high moderate.
2. Number of stages/type of propellant (no change permitted).	X	X						X	X	X	X		High moderate.
3. Number of RV's (no increase from maximum number tested for each type).	?	X						X	X	X	X		High.
4. Weight of RV's (no decrease from lightest test flown).		X						X	X	X	X		High moderate.
5. RV performance (no increase in ballistic coefficient above maximum already tested and no maneuvering).	?	?							X	X	X		High.
(b) Monitor limit on operational ballistic missile flight tests (6 or less per year).	X	X	X	X			X [1]	X	X	X	X		Do.
III. Nuclear weapons testing freeze (CTB):													
(a) Detect ambiguous seismic events						X	X						High moderate.
(b) Monitor activity/geography at potential test sites.	X	?	?					?		?			Do.
(c) Detect evidence of nuclear explosions on land/in sea/air/space.				X	X	X	X			X			Do.
(d) Identify ambiguous events												X	Moderate-high moderate.
IV. Ballistic missile/strategic bomber/SSBN production freeze: [1]													
(a) Monitor shut-down of existing main assembly plants and shipyard(s).	X												High.
(b) Detect ambiguous activity at other facilities	X	X						X [1]	X [1]	X [1]	X		Moderate.
(c) Identify ambiguous activity	X	?									X	X	Low-high.
V. Nuclear warhead production freeze:													
(a) Monitor shut-down of existing key nuclear component fabrication facilities.	X	?						?		?	X		High.
(b) Detect ambiguous activity at additional facilities	X	?						?		?	X		Low-moderate.
(c) Identify ambiguous activity at additional facilities.	X	?						?		?	X	X	Low-high.
VI. Weapons-grade nuclear materials cutoff:													
(a) Monitor military nuclear materials production facilities.	X	?									X		High moderate-high.
(b) Detect ambiguous activity at civilian nuclear facilities.	X	?									X		Low-moderate.
(c) Identify ambiguous activity	X	?									X	X	Low-high.

[1] Comprehensive freeze could include a ban on replacement of these systems from new production.
[2] Counting rule.
Note: X [1]—indirect assistance in monitoring provision.

Lesser modifications to the missile might be accomplished in less time and be considerable harder to detect, given that routine maintenance, including replacement of defective components, would be permitted under a freeze. Thus a prohibition on major modifications to existing missiles would be verifiable chiefly as a consequence of monitoring the testing prohibitions of the freeze agreement.

A freeze on mobile ICBMs and IRBMs, "while more difficult than counting silos," Brown testified, "is a manageable task."

"For example, the Soviets are now deploying the mobile SS-20 IRBM, and we can estimate the number of launchers deployed with reasonable confidence. If the Soviets made special efforts to conceal mobile ICBM launchers, or if they deployed a system without central support facilities, the uncertainties could be larger. But covert deployment of a force on a scale large enough to be militarily significant would be a formidable task, requiring successful concealment of a large number of deployed launchers, and of their production, support and training exercises as well, and deployment without central support facilities would entail operational disadvantages."

While complaining about the novel "instability caused by the Pentagon's alleged inability to target the "highly mobile" SS-20s, the Reagan administration has issued regular updates on the exact number of SS-20 launchers deployed and the number of SS-20 sites at various stages of completion, even to the extent of having sufficient confidence to accuse the Soviets of violating their own unilateral SS-20 European deployment freeze by completing construction of bases begun before the freeze took effect. Clearly, a deployment freeze on at least this current generation of Soviet IRBMs is adequately verifiable.

All these conditions apply to the threatened potential unverifiability of ground-launched cruise missiles as well. Although the missiles themselves are small and probably in some cases not directly accessible to counting, they will be embedded in transport, security and launch-control systems that is monitorable, and during peacetime they will be deployed in main operating bases which can be surveyed from aircraft and satellites.

II. A Numerical Freeze on Dual-Capable Launch Platforms and Delivery Vehicles. To

prevent circumvention of the freeze and diversion of superpower energies into a destabilizing tactical/theater-nuclear arms race, a freeze on the numbers and payloads of such systems would be desirable. However, because many of these systems perform both conventional and nuclear missions, and their production and support systems are intimately connected to those for conventional weapons, a freeze on replacement and modernization of these systems does not seem politically feasible for the immediate future.

What *would* be feasible in the near term would be to freeze the current inventories of such weapons by type, for example: long-range strategic bombers (B-52/B-1; Bear, Bison/new Soviet bomber); peripheral attack bombers (F-111, Backfire); long-range nuclear-certified attack aircraft (e.g., A-6, Blinder); nuclear-armed attack submarines (SSN-688, Charlie/Alfa classes) nuclear-cruise missile-equipped surface ships (Iowa, Kirov); and nuclear artillery/battlefield missiles (8-inch, 155mm artillery, Lance, Pershing 1-A, Frog, Scud and Scaleboard missiles). Also frozen would be the nuclear payloads of such systems. One-for-one replacement and modernization of the *delivery vehicles* could be permitted, and transfer of deployed or currently stockpiled weapons to these new platforms could be allowed, *but with no increase in weapons load.*

According to one retired member of the intelligence community, each side has a fairly good idea of which forces on the other side *actually are assigned* a nuclear mission, as opposed to being theoretically "capable" of performing one. Special training, communications, operations, and security measures accompany the deployment of "nuclear-certified" units in the field, making moderate-to-high-confidence verification of a numerical freeze on these systems quite feasible. In addition to imaging and electronic reconnaissance satellites, both countries maintain ocean surveillance satellites to keep track of world-wide naval deployments, and the United States has the added benefit of information gleaned from a unique worldwide acoustic surveillance system.

Deployments of theater and tactical nuclear weapons in and around Europe, the key area of confrontation for these systems, are also monitored by SR-71, U2R, and other reconnaissance aircraft which overfly border areas and peer into Eastern Europe, monitoring activity at known nuclear weapons storage sites, and looking for signs of additional sites and dual-capable units. National Security Agency and military intelligence "listening posts" also gather vital signal (SIGINT) and communications (COMINT) electronic intelligence (ELINT) about the locations and operations of dual-capable units.

Based on our own intelligence analysis of Soviet dual-capable weapons payload capabilities, a common data base could be established with the Soviets on which systems should be included, and maximum allowable weapons load counting rules could be developed to ease verification tasks. For example, if one version of the *Backfire* can carry more weapons than another, then all versions might be considered as carrying the larger weapons load. The nuclear weapons themselves could not be modernized or replaced with newly produced versions. This provision would be verifiable mainly through the freeze on warhead production, which would preclude a supply of new warheads for tactical and theater systems.

Many observers have expressed the concern that the widespread deployment of cruise missiles threatens to make the freeze unworkable. Although cruise missiles are a legitimate cause for concern, they do not represent *that* great a departure from previous systems. It has already been suggested above how the deployment of GLCMs might be frozen and verified in a manner similar to mobile IRBMs.

Because deployed ALCMs must be attached to aircraft, which can be monitored with high confidence, ALCM deployment could be frozen and reliably monitored under a freeze, particularly if the parties adopted rules, as in SALT II, limiting ALCM deployments to heavy bombers.

However, for a host of reasons—including Soviet dependence on a variety short- and medium-range cruise missiles, difficulties in distinguishing between shorter- and longer-range versions, the fact that they use technologies and components in common with conventional weapons and can in theory be assembled in any one of thousands of light manufacturing facilities, and because their testing is not easily monitored—it will probably prove difficult to include cruise missiles in the nuclear delivery vehicle production and testing bans.

Their deployment can be effectively hemmed in, however. The shutdown of nuclear warhead production facilities will, at a minimum, drastically curtail the number of cruise missiles which potentially could be armed with nuclear warheads. Those nuclear ALCM and GLCM depolyments existing at the time a freeze enters into force can be frozen and monitored effectively. That leaves the problem of what to do about SLCMs—sea-launched cruise missiles.

Deployment of nuclear-armed SLCMs on submarines and surface ships could be restricted to those ships and subs which were commonly identified as having a nuclear role at the time the freeze is negotiated. Under the warhead production segment of the freeze, no new warheads could be produced for these systems, but, for example, existing warheads in the tactical airdrop inventory, such as B-61 bombs, could be redeployed on SLCMs, provided that for each eligible sub or surface combatant so equipped, the equivalent in weapons delivery capability is retired from whatever force gave up these weapons. As a purely hypothetical example, one squadron of A-6 carrier attack planes, or Blinder bombers, might be exchanged for the payload equivalent in attack subs armed with SLCMs. In other words, a technologically and numerically frozen, but free-floating, population of warheads might be redeployed, under agreed "exchange rates" based on real payload-carrying capacities, on a numerically frozen, but replaceable and upgradeable inventory of "dual-capable" delivery vehicles.

Finally, the deployment of conventionally-armed long-range cruise missiles on vessels not included in the theater nuclear forces of either side might be prohibited in the interest of easing the task of verification.

III. Delivery Vehicle Testing Freeze. The verification of a ban on the testing of new missiles and major modifications to existing missiles could be accomplished under a freeze much the way it would have been under the SALT II Treaty. A set of percentage changes in key missile size and performance parameters would be agreed upon as constituting the boundary between "old" (permitted) and "new" (banned) missile testing. Over an extended test series of 20 to 30 firings required to validate a new design of major modification, these limits could be monitored with high confidence using a broad array of collection systems, including imaging and ELINT satellites, ground-based listening posts, test observation radars, and high-flying SR-71/U2R aircraft.

A limit on the number of operational tests would be monitored by these and other systems, including the DSP early warning satellites and ocean surveillance satellites.

IV. A Comprehensive Test Ban. During the Carter administration, the United States, the Soviet Union, and the United Kingdom reached agreement on the broad issues involved in verifying a test ban agreement, but at least half the "details" of the verification scheme remain to be worked out. Agreement was reached, however, on placing unmanned seismic monitors on the territory of each of the three parties in such a way as to gather seismic data from all possible test sites. These data would not be the sole means for verifying compliance with the test ban, but instead would be integrated into the worldwide seismic monitoring network and, even move importantly, into the stream of data coming from other relevant U.S. collection systems, including imaging, ELINT and Vela satellites, underwater acoustic sensors, and atmospheric sampling aircraft to detect signs of "venting."

It was also agreed during the Carter-era negotiations that on-site inspections would be allowed in the case of doubts about suspicious events that could not be allayed by data exchange and consultation. More precisely, there could be a hierarchy of requests and mandatory responses that would lead to either an on-site inspection or a prima facie case that there was indeed something to hide. In short, a comprehensive test ban would be adequately verifiable. Debate on this point more often than not represents the displaced doubts of CTB opponents concerning its desirability, not the ability of U.S. monitoring systems to confine cheating under a test ban to occasional very-low-yield tests which themselves carry at least some risk of detection, if only through agents, emigres, and defectors.

V. Ballistic Missile Production Freeze. According to Secretary Brown's 1979 testimony, "our intelligence system has enabled us to build a comprehensive understanding of the Soviet ICBM system from design through deployment. We know that the Soviets have four design bureaus for the development of their ICBMs. We monitor the nature of the projects and the technologies pursued at these bureaus. We know which bureau is working on each of the new or significantly modified ICBMs known to be under development. We have a reasonably good idea of when they will begin flight testing of these missiles. Missile production takes place at several main assembly plants and at hundreds of subassembly plants, employing hundreds of thousands of workers."

Then-Undersecretary of Defense William Perry testified, "We monitor the Soviet activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it even began its tests."

Defense Intelligence Agency Director Maj. General Richard Larkin and Vice Director for Foreign Intelligence Edward M. Collins informed the Joint Economic Committee, in prepared testimony of July 8, 1981, that "there are 134 major final assembly plants involved in producing Soviet weapons as end products. In addition, we have identified over 3,500 individual installations that pro-

vide support to these final assembly plants." A table accompanying their report noted that "missile materiel" was produced in "49 plants," and they provided a table giving a five-year annual breakdown of Soviet missile production by type.

Clearly, our national intelligence system has amassed a considerable body of knowledge, over more than 20 years of constant observation, concerning the Soviet ballistic missile production system. This accumulated stock of knowledge, in conjunction with current monitoring capabilities, would permit a shutdown of ICBM, IRBM, and SLBM main assembly plants to be verified. Given a willingness to forego further development of conventional bombing capability, and bilateral agreement on what constitutes a "long-range strategic bomber," there is no technical reason why main bomber assembly plants could not also be closed down. And given the present state of knowledge and monitoring confidence concerning each side's production system, the freeze could very likely be extended to include major subsystem manufacturing facilities (e.g., for missile stages and reentry vehicles) as well. Since nothing would be coming in or out of these facilities in their shut-down condition, any significant alteration in their operating status would not long escape detection by the variety of sensors deployed on imaging reconnaissance satellites. Doubts about the mission of facilities not included in the freeze could be resolved, in the first instance, by intensive monitoring by national means (possibly facilitated by "cooperative measures") and subsequently by data exchange and "voluntary" on-site inspections along the lines worked out for the draft Comprehensive Test Ban Treaty.

VI. Nuclear Warhead and Weapons-grade Materials Production Ban. For perhaps a two-or three-year period, a ban on nuclear warhead production could be implemented and verified along the same lines as the ballistic missile production ban, as it would take at least that long to secretly replicate warhead production facilities. The ban would involve placing in caretaker status the principal nuclear component fabrication and final assembly facilities for nuclear warheads and bombs. For example, on the U.S. side this would include the unique U-235, U-238, and lithium-deuteride "secondary" component fabrication facilities at the Y-12 plant in Oak Ridge, Tenn., the Rocky Flats "primary" (fission-stage) facility outside Denver, Colorado, and the Pantex assembly plant near Amarillo, Texas. Similar Soviet facilities no doubt have been identified and are already under frequent surveillance by U.S. intelligence systems.

During this warhead production moratorium, agreements could be negotiated placing all nuclear facilities and materials stockpiles under IAEA safeguards (suitably strengthened, if necessary), creating the basis for long-term confidence that the warhead production ban would be respected. The CTB system of "voluntary" on-site inspections to resolve serious treaty-related ambiguities could be maintained to buttress the IAEA system of safeguards, leading to a verifiable cutoff in weapons grade materials production.

CANADA INVESTIGATES SUSPECTED WAR CRIMINALS

Mr. PROXMIRE. Mr. President, the Canadian Government disclosed recently that it is checking the backgrounds of 110 people sought by West Germany and other nations for alleged war crimes during World War II. This follows the decision of the Supreme Court of Ontario Province last November in which the court ordered a naturalized Canadian, Helmut Rauca, extradited to West Germany, where he is accused of responsibility for the deaths of 11,584 Jews.

In commenting on the extradition, an official of the Canadian Jewish Congress emphasized that "Rauca is suspected of killing more people than Barbie."

The deportation of former Gestapo officer Klaus Barbie from Bolivia to France in January has captured world attention. The reports of Barbie's deportation and upcoming trial serve as a reminder to the citizens of the world that indeed many suspected mass murderers remain free.

The trial of Helmut Rauca in Canada has had just such an effect on the people of Canada and now they are demanding action.

Understandably, many Canadian citizens are angry and frustrated that the country has not taken action sooner. Until last year, the Canadian Jewish Congress notes, not a single arrest had been made in Canada in connection with war crimes.

I understand their frustration; it is very similar to the frustration many Americans feel about our failure to ratify the Genocide Treaty.

But I do not rise here today to condemn inaction of the past; rather, I rise to applaud the efforts being made by the Canadian Government now. The Washington Post recently wrote:

> * * * there is no doubt that the Trudeau government has tried in the past few years to extend its cooperation in the hunt for ex-Nazis, improving communication channels with West German officials and with (Simon) Wiesenthal.

Mr. President, in overcoming whatever apathy may have existed in the past, I think our neighbor to the north is setting an important example for us now. Let us follow their lead in addressing this major concern of all mankind.

An invaluable step that the United States must take is to ratify the Genocide Convention. This treaty declares genocide of a national, ethnic, racial, or religious group an international crime. In addition to our own ongoing investigations into the war crimes of the past, ratification of the Genocide Treaty would be an important statement to our allies throughout the world that we join them in their efforts to assure that such horrors never occur again.

I urge my colleagues to take immediate action to ratify the Genocide Convention. As Chief Justice Earl Warren said, we as a nation should have been the first to ratify the Genocide Convention. I can only hope that we will not be the last.

(Mr. SYMMS assumed the chair.)

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

Mr. PROXMIRE. I yield.

Mr. BYRD. What impact would the ratification of the convention have on the genocide we see going on in Afghanistan, chemical weapons being used, the ruthless shootings of students, and all the other horrifying actions that are being taken by the Soviet?

It is unfortunate that the press cannot go into Afghanistan, as it went into Vietnam, to reveal what is going on.

Will the Senator respond to that?

Mr. PROXMIRE. I am delighted. I am glad my good friend, the Democratic leader, has raised his question because it is a critical question. There is no question in my mind that genocide is occurring today in Cambodia. It very well may be occurring in Afghanistan. The difficulty in Afghanistan, however, is the state of war.

There is a distinction between war and genocide. Genocide is the planned, premeditated destruction of an entire ethnic group and it is not for the purpose of conquering territory. It should not be confused with war. It is something separate and different.

I think, in Afghanistan, what they have done is to violate the biological warfare treaty, as indicated in my earlier statement, and there is no question that they violated it, in my view. But at least in that country, I do not think the Genocide Treaty would apply.

It would apply in Cambodia where the Communists have murdered 2 million Cambodians, and it would apply elsewhere.

The difficulty is, we have not ratified that convention. The failure to ratify it puts us in a much weaker position to attack that kind of action or activity.

As I pointed out, we are the only developed country in the world that has not done so. Eighty-five countries have ratified it. Harry Truman secured the unanimous acceptance of that treaty at the United Nations. We have not done it.

This administration is the first administration, Repubican or Democratic, that has not supported the Genocide Treaty.

Mr. BYRD. The Senator has been very persistent, tenacious, and dedicated in his speeches on this treaty, going back a period of some years, and I compliment him on his tenacity, determination, and dedication to this cause.

I wish that more of us would speak out just as persistently—and I include myself, and I have made several speeches—on the war in Afghanistan and the ruthless actions by the Soviets there in trying to take over a country and subdue its people, subjugate its

people, with the result being that millions of Afghans have left their homes, their country, and have seen their families slaughtered. We have read of few accounts of what goes on.

One account especially struck me when students stood up in the face of rifles of the Soviets and the Soviets shot them down. It was ruthless, it was inhuman, and I regret that it seems to be swept under the rug, so to speak. There is not a lot of outcry about what the Soviets are doing there. But I think people everywhere, and particularly Moslem countries, should talk more about it and should insist on the Soviets getting out and letting the press get in.

If the world could see what is happening in Afghanistan, I think there would be a tremendous outcry.

In Vietnam, we were at war. Our correspondents went in and kept the people in the United States and the people in other parts of the world well informed on what was going on from day to day, and I just wish that the Soviets had the guts to let the press see what is going on in Afghanistan.

Mr. PROXMIRE. I could not agree with the Senator more. I think the Senator is absolutely correct.

The difference between our society and their society is, of course, we have an open society. We encourage the press to cover whatever we do.

When we engaged in war in Vietnam, the war correspondents were all over the place reporting exactly what happened.

In Afghanistan, of course, with the closed society, the Soviet Union permits no coverage by anyone, including their own correspondents, and prints exactly what they want to print.

Mr. BYRD. Yes. Even the Soviet citizens do not know what is really going on in Afghanistan.

Mr. PROXMIRE. Exactly.

I thank my good friend.

Mr. BYRD. I thank the Senator.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m. with statements therein limited to 2 minutes each.

RAY MEYER—A MAN FOR ALL SEASONS

Mr. PERCY. Mr. President, May 18, 1983, has been declared "Ray Meyer Day" in Illinois by our Governor James R. Thompson. The designation is appropriate because that evening in Chicago, at the Chicago Marriott O'Hare, the Hemophilia Foundation of Illinois will be saluting Coach Ray Meyer and his family in an all-sports spectacular. I have the distinct pleasure and honor of serving as an honorary member of the dinner committee along with Governor Thompson and my distinguished colleague ALAN DIXON.

For 41 glorious years, Ray Meyer has served with distinction as the head basketball coach at one of our Nation's outstanding private universities, DePaul in Chicago. "Coach" Meyer has the distinction of being America's winningest active major college coach with 676 career victories. Anyone who has ever witnessed a DePaul University basketball game, as I have, knows that Ray Meyer enjoys the support and respect of basketball fans across the Nation. His commitment to excellence, education and sportsmanship make him an inspiration to young people everywhere.

Ray Meyer grew up in Chicago and had an outstanding basketball career himself as a player, at both St. Patrick's Academy and Notre Dame. He took the helm at DePaul in 1942. Basketball has been such an integral part of the Meyer family that two of Ray's sons now coach the game, as well.

Ray has recived his share of honors throughout the years. In 1979, he was named "Chicagoan of the Year" by the Chicago Press Club.

Mr. President, I join with the thousands of Ray Meyer fans and friends from across the Nation in paying tribute to this good man. The dinner on May 18 will raise funds for a most worthy cause, the Hemophilia Foundation. Mr. William T. Osmanski and Mr. Alvern A. Engwall have agreed to serve as honorary chairman, and chairman of the dinner respectively. This will indeed be a glorious occasion, saluting a great American on behalf of a great cause.

A COMPANY TOWN

Mr. BAUCUS. Mr. President, in recent years the media has been full of stories about ailing American mining towns. These stories have described the bleak circumstances surrounding communities that fall victim to depressed mineral prices, and the economic travail which follows corporate withdrawals and relocations.

Anaconda, Mont., has received a great deal of media attention in recent years. Long a processing center for copper mined in nearby Butte, Anaconda's copper-based economy was thrown into disarray 3 years ago when the Atlantic Richfield Co., closed the town's smelter. This closure threw more than 1,100 people out of work—a crushing blow to a town with a population of only 10,000.

A recent followup article in Business Week, "A Company Town Survives Without Its Company," gives a rather balanced view of Anaconda today. Far from going belly up as many observers might have predicted, Anaconda has shown unusual resilience throughout this difficult period. With little outside help, the town has managed to deal with its problems on its own, and has maintained a strong sense of community.

I expect that there are other examples of small towns in America which are finding unexpected strength and dedication in dealing with difficult economic times. However, like most Montanans, I am especially proud of Anaconda's efforts.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

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

A COMPANY TOWN SURVIVES WITHOUT ITS COMPANY

(By Sandra D. Atchison)

The cold, grimy Anaconda smelter thrusts its stack into the gray Montana sky like a clenched fist. For three-quarters of a century the stack symbolized the town's livelihood. Now it attests to the town's tenacity.

Nearly three years ago, Anaconda Minerals Co., owned by Atlantic Richfield Co., closed the smelter, blaming pollution-control costs. The move threw 1,100 people out of work in this town of 10,000. Copper mined at Butte, 30 mi. away, now goes to Japan for smelting.

When the smelter closed, the people of Anaconda wondered if their community would survive. So did I when I visited the town two years ago to write about the closure (BW—Feb. 23, 1981). But Anaconda has held on. It is hardly booming, but it's not a ghost town either. And in Anaconda's survival, there is a lesson for other mining towns hit by lengthy layoffs or permanent closures. "We can adjust. We will get on with being Anaconda," says Kirby L. Nave, pastor of the First Lutheran Church.

RETIREES AND WEEKEND FATHERS

On the surface, Anaconda looks much as it did on my last visit. Frank van Meel's furniture and appliance store is well stocked with gaudy recliner chairs and blaring television sets. High school students tool around town in late-model pickups with bumpers stickers boosting their teams, the Copperheads. The towering community Christmas tree that Anaconda Minerals put up each year stood again this winter—erected by volunteers.

But underneath, Anaconda is a changed community. The town no longer is dominated by a single employer. Today, it is made up of retirees and weekend fathers, of working wives and families that have lowered their standards of living and face new problems. They are less prosperous, and for the first time in their lives, a few are accepting handouts. Still, Anaconda survives, a testament to the resilience of this diverse mixture of Slavic, Irish, Scandinavian, Italian, and Cornish immigrants.

Of the 1,100 laid off by the smelter, some 250 took retirement. "The biggest payroll we have right now is Social Security," says Howard R. Rosenleaf, field representative for the carpenters' union. An additional 250 now work in Anaconda Minerals' Butte operations, although they will be laid off this summer when the company shuts down production there—again because of low prices. About 150 residents are employed in new,

lower-paying jobs, opened up through the efforts of a community task force. Some 100 people have gotten jobs in other towns, such as Colstrip, Mont., 400 mi. away, where a huge power plant is under construction. They come home only on weekends.

In other families, wives have gone to work, taking low-paying jobs at a nearby hospital, for instance. A few former smelter workers have opened "mom and pop" businesses, while others do odd jobs. Several are using severance pay for vocational training at a college in Butte. Many, of course, remain out of work, although Anaconda's 15-percent unemployment rate (up from 2.4 percent in 1970) is well below the 39 percent at Leadville, Colo., where Amax Inc. has closed a molybdenum mine. "There was a little more [of a] base in the town than people thought," James L. Marvin, president of Anaconda Minerals, says in his Denver office. Only about 100 families have moved away. "Anaconda is not part of mobile America," explains Pastor Nave.

Anaconda is luckier than other distressed mining towns such as Leadville and Kellogg, Idaho. Anaconda Minerals gave the town $3 million, which was put into a community task force fund to attract new businesses. A third of the fund went for amenities for a 57-acre office park built on land also donated by Anaconda Minerals. An additional $1 million was used as seed money for small businesses, such as a boot maker and a cabinet manufacturer, that now provide 150 new jobs.

But $1 million went to a now-defunct plastics company that made dairy containers, and the loss of that money has fueled a local controversy. "The risk was great, but there was the possibility of 300 to 400 jobs," explains task force head Kevin M. McNelis, a former teacher and native of Anaconda's Goosetown neighborhood (so called because saloons there once kept geese to be awarded to winners of horseshoe tournaments). But 150 new jobs is not a bad record, McNelis points out, and "$3 million is a very small amount to reindustrialize a town."

Merchants such as Van Meel are still holding their breath. A family-owned hardware store dating back to the turn of the century went out of business, but other businesses are surviving. Van Meel reports that more customers are paying with cash. And deposits at the First National Bank of Anaconda-Butte have gone up by one-third since the smelter closed, reflecting the cautious mood of the town's economic survivors.

Some businesses actually are prospering. "I know for a fact the bars in this area haven't suffered," quips Gary D. Miller, president of Anaconda's steelworkers local. A shot and a beer at the corner saloon after work are as traditional among copper workers as Cornish pasties (meat and potatoes encased in a crust) once were in miners' dinner buckets. Despite the steady stream of customers in bars, however, alcoholism has not become the problem the town had feared. When the full impact of the closing hit in late 1981, the number of active cases at the Anaconda-Deer Lodge Alcoholism Program doubled to about 60, but it has since dropped back to 35. "Some people found out life was not going to be as bad as they thought," says Vernon E. Clawson, director.

Still, other social problems, among them suicide, divorce, and family squabbles, have increased. County food stamp expenditures have doubled to $41,000 a month, assistance cases tripled to 78 since the closing, and in January local residents were shocked to see the needy in block-long lines for government-surplus cheese.

LITTLE OUTSIDE HELP

Tough times have brought out the best in some people. Anaconda's families, whose ties go back as far as five generations, are looking out for each other. There have been few foreclosures on homes, for instance. And differences within the community, such as a disagreement over a proposed shopping center, have been set aside.

The community is dealing with its problems on its own. With the exception of the $3 million grant, the town has received little outside help. In Helena, Governor Ted Schwinden explains that there is little the state can do beyond making itself more receptive to new businesses through its Build Montana program. "The survival of Anaconda and its relatively stable economy are a reflection of the determination of the local people," he says.

Ultimately, what keeps Anaconda going is what has always kept the West's hard-rock mining towns going—hope. Some Anacondans believe the defunct plastics plant will be reorganized, and there is talk of processing the smelter's slag pile for sandpaper and sandblasting materials or of jobs dismantling the smelter. And there is always the flicker of hope that copper will come back—as it usually has in the past 100 years.

Two years ago, Philip R. Rowe, a former president of the steelworkers' local union and now one of 11 men still employed in maintenance work at the smelter, told me: "It's a one-horse town, and the horse has died." Says Rowe today: "There are still a lot of people who think Arco will come back, and that that horse will give them one more kick."

COL. REINHOLD J. KRAFT

Mr. BAUCUS. Mr. President, I am proud to bring to the attention of my colleagues the accomplishments of Reinhold J. Kraft, native of Kalispell, Mont. Colonel Kraft was promoted March 1, 1983, from the rank of lieutenant colonel to the rank of full colonel in the U.S. Army. The distinguished career of Colonel Kraft has earned the respect of all those familiar with his dedicated service to this country.

I feel privileged in providing a little background information on the achievements of this man. He joined the National Guard in Montana at age 17½ in March 1953 and entered the Regular Army in 1963. While a member of the Montana National Guard, he was selected to carry the State flag at the inaugural parade for John F. Kennedy, a great honor indeed. Further, he has held every rank during his career from private to colonel. During this same period, he had completed a college degree along with attending numerous Army command schools.

Besides these peacetime achievements, Colonel Kraft served with distinction in Korea and Vietnam. He has earned many awards during his 30 years of service, including the NCO Academy Medal, the Soldiers Medal, the Bronze Star—three oak clusters, II-V oak leaf clusters, the Meritorious Service Medal—two oak leaf clusters, the Army Commandant—four oak leaf clusters, the Reserve Medal, the Vietnam Medal, and the Armed Forces Expeditionary Medal.

Such dedicated service deserves due acknowledgment. It is my honor to congratulate this Montanan on his recent promotion to full colonel and to wish him well in the future.

VICTIMS OF THE HOLOCAUST

Mr. STEVENS. Mr. President, Sunday, April 10, was designated a Day of Remembrance of Victims of the Nazi Holocaust. During the years of the Nazi reign in Germany, over 6 million Jews were exterminated. It is beyond doubt that this was the greatest debasement of human existence in the history of mankind.

This day of remembrance says to the world that the people of the United States have not forgotten the horrendous ordeal that their Jewish brothers and sisters were forced to endure. The State of Alaska, on behalf of the citizens of Alaska, has carried the recognition of the victims of the Holocaust one step further. Gov. Bill Sheffield has proclaimed this week, April 10-17, as the "Days of Remembrance of the Victims of the Holocaust."

Mr. President, I ask unanimous consent that Governor Sheffield's executive proclamation may be printed in the RECORD.

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

STATE OF ALASKA—EXECUTIVE PROCLAMATION

Less than forty years ago, six-million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other victims suffered at the hands of Nazism.

The people of the State of Alaska must always remember the atrocities committed by the Nazis so that such horrors will never be repeated, and should continually rededicate themselves to the principle of equal justice for all. They should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish.

April 10 has been designated nationally, pursuant to an Act of Congress, and internationally as a Day of Remembrance of Victims of the Nazi Holocaust, and it is appropriate for the people of the State of Alaska to join in the commemoration.

Now, therefore, I, Bill Sheffield, Governor of the State of Alaska, do hereby proclaim the week of April 10-17, 1983, as:

Days of Remembrance of the Victims of the Holocaust—in Alaska, and urge all Alaskans to continue to strive to overcome prejudice and inhumanity through education, vigilance, and resistance.

THE DOLE FOUNDATION

Mr. DOLE. Mr. President, today is April 14. This day brings special

memories for the Senator from Kansas, for it was on this day 38 years ago that I nearly gave my life in Italy in the service of my country. On that day long ago, an enemy bullet entered my right shoulder, fracturing several vertebra and initially paralyzing all of my extremeties. I lost over 70 pounds, my temperature reached 108.7°—I had more than a few tough moments during my 39 months in hospitals in Europe and at home.

The point is not what happened to me but that, by 1947, I had made enough of a recovery to return home on my feet to my hometown of Russell, Kans. When my neighbors and other citizens of Russell learned that I would need additional surgery, they established a fundraising effort to help with the expenses. One person gave $100, I remember. Another gave a nickel.

I will never forget the help I received from the people of Russell. I hope that in some small way I can provide help, and hope, to others who may be in similar situations now and in the future.

I take great pleasure today in announcing the formation of the Dole Foundation, a public foundation organized primarily for the benefit of handicapped citizens in Kansas and across the Nation. We all recognize that there is a great need in our society for better education, job training, and job placement for our handicapped and less fortunate citizens. Many outstanding programs have been endorsed and supported by the Congress. While my dedication and support of these programs has not waned, there is much that can be done through private foundations such as the one I am establishing.

The world has changed in so many ways since that day long ago in Italy, but the spirit which moved my friends in Russell to help we when I needed help—the human kindness and generosity which gave me hope that there would be better days ahead for me—is as much alive today in all of us.

I could have never imagined that I would have had the opportunities I have had. To serve the people of Kansas and to play some role in managing the affairs of the Nation has truly been beyond my wildest dreams of 1945. It is my hope that the Dole Foundation can provide clearer focus on the public policy questions facing the dreamers of today, the leaders of tomorrow.

So on this day I say a simple thank you to my friends in Russell for not only helping me, but teaching me the lessons of a lifetime about human kindness. It is my hope that the Dole Foundation can help pass those lessons on to future generations.

THE UNITED STATES' INDUSTRIAL BASE

Mr. GRASSLEY. Mr. President, today, we face many problems that are of national concern: High levels of unemployment; a record trade deficit; an extremely large budget deficit; high cost of defense systems; a decline in productivity, and a deteriorating industrial base.

Two years ago, a number of Government panels, including the House Armed Services Committee, warned that the U.S. industrial base had deteriorated to the point that national security was in jeopardy. The report characterized our industrial base as crippled by declining productivity, aging facilities and machinery, shortages of critical materials, increasing leadtimes, skilled labor shortages, inflexible Government contracting procedures, inadequate defense budgets and cumbersome Government regulations and paperwork.

While industrial base considerations are important in determining our ability to rapidly increase defense production in response to a world crisis, that is not the only cause for concern. The capability and the productivity of the industrial base also determine our ability to procure required defense systems in a timely manner and at reasonable cost in a peacetime environment. Failure to improve industrial responsiveness will not simply maintain the status quo—it will result in further deterioration of industry capability and, ultimately, higher defense costs, longer leadtimes and further diminished defense readiness.

In the past, a high level of productivity and ingenuity in our manufacturing processes has enabled the United States to truly be the arsenal of democracy and to successfully compete in the world marketplace.

Productivity increases in the United States are now in a long-term downtrend. Most experts agree that the impact of this trend is of crisis proportions. America's ability to compete is diminishing, and in some industries, it is lost.

Our lagging productivity growth is aggravated by low levels of long-term investment in technology and modern machine tools. For more than 25 years, our national growth in productivity has traveled hand in hand with investment. Whenever we increase our investment in more efficient equipment, our productivity improves. Furthermore, when we invest in new, more productive equipment, we produce higher quality products and all the people of America benefit.

Given this fact, it is revealing to note that the United States is last among industrialized nations in investment in new and more productive equipment as a percentage of gross national product (GNP). The effect of these years of underinvestment in America's manufacturing plant are dramatically illustrated by the average age of machine tools in use in industrialized nations. The United States has the lowest proportion of machine tools less than 10 years old and the highest proportion that are more than 20 years old.

Our aggressive international competitors from Japan have the opposite standing. Nearly two-thirds of their machine tools are new, modern, and ultraefficient. When you consider the dramatic improvements that have occurred in machine tool productivity during the past 10 years, with the application of computer control to virtually every type of machine tool, is it any wonder that Japanese manufacturers are overrunning some segments of our manufacturing economy?

In short, because of chronic underinvestment since 1970, America's metalworking industries have been using up more capital equipment each year than they purchase. This means they have, de facto, engaged in unconscious and involuntary liquidation, and the same probably holds true for many other American manufacturing industries.

The Nation's ability to compete globally in electronics, optics, aerospace, and other high-technology industries, and to produce advanced weapons for national defense depends on the availability of a healthy U.S. machine tool industry. Machine tools are needed to produce every ship, plane, tank missile, transport vehicle and other armament used by our Armed Forces, as well as essential elements of the supporting civilian infrastructure.

In the past 10 years, imported machine tools have taken a massive share of the domestic market. Imports' share of the domestic market for 1982 was approximately 27 percent, measured by value, or 44 percent, measured by units, and is growing. The Japanese Government has followed an industrial policy of "targeting" the high technology growth segment of the machine tool industry for dominance by giving special governmental assistance to Japanese machine tool builders. As a consequence, imports of numerical controlled machine tools in certain categories account for more than 50 percent of the value of current domestic consumption and more than 70 percent of the units.

Strengthening American competitiveness in world markets must be a priority goal of Government, business, and labor. An increasingly important component of the U.S. economy, exports have increased over the past decade from 4 percent of our gross national product to nearly 8 percent. One of every five jobs in the United States depends on trade.

The U.S. share of total world exports increased from 12 percent to 13

percent between 1975 and 1981, during a period when a relatively weak dollar made U.S. exports attractively priced in foreign currencies. Nevertheless, our merchandise trade balance has been in deficit for 7 years, and another record-breaking deficit is predicted in 1983. In responding to this situation, the United States should look to an expansion of exports. quality, price, innovation, reliable deliveries, and knowledge of foreign markets are essential factors in export expansion. However, the primary responsibility for increased competitiveness rests with corporate management and labor. Confronted with recessionary conditions at home, a slump in worldwide demand, and increased foreign competition in every market, managers and employees of U.S. companies should work within a framework of constructive Government policies to stimulate greater productivity and strengthen American competitiveness.

Our Nation is losing its competitive edge—our competitive stagnation threatens both our economic health and our National security. As a nation, we must make the restoration of U.S. competitiveness a national priority, and we must examine all avenues and options to assure recovery of our basic wealth producing industries.

In the debate over how to generate economic growth and strengthen the competitiveness of U.S. industry, one critical factor needs to be more fully addressed—improving the American work force. We are presently faced with two types of unemployment problems. One is a cyclical problem resulting from 4 consecutive years of productivity stagnation. We are in a recession. A revived economy is the only solution to this problem. The other unemployment problem is a structural one. Old industries are sizing down while new industries are ready to explode. This problem can only be addessed by new and well thought-out policies.

The real key to devising appropriate policy changes is a broad understanding of the current economy and how it is evolving. This will eliminate the fear factor that often accompanies confrontation with change.

To date, public incentives overwhelmingly favor capital and technology investment over worker training as a route to productivity. In fact, in 1981 the annual expenditure on training by American firms was $300 per worker, versus $3,000 per worker in capital investment. Even as the Nation relies primarily on increased capital investment and technological innovation for achieving productivity gains, advanced technologies and complex machines require highly skilled workers. Indeed, investment in American workers is crucial to our economic renewal. In order to get the 11.6 million currently unemployed Americans back to work, and to provide for a growing and changing work force, the Nation's public and private training programs should be encouraged at the Federal, State, and local levels.

In today's fast-paced technological environment, university equipment and facilities have become obsolete, while the feverish advancement has made it impossible for industry's managers to keep up with the changes in their fields. It has become necessary for education to occur closer to the source of production and service.

In the last half year or so, I introduced legislation to spur community colleges and vocational training schools to train and retrain workers for increasing technical jobs. That legislation provides incentives and opportunities for modernizing state-of-the-art technological equipment for learning centers, for improving the expertise of their faculty, and for encouraging more direct contact between learning centers and industry.

I have been an outspoken member of the Budget Committee for holding down the cost of Government not only in the social programs, but also in reducing the waste and abuse in our defense procurement contracts. As a member of the Finance Committee, I have worked hard toward trying to establish equity in our tax structure for both our corporations as well as the individual. As a member of the International Trade Subcommittee, I have been active in trying to establish fairness in our import and export programs.

I also requested that the President establish an immediate domestic economic and trade summit in which we would bring together our most intelligent minds from Government, business, labor, agriculture, and academia to wrestle with the economic and trade problems before us and hopefully come to a solution by consensus. I have even taken this request one step further and asked the President to suggest the same type of program for the participants at the economic summit in May to be followed up by an international summit. But there is only so much we in Government can do before our actions become regressive rather than progressive.

We must look back on the history of this great Nation of ours and learn from our mistakes, repair the foundations of our industrial bases that have begun to crumble, and tap the ingenuity and inventive minds of our citizens that have kept us in the forefront of technological advancement and military strength.

In conclusion, I wish to quote from the President's state of the Union message in which he said:

> Americans have been sustained through good times and bad by noble vision, a vision not only of what the world around us is today, but of what we, as a free people, can make it tomorrow. Back over the years, citizens like ourselves have gathered within these walls when our Nation was threatened: Sometimes when its very existence was at stake. Always, with courage and commonsense, they met the crises of their time and lived to see a stronger, better, and more prosperous country.

Now is the time to call these same forces into play to meet the crises of our time so that we and our children may live to see a stronger, better and more prosperous country and world. Mr. President, the American people are aware of a fundamental crisis in our economy and I believe are ready to support extraordinary measures to reverse it if given the proper motivation and tools to compete.

The welfare of our people—perhaps even the prospects for world peace, stability, and development—will depend on the wisdom and the realism with which we and other countries adapt to the changed circumstances of the eighties.

I end my statement by quoting from the report of the Commission on International Trade and Investment Policy, dated 1971, in which it states:

> The next few years will determine: whether our people can enjoy the benefits of open channels of trade and investment while coping with the real human problems of adjusting to rapid economic change; whether the world will drift down the road of economic nationalism and regional blocs or will pursue the goal of an open world economy; whether the European community and Japan will accept responsibilities commensurate with their economic power; whether we can evolve with our trading partners a sound international monetary system reconciling domestic and international economic objectives; whether developed and developing countries can mobilize the will and resources to cope with global problems of poverty, population, employment and environmental deterioration; whether we can seize new opportunities for improved political and economic relations with the Communist world.
>
> To meet these challenges, the United States must develop new policies that serve our national interest—a national interest which comprehends a prosperous and congenial world.

In the next few years, Mr. President, the challenges faced will not be that different from the 1970's.

I believe that if we in Congress, along with all the American people, are put to the task, we will be able to show the world that there are no shortages of creative solutions to those challenges in the United States.

SOVIET VIOLATIONS OF ABM TREATY

Mr. SYMMS. Mr. President, on April 4, 1983, I sent a letter to the President concerned with Soviet violations of the SALT I Anti-Ballistic Missile Treaty of May 1972. I believe that my letter would be of interest to my colleagues in the other body who will be

debating and voting soon on the nuclear weapons freeze resolution.

I ask unanimous consent that the letter and the attachments thereto may be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., April 4, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I strongly congratulate you on your recent public statements that the Soviets are violating five arms control treaties. You have exercised statesmanlike leadership in the highest tradition of the American Presidency.

You have made the following positive statements on Soviet arms control treaty violations:

(1) *Soviet violation of the unratified SALT II Treaty.*

President Reagan, press breakfast, February 23, 1983, on Soviet flight testing of a second new type ICBM in violation of SALT II: ". . . This last one comes the closest to indicating that it is a violation. . ."

President Reagan, speech, March 31, 1983: "And I am sorry to say, there have been increasingly serious grounds for questioning their (i.e., Soviet) compliance with the arms control agreements that have already been signed and that we have both pledged to uphold. I may have more to say on this in the near future. . ."

The Washington Post of April 1, 1983, added: "Administration officials said the President was referring to reported Soviet deployment of the *SS-16* missile and the testing of *two types of missiles,* instead of one, in *violation* of the SALT II Treaty." (Emphasis added.)

The Washington Post of April 3, 1983, noted: "An interagency study group is likely to report to President Reagan that the Soviet Union has *violated* the terms of the unratified SALT II Treaty limiting nuclear arms. Administration sources said last night, . . . in the panel's thinking, that test (i.e., on February 8 of a second Soviet new type ICBM) is a *violation*. . ." (Emphasis added.)

(2) *Soviet violation of the Kennedy-Khrushchev Agreement of October 28, 1962.*

This agreement would "halt" further introduction of such weapons systems (i.e., Soviet offensive weapons which Khrushchev defined as including Soviet troops) into Cuba as "firm undertakings" on the part of "both" the U.S. and the Soviet governments. President Reagan, press conference, May, 1982: ". . . You know, there's been other things we think are violations also of the 1962 Agreement."

(3) *Soviet violation of the Threshold Test Ban Treaty of 1974.*

President Reagan stated on March 28, 1983: ". . . We have reason to believe that there have been numerous violations. . ."

(4 and 5) *Soviet violations of the Biological and Chemical Warfare Conventions of 1975 and 1925.*

President Reagan, January 26, 1983: ". . . There is overwhelming evidence of Soviet violations of international treaties concerning chemical and biological weapons."

President Reagan, June 17, 1982: "The Soviet Union and their allies are violating the Geneva Protocol of 1925 . . . and the 1972 Biological Warfare Convention. There is conclusive evidence. . ."

Finally, President Reagan made the following statement on general Soviet compliance with arms control treaties, May 9, 1982: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties."

In view of your above positive statements, I am puzzled, however, by an article in the Washington Post of April 2, 1983. It was reported by White House spokesmen that you met privately with Soviet Ambassador Anatoly Dobrynin sometime in February. The meeting was intended "to assure him (Dobrynin) of U.S. determination to improve East-West relations," according further to White House officials. Your above statements on Soviet arms control violations suggest that it is the Soviets who should be the diplomatic demandeurs for better relations, not the United States. Indeed, it would be disappointing if you did not mention the pattern of Soviet arms control non-compliance at this meeting.

In March, 1983, Henry Kissinger, writing in Time, said in regard to the Soviet response to his own arms control proposals: ". . . One of three conclusions is inescapable: a) Their (Soviet) arms program aims for strategic superiority if not by design, then by momentum; b) they believe strategic edges can be translated into political advantages; c) arms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage."

Kissinger's assessment of Soviet arms control behavior, especially as applied to the history of arms control, is sound.

Mr. President, on May 12, 1981, twenty-one Senators wrote to you inquiring about whether Soviet construction of five large Anti-Ballistic Missile Battle Management Radars violated the 1972 ABM Treaty. (letter attached.) In early January, 1981, the Joint Chiefs oı Staff reported to Congress that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling *capabilities for ABM battle management,* are under construction at *various locations throughout the U.S.S.R. These radars could perform some battle management functions* as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s." (Emphasis added.)

Article I of the ABM Treaty states: ". . . Each Party undertakes not to deploy ABM systems for a *defense of the terrority of its country* and not to provide a *base for such a defense* . . ." (Emphasis added.)

The above JCS statement, made at the end of the Carter Administration, strongly implies that the Soviets are in violation of Article I of the ABM Treaty, by deploying ABM Battle Management Radars which are a base for a defense of its national territory.

For a year, no answer was received to the May 12, 1981 letter from 21 Senators. In early 1982, another letter was sent to you requesting that you answer the May 12, 1981 letter from the 21 Senators. Still, there is no answer to the May 12, 1981 letter—almost two years later.

On September 15, 1982, the Washington Times reported a John Lofton interview with the chief architect of the SALT I ABM Treaty, Dr. Henry Kissinger. Kissinger was asked if the Soviets had ever violated the ABM Treaty. Kissinger answered: "On actual violations, I'm familiar with one . . ." This Soviet ABM Treaty violation was, he explained, Soviet flight-testing of Surface to Air Missiles in the prohibited ABM mode. Thus, the Soviets have already violated the ABM Treaty, in the opinion of Kissinger, whose reference was to over 50 illegal SAM-5 ABM mode tests between 1973 and 1975.

On September 16, 1982, three Senators wrote to you requesting that you delay the second five-year review of the ABM Treaty scheduled for last November. (This letter is also enclosed.) We requested that the review be deferred until after the MX deployment decision was made, in order to keep open the option to deploy an ABM defense around MX. But the recommendation of our letter was ignored, and the ABM Treaty review proceeded as scheduled, reportedly between November 9 and December 15, 1982 in the SALT Standing Consultative Commission.

The March, 1983 issue of the Heritage Foundation's National Security Record reports on page 5 that the State Department stated: "The United States and the Soviet Union . . . announced the completion of their review of the 1972 Anti-Ballistic Missile Treaty."

But this review was conducted totally in secret with the Russians. Your long standing failure to answer the letter to the 21 Senators questioning Soviet compliance with the ABM Treaty may help to explain why the review was conducted in secret. Is it possible that the U.S. has again acquiesced in Soviet SALT violaltions? But the Senate's Constitutional role in treaty-making and appropriations for the "Common Defense" suggests that a report to the Senate on Soviet compliance with the ABM Treaty would be warranted. Indeed, there are serious questions raised by the delay in such a report and the secret nature of the ABM Treaty review.

Another factor also suggests the advisability of a report to the Senate on Soviet ABM Treaty compliance. Soviet leader Yuri Andropov recently unjustifiably stated that your recently announced U.S. space-based ABM concept is a U.S. violation of the ABM Treaty. It would be ironic if it turned out that the Soviet Union was violating the ABM Treaty today in the present, while falsely accusing the U.S. of ABM Treaty violations which were still in the conceptual phase and 15 to 20 years from development or deployment. Thus, a Presidential report to the Senate on Soviet compliance could affect the debate over a U.S. space-based ABM defense, and other defense and arms control proposals.

There is a further matter of concern. The Wall Street Journal of Friday, March 25, 1983, reported: "There is even a possibility that the Soviets themselves are in violation of the ABM Treaty, or nearly so, with a missile, the SA-12, soon to be in production, that may have the capability of intercepting ICBMs."

Mr. President, the above concerns require me to reiterate the questions raised in the May 12, 1981 letter from 21 Senators, and to add some new qustions. I request that you answer these questions as soon as possible, so that the Senate can more fully deliberate on the requirements for the "Common Defense:"

(1) Do the five Soviet ABM Battle Management Radar by now almost completed provide a base for a Soviet nationwide ABM

defense? Do they violate Article I of the ABM Treaty?

(2) Did the numerous ABM-mode tests of the Soviet SAM-5 between 1973 and 1975 violate the ABM Treaty, as even Dr. Kissinger has conceded?

(3) Do the Soviets have in series production and deployment around Moscow a mobile or a rapidly deployable new ABM system, the ABM-3? Are mobile ABMs banned by the ABM Treaty? Does this production of a rapidly deployable or mobile ABM also provide them with the base for a nationwide ABM defense, also in violation of Article I?

(4) Did the Soviets test the SAM-10 in a prohibited ABM mode?

(5) Has the SAM-12 been tested in an ABM mode, and is it capable of intercepting ballistic missile re-entry vehicles? Does the Intelligence Community believe that the SAM-12 can intercept Pershing re-entry vehicles? Are Pershing re-entry vehicles similar to Poseidon and Trident I SLBM re-entry vehicles? Is the SAM-12 therefore an ABM system, which is mobile and about to be deployed nationwide?

(6) Do the five ABM Battle Management Radars have the capability to contribute to the use of SAM-5s, Sam-10s, Sam-12s, and ABM-3s as ABM interceptors in a nationwide ABM defense? If the five ABM Battle Management Radars and the SAM and ABM interceptor systems are being mass produced and widely deployed, do the Soviets now have a nationwide ABM defense in violation of the ABM Treaty? Have they already broken out of the ABM Treaty?

(7) Have the Soviets violated the ABM Treaty with SAM upgrade tests (as Henry Kissinger has conceded), ABM Battle Management Radars, ABM camouflage and concealment, creation of a new ABM test range without prior agreement, and falsification of ABM deactivation?

(8) If the Soviets have violated the ABM Treaty, why have you never answered the letter from the 21 Senators? Has there been a cover-up of Soviet SALT violations?

(9) Did the last ABM Treaty review conclude that the Soviets have violated the ABM Treaty? If not, why not? if so, why was this not reported to the Senate and the American people?

Thank you, Mr. President, for your prompt answers to these important questions.

Very respectfully,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, D.C., May 12, 1981.

President RONALD W. REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The issue of Soviet compliance with the terms of SALT constitutes an essential element of your Administration's thorough review of our nation's future participation in nuclear arms control negotiations. Indeed, you have, yourself, called the Soviets to task for their woeful record in complying with the terms of SALT. In addition, a major interagency review of this matter is in the process of being concluded in preparation for the next meeting of the Standing Consultative Commission (SCC) scheduled for May 27th.

We are writing to urge you to take a strong stance with respect to the issue of Soviet compliance at the upcoming SCC meeting. To do otherwise would, in our view, send a dangerous signal of complacency to the Soviets, and provide undesirable incentives for the Soviets to continue with a standard of practice which contradicts the very spirit of SALT. This is particularly so in light of the two month delay the U.S. has already requested in scheduling the SCC session, and the failure, to date, to appoint a Commissioner to head the U.S. delegation to this meeting.

A matter which we find especially disconcerting is the continued Soviet construction of ABM battle management radars in apparent violation of the 1972 ABM Treaty. The Carter Administration refused to confirm this activity until a few days before your inauguration. Then General David Jones, Chairman of the Joint Chiefs of Staff, reported to the Congress that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling capabilities for ABM battle management, are under construction at various locations througout the USSR. These radars could perform some battle management functions as well as provide redundant ballastic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s."

To the best of our knowledge the Carter Administration never raised the construction of these radars as a compliance issue with the USSR in the SCC. This omission is striking in view of the potential strategic implications of these radars. Large radars of the battle management type are clearly the long lead time element of an ABM system. They are potentially the basis of a Soviet breakout capability from the ABM Treaty that could be exercised within a few years.

As far back as 1976, the Ford Administration reported that the Soviets were developing a rapidly deployable ABM system based upon small mobile radars. Recently there have been press reports that the Soviets have developed a more effective interceptor missile and may be deploying a new ABM radar and interceptor system at Moscow. If the new radars General Jones noted are of the battle management type, the performance of a rapidly deployable ABM would obviously be considerably enhanced.

The Soviet Union apparently engaged in an extensive series of experiments aimed at upgrading the SA-5 air defense missile into an ABM in 1973-1974 and more recently appear to have engaged in upgrade experiments involving the SA-10, an advanced high performance system. The significance of these possible SALT violations again is based upon the battle management potential of the new Soviet radars.

We believe the ABM compliance issue must be raised with the Soviets at the next session of the SCC. The United States is paying a significant price, particularly in terms of obtaining the most cost-effective MX basing mode, in its adherance to the ABM Treaty. We are certainly entitled to Soviet compliance. Finally, a failure to clarify this matter would threaten to undermine further the credibility of any future arms control agreements.

Sincerely,

Jake Garn, Ted Stevens, David Durenberger, Orrin Hatch, Steven Symms, Robert Dole, Warren Rudman, John East, Charles Grassley, James Abdnor, David Boren, Dennis DeConcini, James McClure, Don Nickles, Malcolm Wallop, Gordon Humphrey, Mack Mattingly, Jeremiah Denton, Mark Andrews, Richard Lugar, Jack Schmitt, Bob Kasten, and Bill Armstrong.

U.S. SENATE,
Washington, D.C., September 16, 1982.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: We believe that it is strategically and politically unwise for the September 1982 ABM Treaty review with the Soviets to occur before the December 1, 1982 MX deployment decision. We request that you postpone the ABM Treaty review until after the MX deployment decision is made, so as to ensure that all options for defending America's number one defense program are protected.

It is now time to make a hard decision on compliance with the unratified SALT II Treaty versus MX deployment. In view of the Administration's decisions to redesign the B-1B bomber to comply with SALT II, to unilaterally deactivate 292 strategic delivery vehicles counted in SALT II, to limit the MX throw-weight and payload in accordance with SALT II, and to accept cancellation of deployment of 50 Minuteman III ICBMs in accordance with SALT II, we are concerned that SALT II may also constrain MX Densepack deployment. Are you willing to set aside SALT II and renegotiate the SALT I ABM Treaty, in order to deploy the MX in the densepack mode with an ABM defense?

With warmest personal regards,

STEVE SYMMS.
JOHN EAST.
JESSE HELMS.

THE WHITE HOUSE,
Washington, D.C., September 23, 1982.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMMS: On behalf of the President, I would like to acknowledge and thank you for your recent letter, cosigned by Senators Helms and East, urging that the ABM Treaty review be postponed until after the MX deployment decision is made.

Please know that we are expediting a thorough study of the points raised in your letter, in coordination with the President's national security advisers. I assure you that your comments and concerns will receive every attention and consideration.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

THE WHITE HOUSE,
Washington, D.C., November 10, 1982.

Hon. STEVE SYMMS,
U.S. Senate
Washington, D.C.

DEAR SENATOR SYMMS: On behalf of the President, I would like to respond further to your recent letter concerning the ABM Treaty Review. As you know, Article XIV of the ABM Treaty calls for a review of the Treaty every five years. Since the last review took place in the autumn of 1977, we agreed with the Soviets last June that the next review would begin a few days following the Standing Consultative Commission's current session, which began on September 14. In addition, a review of issues connected with Article XI of the Treaty will be conducted during the current round of the START negotiations which began on October 6.

While it is not feasible or desirable to delay initiation of the ABM Treaty Review, the United States will not take any actions at the review which would restrict our abili-

ty to provide for the security of our Nation. The Administration is approaching this review with care and caution to ensure that we do not foreclose any options which we may want to exercise during our strategic modernization program. In this connection, it should be noted that, although the current review will be under way before important decisions about MX are completed, we retain the right to propose amendments to the Treaty at any time. Indeed, on the sole occasion so far on which the Treaty has been modified (by the Protocol of 1974), the amendment was proposed and negotiated through diplomatic channels and not during a formal review conference.

Thank you again for apprising us of your concerns.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant 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.

EXECUTIVE SESSION—NOMINATION OF KENNETH L. ADELMAN, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. BAKER. Mr. President, I defer to the minority leader and the distinguished manager of the nomination, the chairman of the Foreign Relations Committee.

It is now a few minutes before 11 a.m. In order to get started and not waste the time of the Senate, I ask unanimous consent that the Senate now go into executive session for the purpose of resuming the consideration of the Adelman nomination.

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

Mr. PERCY. I thank my distinguished colleague.

The PRESIDING OFFICER. Under the previous order and the unanimous-consent agreement that was just agreed to, the Senate will now go into executive session and resume consideration of the nomination of Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency, with the time between now and 2 p.m. to be equally divided and controlled by the Senator from Illinois (Mr. PERCY) and the Senator from Rhode Island (Mr. PELL).

Who yields time?

Mr. PERCY. Mr. President, I yield such time as he may need to my distinguished colleague from Illinois, Senator ALAN DIXON, whose judgment in these matters is always sound and good. He carefully looks at a matter and he has maintained through his entire Senate career a bipartisan spirit in advancing what he feels is the best interest of the country. I am most grateful indeed for that spirit that he has always evidenced.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I thank my distinguished colleague and warm friend from Illinois.

Mr. President, when the President's nomination of Ambassador Kenneth Adelman as Director of the U.S. Arms Control and Disarmament Agency first began to generate controversy, I resolved to review the matter thoroughly before reaching a decision on this important vote.

As I have stated in this Chamber on previous occasions, my general view in regard to executive appointments during my years of service in the Illinois Senate and here in the U.S. Senate is that, unless there are very compelling reasons to the contrary, a Governor or a President is entitled to have as his chief advisers the people he believes will be the most effective advocates of his program.

In the important field of arms control, the President has chosen Ambassador Adelman as his nominee. In this light, in newspapers, academic journals, and other periodicals. The bibliography of his publications, Mr. President, runs seven pages, single spaced.

In addition to reading what he has put on the public record for all to see, I also took the additional step of inviting Ambassador Adelman to my office so that I could question, interview and evaluate him personally.

Finally, Mr. President, I have talked to individuals who have worked directly with Ambassador Adelman. One of those individuals is a former Congressman and former Secretary of Defense, Donald Rumsfeld, and a resident of my home State of Illinois. Secretary Rumsfeld told me that Ambassador Adelman served him ably as his assistant with great skill and dedication. Secretary Rumsfeld thinks highly of Ambassador Adelman. In a letter to me, he says this:

> Ken will bring to this post his dedication, a fine brain, tremendous energy and creativity, and the intellectual toughness necessary to deal with difficult problems and bureaucratic complexities. I am confident he will do a first-rate job for the country.

I have received similar reports from others who have been associated with Ambassador Adelman in government and at the United Nations.

My research and interviews suggest to me that Ambassador Adelman has the intellectual capacity and determination to do the job for which he has been nominated.

In connection with this view, Ambassador Adelman gave me his firm commitment, Mr. President, that he is determined to pursue arms control vigorously and enthusiastically. He further gave me his commitment of support for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. He also made a commitment to aggressively pursue the intermediate range nuclear forces proposal, as well as the strategic arms reduction talks (START). He likewise assures me he feels the SALT process can be modified to make it successful.

Ambassador Adelman sits in on National Security Council sessions, so he is well briefed and well aware of the ramifications and nuances of one of our most important concerns in this country—our Nation's national security.

After looking at his educational background, his Government service, his publications and his commitments made to this Senator, I have concluded, Mr. President, that Ambassador Adelman should receive the confirmation the President has asked us to grant.

For these reasons, and in light of my extensive review of this important matter, I have decided to vote for confirmation of Ambassador Adelman, who is, by the way, Mr. President, a native son of Illinois.

I have stated to him in no uncertain terms that those of us who support him here today expect him to show us forthrightly by his performance that he is truly committed to arms control, and the effective pursuit thereof.

The burden is now upon him, and the President who selected him, to demonstrate to those of us who must make this decision today, and to all of our fellow citizens throughout this Nation, that arms control under this administration is a goal to be transformed into reality.

Mr. PERCY. Mr. President, I thank my colleague very much indeed. It is so characteristic of the distinguished Senator from Illinois to make his judgments after a great deal of research and sound reasoning. I might say that is contrary to some who came out against Ambassador Adelman even before the opening of the hearings. Others who have come out against him have never met him.

As the distinguished Senator from Illinois, Senator DIXON, said, he sought out Ambassador Adelman, sat down with him, probed his ideas, and received from him important commitments. On such an important nomination as this, I believe this is the way Senators should go about it. I commend him on his decision.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, an editorial from the Chicago Tribune of today. I think it appropriate to follow the remarks of Senator DIXON. It is called "A lesson in MX logic * * * and illogic on Adelman."

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

[From the Chicago Tribune, Apr. 14, 1983]

. . . AND ILLOGIC ON ADELMAN

There is no really good, logical reason for the Senate to refuse confirmation of Kenneth L. Adelman as director of the Arms Control and Disarmament Agency. He is a bright man, experienced in diplomacy and knowledgeable on arms control. He reflects the President's thinking on arms limitations talks, which is vital for the success of negotiations with the Soviet Union.

Yet a large number of senators—but not a majority—are vigorously opposing his nomination. When the issue comes to a vote, probably Thursday afternoon, it is expected that he will be confirmed by a narrow margin.

Why the opposition? The main reason is presidential politics. The senators are behaving as if the 1984 election is in the offing even though it is still more than a year and a half away. Most of the Democrats and some of the Republicans are beginning to maneuver against Mr. Reagan for reasons of politics rather than policy, and the Adelman nomination serves as a convenient forum.

But arms control policy is far to important to become a political football, especially so early in the presidential election season. Negotiations are in progress on both intercontinental-range missiles and intermediate-range missiles based in Europe. The President's approach to those talks—reductions in arms—is sound and achieveable. Opposition in the Senate can only serve to weaken the U.S. position.

But the goal is achievable only if the President can put together a team of negotiators to pursue it. He has chosen Mr. Adelman as the captain of that team, and barring evidence of incompetence or dishonesty there is no reason the President should not get the man he wants. The senators have found no such evidence. They should put policy above politics and confirm him by a wide margin.

Mr. PERCY. The editorial reads in part as follows:

There is no really good, logical reason for the Senate to refuse confirmation of Kenneth L. Adelman as director of the U.S. Arms Control and Disarmament Agency. He is a bright man, experienced in diplomacy and knowledgeable on arms control. He reflects the President's thinking on arms limitations talks, which is vital for the success of negotiations with the Soviet Union.

Yet a large number of senators—but not a majority—are vigorously opposing his nomination. When the issue comes to a vote, probably Thursday afternoon, it is expected that he will be confirmed by a narrow margin.

But arms control policy is far too important to become a political football, especially so early in the presidential election season.

Of course, not every Senator is running for the Presidency, and certainly this is not a motivation in the minds of all his opponents. I know some of them are genuinely concerned about the matters they expressed on the floor.

To continue:

Negotiations are in progress on both intercontinental-range missiles and intermediate-range missiles based in Europe. The President's approach to those talks—reductions in arms—is sound and achievable. Opposition in the Senate can only serve to weaken the U.S. position.

But the goal is achievable only if the President can put together a team of negotiators to pursue it. He has chosen Mr. Adelman as the captain of that team, and barring evidence of incompetence or dishonesty there is no reason the President should not get the man he wants. The senators have found no such evidence. They should put policy above politics and confirm him by a wide margin.

Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I yield to myself such time as may be necessary.

Mr. President, today, the Senate continues its consideration of the nomination of Kenneth L. Adelman, President Reagan's nominee to the position of Director, Arms Control and Disarmament Agency.

The Constitution confers on the President and upon the Senate the joint responsibility to determine the foreign policy of the United States. Article II, section 2 reads in part:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law * * *.

Since late January, some of my colleagues have seized upon this confirmation process as an opportunity to attack President Reagan's policies concerning arms control.

It is my intention to redirect the focus of my peers to their constitutional task—a review of Ambassador Adelman's qualifications for the position to which he has been nominated, rather than the peripheral issues that have unduly occupied the attention of some of my colleagues.

Ambassador Adelman's qualifications are indeed meritorious. He has worked with the Federal Government since 1968 and has been involved in international or defense policy issues since the mid-1970's.

Beginning with the Agency for International Development. From 1976–77, Ambassador Adelman served as Assistant to the Secretary of Defense. As a senior political researcher at the Strategic Studies Center of Stanford Research Institute in Arlington, Va., where he was employed from 1977 to 1981, Ambassador Adelman wrote extensively on national security affairs. His writings have appeared in publications such as Foreign Affairs, Foreign Policy, Washington Quarterly, the Wall Street Journal, and the New Republic.

For the past 2 years, Ambassador Adelman has served as the U.S. Deputy Permanent Representative to the United Nations. In this capacity, he has been intimately involved in arms control and disarmament negotiations. As an example, Ambassador Adelman coordinated the U.S. delegation at the Second Special Session on Disarmament held by the United Nations last summer. As a participant in the session, I can attest to Ambassador Adelman's outstanding skills as a diplomat, negotiator, and manager on behalf of American interests. He ran the day-to-day operations and developed the U.S. strategy for the session. It is noteworthy that half of the U.S. staff working during the 2-month session came from the Arms Control and Disarmament Agency. With his direction and ability to negotiate with foreign governments, the United States successfully inserted language in one of the major documents of the session calling for free expression of opinion from all disarmament groups, not only in Western countries (as in the original draft) but also in Red Square.

I urge my colleagues to consider these aspects of Ambassador Adelman's career. The Director of the Arms Control and Disarmament Agency is a foreign policy position; the President has a right to have his arms controller to institute his policies. I respectfully recommend that we permit him this prerogative.

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

The PRESIDING OFFICER. The clerk will call the roll, in accordance with the previous understanding that the time for any rollcall will be evenly divided.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I would like to speak in opposition to the nomination of Mr. Kenneth Adelman to head the Arms Control and Disarmament Agency.

ARMS CONTROL

We are considering this nomination at a critical time. Many of us are deeply troubled by the direction that this administration is heading on arms control.

Earlier this week, the President's Commission on Strategic Forces issued its report. The Commission's recommendation to deploy 100 MX missiles is nothing but a warmed over version of a plan we have rejected before.

We should be developing defense budgets that protect our national security without bankrupting the economy. Instead, the administration seems propelled toward developing more and bigger weapons without regard to their strategic mission or ultimate cost.

The administration has also left a confusing impression at the negotiating table. The administration has not developed strong proposals, mobilized public support, and challenged the Soviet Union to respond.

Instead the administration has appeared negative and defensive.

The administration should be using the arms control process to unify our allies and reduce world tensions. Instead, bureaucratic infighting here has created uncertainty abroad.

The START talks are going nowhere. The INF negotiations on European-based missiles are stalled.

There is a crisis in the Western alliance.

The Soviet Union is making an all-out effort to exploit and encourage the growing split between the United States and our European allies.

The Soviets are waging a propaganda war depicting the United States as the aggressor, the threat to peace, the one unwilling to negotiate in good faith.

The failure of this administration to make serious efforts to promote meaningful arms control dialog with the Soviets has only fueled the protests in Europe and increased the anxiety of our allies.

It would be a strategic disaster of incalculable proportions if the Soviets succeeded in breaking apart the Western alliance.

In the midst of this crisis, what does the administration do to improve our credibility in Europe and calm the mounting public fear? It nominates a man to lead our arms control negotiations who has no standing in Europe, very limited knowledge in the field and no negotiating experience.

MR. ADELMAN'S QUALIFICATIONS

The Arms Control and Disarmament Act describes the position of Director of the Arms Control and Disarmament Agency in this way:

> The agency shall be headed by a director who shall serve as the principal adviser to the Secretary of State, to the National Security Council and the President on arms control and disarmament matters. In carrying out his duties under this act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this act.

The position of Director should be filled by someone who has a demonstrated commitment to reducing the danger of nuclear war by controlling the development of nuclear weapons.

It requires a sophisticated understanding of the arms control process.

Mr. Adelman, unfortunately, lacks a strong arms control background. His most substantial professional and academic achievements are unrelated to arms control.

I do not believe it is appropriate for Congress to deny a President's nomination solely on the basis of disagreement with the nominee's policies.

After all, the President has the right as an elected officer to institute, enact, and execute the policies that he thinks are fit. Therefore, he certainly has the right to appoint people who agree with his policies.

But under our constitutional form of government, we in the legislative branch have the right and obligation to look at the nominee and to some degree pass judgment. We must not simply rubber stamp the President's nominations.

Mr. President, in my view there are two instances where the Senate has the obligation not to confirm a President's appointment. One is where there is a serious question with respect to the nominee's integrity. The other is where the nominee is not competent to serve.

The issue today is not whether Mr. Adelman is intelligent, or sincere, or worthy of our respect. The issue is whether he is qualified for the job, particularly at this critical juncture in our relations with both the Soviet Union and our European allies.

In contrast to the Adelman nomination, the new nominee for administrator of the Environmental Protection Agency, Mr. Ruckelshaus, is one in whom the Senate will have confidence. He is a man of stature, integrity, and deep experience in environmental issues—all necessary qualities to hold such a position.

In my opinion, Mr. Adelman has not shown the knowledge, the judgment, or the commitment to head the Arms Control and Disarmament Agency.

I very much hope that my colleagues and friends on both sides of the aisle who share my concerns will join me in opposing Mr. Adelman for this post. Arms control must not become a victim of partisan politics. The stakes are too high, the dangers are too great, and the cause too important.

I am hopeful that the President's next choice as the nominee for this position is one who will indicate a more serious commitment on the part of the administration to reducing the threat of nuclear war through arms control and reductions.

Mr. GLENN. Mr. President, the Senate is considering today a matter of profound importance. It goes beyond just the normal confirmation hearing. The Senate must decide whether it is going to insist that arms control and the U.S. Arms Control and Disarmament Agency are to be treated seriously or whether the Senate will endorse a continuation of the present disarray.

Mr. President, I think the time is running out on us in the arms control field, particularly with regard to nuclear weapons. The distinguished Presiding Officer of the moment and I worked very hard in past years on the Nuclear Non-Proliferation Act and other efforts in the Foreign Relations Committee. Those efforts bore fruit in the past and I think set a path that we should be following today.

When I say that we do not have much time, Mr. President, what I mean is that as time goes on we are more likely in the nuclear nonproliferation field to have new methods of fabricating nuclear weapons and new methods of enriching uranium, whether chemical or laser isotope separation. There are quite a number of different means that might become commonplace and mean that any nation who wishes to have nuclear weapons may well be able to have them.

So while we have been trying to push forward nuclear arms control negotiations with the Soviets, we should be trying equally to prevent the spread of nuclear weaponry around the world and, indeed, to do our very best to pull down existing weapon stockpiles of conventional weapons as well.

Can we do this? Is there any hope? What are the odds? I wish I could quote odds and think they would be accurate on our ability to control weapons at all levels, whether conventional or nuclear. But obviously no one can give any odds on what the likelihood of getting a negotiation successfully completed would be.

But I know one thing, Mr. President: We had better try, and those of us in the Senate today have to have as one of our prime purposes our dedication toward making arms control a priority across this Nation. So for all of those reasons we should be putting forward at Geneva not someone who can just get by, not someone just appointed for political reasons, but the finest diplomatic team, the very finest negotiating team we possibly can assemble—be putting them together for purposes which may well involve the survival of the whole world.

But unless we put the proper emphasis on this we may well lose one of the last hopes of mankind. I think it is just that serious. So, to say we should treat this matter seriously is an understatement.

Now, to the issue at hand. Kenneth Adelman, so far as I know, is a very fine man, a very pleasant fellow, good

personality. But he came before the Committee on Foreign Relations, and he was judged by the Committee on Foreign Relations to be unqualified to be the Director of ACDA, and we voted him down. I voted against him, regrettably.

I have taken part in some of these confirmation fights on the Senate floor before. In fact, I led one of the major ones against one appointment of this administration, and after losing that fight I felt that, perhaps, it was best to just go ahead and let the President have his people and swing in the wind, more or less, with what came out of that.

But when Mr. Adelman came before us and was a person who, according to press accounts at least, although he denies this, talked about what a sham arms control negotiations were as recently as 2 years ago, I could not sit still and just say "This will be another appointment that will automatically go through."

So Mr. Adelman was judged by the Committee on Foreign Relations to be unqualified to be Director of ACDA, and, absent a compelling reason otherwise, that judgment must be allowed to stand.

The extensive debate during the last 3 days has not provided such compelling reason. Indeed, Mr. President, I point out that the debate has been marked by some rather unusual deviations from the normal debate process here in regard to confirmations because the debate has been marked by a reluctance to jump in and really support Mr. Adelman.

I would submit if we go back over the debate of the past couple of days, we would find that most of the support statements for Mr. Adelman have been rather mild, rather meek support.

I, at least, have yet to hear any ringing endorsements of Mr. Adelman. That is rather unusual because in our confirmation debates in the past usually there are those who are very staunch proponents and who really come in with ringing statements of endorsement. Perhaps I have missed those, I do not know. But I have not heard any such ringing statements of support.

I know Senators who support Mr. Adelman today may well be rewarded with a very heartfelt "thank you" from the White House. But I submit to those Senators to think twice because the White House will not be out in the country with Senators as they try to justify a vote for Mr. Adelman's confirmation to a constituency deeply concerned over the threat of nuclear war.

The people of this country fear that we in Washington are simply not serious about curbing the nuclear arms race.

The development of thermonuclear weapons and thousands of missiles, and bombers to carry them, have given security—like the Roman god Janus—two faces. We must provide weapons to deter aggression and yet we must with equal vigilance—I repeat with equal vigilance—see that these weapons are never unleashed. Preserving security in an age of nuclear weapons is the most sacred and the most solemn responsibility we give to anyone who leads our Nation.

Today we and our allies and our adversaries together have failed to achieve a solid and workable arms control regime, and that failure presents us all, friend and foe alike, with a ticking timebomb. If we do not solve it then our collective achievement may be to prove T. S. Elliott wrong, "When the world ends not with a whimper but with a bang."

Mr. President, time is fleeting. There exists a bipartisan consensus for arms control not just in the Congress but across this country, and it is not too late for major successes. No one in his right mind wishes the President to fail. I wish him every possible success in arms control. As a Democrat, but as an American first, I can only hope and pray success for the President in arms control. I believe the Senate must support the administration in a quest for serious arms control.

The first step is to turn elsewhere for a Director for ACDA. The President should have in place a Director with the stature, the experience, and the commitment to serve as the focal point for arms control in the administration, to carry weight in the national security deliberations of this Nation, and to restore ACDA to effectiveness in the councils of this Government.

There is no question in my mind that the Senate would give its advice and consent readily, surely, and very promptly to a strong, effective, and committed Director. There are a number of such people in this country with whom I believe the President could be comfortable. I hope he will select such a person after this matter is resolved so that with strong bipartisan support we can again move ahead in arms control.

There is too much at stake here for the Senate to falter. It must do its duty. It is clear that that duty now is to refuse to confirm Mr. Adelman. That decision will carry with it additional responsibilities which we all must recognize. We must do our best to insure the preservation of the existing strategic arms limitations regime, and we must work toward a mutual and verifiable freeze on nuclear weapons—underlining any number of times the words "mutual and verifiable." Those are key in our present arms debate.

I think anyone across this country can be for a freeze if it is mutual and if it is verifiable, but those are very key elements. Can we ever reach those levels of mutual and verifiable qualifications? I do not know. But I know we had better try.

We must also strive assiduously for reductions in the START and INF negotiations, we must find new and better ways to halt the spread of nuclear weapons, we must bring other nations with nuclear weapons into the arms control process, and, finally, we must address the question of arms control in its totality by an expansion of efforts to control other nuclear weapons and by increasing our efforts to reduce conventional armaments in Europe, and restrain conventional arms transfers.

Let me expand on those points just a little bit. It seems to me if we are after arms control, and we are calling for a freeze, we have to have a means of getting to that freeze. We have to have several different points that would have to be accomplished to make a freeze really mean anything.

Going back to SALT II days, I opposed SALT II because it could not be verified at that particular time. I took a lot of pressure at that time. But to me, while SALT II was something that set a reasonable balance, unless we could verify what the Soviets were doing we were not going to just trust them to somehow look out for our best interests.

In the meantime we now have new means, we now have the satellite capability which we did not have before. We now have monitoring places we did not have before.

So SALT II is a good place to start and I am sure we can pass it within a couple of weeks if the President would get behind it. At least that would establish a limit above which we do not build. So that is the first point, at least limit.

No. 2, reduce. Put the best negotiating team, the finest diplomats we can possibly put together into a team, and go to Geneva. Put far more emphasis on those talks; get reductions in arms. So limit and reduce.

No. 3, prevent the spread. We passed in this Senate, and it is the law of the land now, the Nuclear Nonproliferation Act of 1978, which will govern the transfer of reprocessing and enriching equipment around the world. We hoped that other nations would follow our lead. I think that was a good step forward. I hate to see that not being emphasized now. If we let time get away from us, we will find one of these days that any nation in the world that wants a nuclear weapons capability will be able to get it. So limit, reduce, and prevent the spread.

No. 4, to me this is one of the most important ones of all, we must involve other weapons states besides the Soviet Union and ourselves in these

negotiations. It is inconceivable to me that the Soviet Union would reduce their weapons stockpiles to an appreciably lower level even if we do, so long as Britain and France and China, for instance, are all able to build their weapons stockpiles up to unlimited heights as they are not now part of the limitation process.

So I think we are making a big mistake when we do not try and get these other nations involved in our nuclear negotiations at the earliest possible time. I think it is unlikely that we will get serious reductions in superpower nuclear weapons stockpiles unless these other countries are brought into that process.

Is that possible? I do not know. It complicates the process tremendously, that is for sure, because it means we have to bring into this nuclear weapons negotiating process nations like the People's Republic of China. But they are now a major nuclear weapons power. So how can we say Britain and France, and other powers, China, for instance, will be able to build their nuclear weapons stockpiles to unlimited heights and expect the Soviet Union to take their stockpiles down to low levels?

Thus I reiterate, as a fourth point, we absolutely must attempt, at the earliest possible time, to bring other nuclear weapons states in.

As a fifth point, overall arms control. Matters nuclear cannot be considered in some sort of pristine purity off on the side as though they had no relationship to conventional arms. They do. We have used our nuclear weapons capacity to balance off Soviet conventional power in some areas and they have done the same thing against us in other areas. So this has to be part of overall arms control, although I admit that the awesome, horrendous, total nature of nuclear arms has and should be the area that receives the greatest emphasis.

We must do our best to insure the preservation of the existing strategic arms limitations regime. We must work toward a mutual and verifiable freeze on nuclear weapons. We must strive assiduously for reductions in the START and INF negotiations. We must find new and better ways to halt the spread of nuclear weapons. We must bring other nations with nuclear weapons into the arms control process. Finally, we must address the question of arms control in its totality by an expansion of efforts to control other nuclear weapons and by increasing our efforts to reduce conventional armaments in Europe and restrain conventional arms transfers.

Mr. President, these efforts will require our best efforts, not our second best, not someone with whom we can just try to get by.

We must devote our energies and our most capable people to the task. If we do not make the right decision today, we will fail before we have even started. Accordingly, I urge my fellow Senators to make the right choice by refusing to approve the Adelman nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HECHT). Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. 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. PELL. Mr. President, I yield to the Senator from Colorado (Mr. HART) for 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. I thank the distinguished minority manager.

Mr. President, President Reagan's nomination of Mr. Kenneth Adelman to head the Arms Control and Disarmament Agency reflects a serious lack of commitment to pursue arms control. I urge my colleagues to join in opposing this nomination and in calling for a qualified applicant who recognizes the value and vital importance of arms control negotiations.

Mr. Adelman has shown he lacks the basic philosophy, attitude, and knowledge to make an effective ACDA Director. He has demonstrated a lack of knowledge of basic arms control issues and a lack of thought on many of the critical problems facing our negotiators. Mr. Adelman appears to be more dedicated to an arms buildup than to reducing the hazards of unrestricted competition. His attitude and lack of experience cast serious doubt on his ability to deal effectively with the Soviet Union, and his skepticism of the efficacy of arms control agreements would significantly hamper progress on this vital issue.

At no time since the end of World War II has there been a greater need for a serious, determined effort at arms control. Since the first atomic bombs were dropped on Nagasaki and Hiroshima in 1945, the number of atomic and nuclear weapons in the world has grown at an alarming rate. Their accuracy has indeed become frightening.

One of the most important aspects of this worldwide arms race is the growth of the nuclear club. From the early days when atomic weapons were the exclusive domain of the United States, Great Britain, and the Soviet Union, we have entered an era when most countries will feel themselves vulnerable without nuclear weapons. France has become a formidable nuclear power; China is rapidly becoming one; and there are disquieting reports about a plethora of countries from Israel and South Africa to Pakistan and Brazil developing their own nuclear arsenals.

For more than 30 years, we have lived with the reality that, at any given moment, on any given day, nuclear weapons might be unleashed, leaving in their aftermath a magnitude of death and destruction beyond the comprehension of the human mind. We must constantly remind ourselves that nuclear war is more than a continuation of war by other means, it is an entirely new form of conflict. This simple yet all-important reality of the nuclear age compels us to reverse the arms race, and do it forthwith.

With this as our goal, it is imperative we have strong, knowledgeable leadership dedicated to the process of negotiating for arms reductions. Arms control negotiation is a sensitive process, requiring skill, knowledge, and the conviction that the process is functional and vitally important. President Reagan's nomination of Kenneth Adelman signifies a serious lack of concern for the efficacy of arms control negotiation. If this nomination is confirmed, the process will suffer and progress toward continuing world peace will be retarded.

Mr. President, in a world still marked by superpower confrontation and innumerable regional conflicts, the increasing speed, volume, and sophistication of modern arms is rapidly shrinking the margin for error. In such an atmosphere, we cannot afford to take a casual, unprofessional attitude toward control. We must show our concern and dedication by appointing a person well qualified and dedicated to reducing the global risk of an unrestricted arms race. Because Mr. Adelman does not live up to these necessary standards, we must reject his nomination and call on the President, to show his genuine concern for a peaceful world, a world where nuclear arms threats are reduced, by presenting a candidate who will enhance our chances for securing a peaceful, safe world.

The issue before the Senate, Mr. President, in a word, is the President's own commitment to arms control. It is feared by those of us who oppose Mr. Adelman that Mr. Adelman's nomination is merely another symbol that the administration is not genuinely committed and concerned about the process of negotiating limitations and reductions in the overall nuclear arsenals of the world.

I yield the floor.

Mr. BOSCHWITZ. Mr. President, I yield such time as required to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, with respect to Presidential appointments that require Senate confirmation, it has been my view—scarcely an exceptional one—that a President ought to have advisors who will carry out his policies, and that a President's judgment in such matters is owed a certain deference. To vote to confirm a Presidential nominee is in no way to vote to endorse that President's policies. Questions of capacity and integrity do arise; and also questions as to the willingness of an appointee faithfully to execute the laws entrusted to the care of his or her office. In the case of Mr. Adelman, I find none of these latter impediments. As to the former concerns, I was satisfied on Monday evening when I received a telephone call from Secretary of State Shultz expressing his hope that I would vote for Mr. Adelman's confirmation. The Secretary of State is the President's principal advisor in foreign policy, of which arms control must be a central concern. The Director of the Arms Control and Disarmament Agency, for practical purposes, reports to the Secretary of State. Obviously in the matter of appointments, the Secretary expressed the President's own wishes.

I am familiar with Mr. Adelman's previous and considerable Government service, and I have read some of his writings. His view expressed in 1978 that the SALT process was not bringing about actual reductions in nuclear weapons was significantly ahead of its time and leads me to hope that should he be confirmed, he will bend his undoubted energies and talents to doing just that.

I might add that the chairman of the Committee on Foreign Relations expressed his fervent hope that I should support this nomination. He stated to me that he was convinced that if Mr. Adelman is confirmed, the administration will cooperate in obtaining Senate passage of the threshold test ban treaty and the peaceful nuclear explosions treaty. I accept that a comprehensive test ban treaty would be preferable to any of these more limited measures, and would properly bring to fruition the task begun 20 years ago with the limited test ban treaty, but I feel the urgency that many do for some palpable measure of progress meanwhile. The chairman further expressed his expectation that we would see a successful conclusion to the two strategic arms treaty negotiations now underway.

Mr. DECONCINI. Mr. President, I will cast my vote against the confirmation of Kenneth Adelman as the Director of the Arms Control and Disarmament Agency with some degree of reluctance. I believe that the President should be given considerable flexibility in filling key positions in his administration and I believe that Mr. Adelman is an honest man with a respectable amount of knowledge and experience in the field of international relations, in general.

I base my opposition to this nomination on factors which go beyond the general guidelines I have just described. I believe that the position of Director of the Arms Control and Disarmament Agency is a particularly sensitive one at this point in time, and I believe that the Director should have a strong background in the arms control area. The importance of specific expertise in this area is heightened by the fact that the President's two chief foreign policy advisers, the Secretary of State and the National Security Advisor, are not career specialists in international politics and must, therefore, rely on the expertise of others in key subordinate positions. Regrettably, Mr. Adelman does not have this type of expertise.

Furthermore, when trying to link together the contradictory remarks which Mr. Adelman made during his confirmation hearings with the remarks he has been quoted as saying, I cannot quite determine his position on arms control. At the first hearing, he seemed to have no point of view. At this second hearing, he was considerably more articulate, but only after rigorous priming by administration officials who apparently knew more about arms control issues than the man who would be their superior. If his views are as he was quoted in the New York Daily News, then Mr. Adelman is, at the very least, indiscreet—ala the pattern established by Mr. David Stockman in Atlantic Monthly—or he is, at the most, dead wrong. I do not believe that either of these extremes is tolerable when negotiating arms control with the Soviet Union.

In conclusion, I urge the administration to place a little more emphasis on experience in its international affairs appointments. It is all well and good to nominate individuals who share the administration's "wave length" to key positions. But, I am confident that if the administration explored in greater depth the vast number of men and women who understand arms control policy they would find a nominee who combines both the attributes of expertise and their particular philosophical approach. I am confident that such a nominee would easily receive the consent of the Senate.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I rise to speak in favor of the nomination of Kenneth Adelman for the directorship of ACDA, the Arms Control and Disarmament Agency. I do so with some enthusiasm. I have heard on the floor that Ambassador Adelman lacks a commitment to progress in arms control. I do not believe that, having listened to him. I also have heard on the floor that he lacks knowledge about arms control. I do not believe that, having read all that he has written on the subject. And I also understand that he is accused of only being in favor of an arms buildup. I certainly do not believe that, having spoken to him, and heard him profess a strong desire for real arms reduction.

Actually, Mr. President, I suspect that if the first hearing that Ambassador Adelman had before our committee had gone differently, we perhaps would not be here in this protracted debate about his nomination. Without question, his first appearance before the Foreign Relations Committee was not a very successful one. He was perhaps thrown a little bit off balance when one of my collegues announced that nothing he could say during the course of the hearings could entice this particular Senator to vote for him. And then apparently he was also subjected to some rather poor advice on how to appear before our committee.

Having said all of that, I should like to speak a little bit more about his thoughts on SALT, on the arms process and on whether or not he really does have a sense that negotiated arms reduction is possible and desirable.

On August 2, 1978, he wrote an article "Can There be a SALT III?" He outlined some of the changes that he felt had to occur in the arms negotiating process if it was to continue and succeed. First, he argued that the measurement of the United States-Soviet strategic force must be altered and should no longer focus merely on launchers.

As you know, Mr. President, SALT I and other negotiations have pretty much centered on launchers, or the ability to launch the missiles rather then the missiles themselves. These launchers have included submarines, airplanes, and also launchers that are put into the ground. The reason for this focus is quite clear—launchers can be seen from the air, while the weapons themselves, the warheads, are more difficult to track.

Launchers were counted, Mr. President, because launches can be tracked from satellites. Launchers were counted because other items in the defense equation could not be successfully observed. However, during the 1970's the entire strategic equation was changed because of MIRV'ing, because of multiple targeted reentry vehicles, so that on top of one missile you could put 10 or 14 warheads. Indeed the Russian SS-18 is such a powerful missile that it may even have the capacity to carry 30 warheads yet that would be just

one launcher as it is counted in the process of arms negotiation up to this time.

Ambassador Adelman quite correctly pointed out that while moving any from counting launchers carries difficulties in verification, nevertheless, some different approach had to be taken because the counting of launchers did not properly reflect threats involved in armaments and did not really bring about meaningful arms control.

He also pointed out that SALT I, which was ratified, and SALT II, which has been signed by both parties but not ratified by the Senate, really did not bring about any reduction in either the United States or Soviet strategic arsenals. As a matter of fact, people from both sides of the aisle, from the most conservative to the liberal philosophies here in the Senate, opposed SALT II just on that basis, that it did not bring about a meaningful "builddown" of nuclear weapons.

So, first and foremost, Ambassador Adelman said that there must be new measurements of United States-Soviet strategic forces in order to bring about a meaningful SALT III negotiation. I believe that he is quite correct in that regard.

Second, the type of weapons included in the negotiation must be expanded to encompass those based in or targeting Western Europe. And, of course, this has been done in the INF negotiations.

Mr. President, as you may well know, we have several negotiations going on all at one time—the START negotiations, as the SALT negotiations are now called, headed on our side by Gen. Edward Rowny; the INF or the intermediate nuclear force negotiations, headed by Paul Nitze; and then we have the MBFR negotiations, which are another set of negotiations that have not gone very far.

But in August of 1978, Ken Adelman wrote about what has now become the INF negotiations. It must be noted that prior to this administration, the administration that is supposed to be opposing arms control, there was no such thing as an INF negotiation. The current INF negotiations, as have Ambassador Adelman suggested extended beyond the intercontinental capacity of missiles. The Reagan administration has started an entirely new set of negotiations. Indeed, Ambassador Adelman spoke about the necessity of such negotiations in August 1978, prior to their being begun.

Third, Kenneth Adelman said that the number of actors on the stage of nuclear arms negotiation must likewise be enlarged.

I agree with that. That, of course, makes nuclear arms negotiations much more difficult. But I just listened to my friend and colleague, Senator HART from Colorado, speak about the fact that other countries must be included in the negotiations. That is going to make the negotiations considerably more difficult, but the truth is that there are other countries that now have nuclear weapons. There are other countries that have deployed nuclear weapons, and I agree with Mr. Adelman that all we can do should be done to include them in negotiations.

Mr. Adelman, when he came before the committee, also spoke about the problems of proliferation; that we not only have a problem negotiating with the Russians or bringing the French and the British and other countries into the negotiations, but we also have a problem of proliferation and that in the years ahead many countries will suddenly have nuclear capabilities. The probability of their being used by other countries is much greater than the probability of countries such as ourselves or the Russians using them, since we have a greater feeling and understanding of the scope of what can happen from such usage.

Can you imagine if the Israelis had not attacked the Iraqi reactor and if the Iraqis had been successful in developing a nuclear weapon? Is there any question in our minds that they would threaten to use or perhaps actually use such a weapon in their present war with Iran which has been so destructive?

That is as much a threat to the world as the expansion of the nuclear arsenals of the two great powers, which at least have communications and which at least are negotiating to reduce those arsenals.

Mr. Adelman, in all his writings, has talked about the necessity of expanding the process of negotiations, has talked about the necessity of expanding the participants, has talked about the realism of counting weapons as they exist today and not as they existed at the beginning of SALT I and even at the beginning of the SALT II negotiations.

He has written a great deal on the business of arms control. For many years, he has been part of the President's inner circle of foreign affairs advisers. He was chosen by the President to accompany President Carter, when President Carter went to Europe after the 1980 election to greet the hostages returning from Iran. Ken Adelman was the representative of President-elect Reagan.

He has written in Foreign Affairs magazine, the most prestigious foreign affairs publication in the country, and in a number of other prestigious publications.

In 1976 and 1977, he was an assistant to the Secretary of Defense. He has attended innumerable National Security meetings and participated in the discussions on arms control which have taken place in those meetings.

While he has been the second in command of the U.S. delegation at the United Nations, he has participated in numerous sessions on disarmament and has led the disarmament considerations that have taken place in our delegation to the United Nations.

Mr. President, Kenneth Adelman is a young man who has achieved a great deal in just a few years. I think he has been nominated to lead an agency that is widely considered to be in disarray and lacking direction. I believe he will bring that direction, that he will bring the type of leadership to that agency that will make him a strong working partner with the administration, a strong working partner with Mr. Nitze, who is conducting the INF negotiations, a strong working partnership with General Rowny, who is already sending him memos. Indeed, I believe he will make an important contribution to our country and to peace in the world.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from Oklahoma.

Mr. BOREN. I thank my distinguished colleage from Rhode Island.

Mr. President, making a decision about how to cast my vote on the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency has been a particularly difficult one for me.

I have tried my best to reach the right decision. In the course of my personal deliberations, I have studied the hearing record, read the speeches of my colleagues on both sides, read Mr. Adelman's own writings, studied newspaper editorials and columns, listened to his coworkers from the past, and visited with Mr. Adelman personally. Those inquiries have pulled me in a number of different directions.

First of all, even in the political process, we must not lose sight of the fact that we are impacting the life and career of a fellow human being who is entitled to our sensitive concern and fair treatment. In my meeting with Mr. Adelman, I found him to be a likable, bright person of good will who obviously has a sincere dedication to the well-being of this country.

Second, I was pulled by my own inclination to allow a President to select the personnel for his own administration. As a former Governor, I understand clearly that since the Executive is held accountable for his administration, he needs to be able to select the people to work with him in carrying out his own policies. A President is elected by the people and whether or not he is of my party or my philosophy, I believe that he should have the ability to respond to the mandate given him by the people.

However, while these factors pulled me toward a positive vote on the nomination, there were others that had to

be balanced on the other side. In the final analysis, they were persuasive to me by the closest of margins. In many ways, I wish that I could be afforded the luxury of voting undecided or for a split verdict. The people, however, have given me the responsibility to cast a vote according to my own best judgment. My own sincere best judgment is that Mr. Adelman should not be confirmed. The selection of another person to head the agency would be best for Mr. Adelman personally, best for the President, and best for the Nation.

As I have said, I believe that the ordinary standard should be that a Presidential appointee should be confirmed unless he is clearly unfit for the position for a very strong reason like incompetence or lack of integrity. If I were applying the ordinary standard, I would vote in favor of Kenneth Adelman's confirmation.

However, I believe that there are special conditions which require a higher standard of evaluation. In those situations, adequacy is not enough. Excellence is demanded. In those situations, only the best available persons should be considered. Lifetime appointments to the highest Federal courts have been held to that standard. So have a few other key posts in our Government. With the grave danger posed to the very existence of the world by the destabilizing technical changes in nuclear weapons systems of the past two decades and with the growing effort of the Soviet Union to use the growing fears of nuclear war in Europe to drive a wedge between the United States and her European allies, arms control has clearly become a central issue in the entire Western World. For that reason, we should confirm as Director of that Agency only the best possible choice and one who will be recognized as such not only in the U.S. Senate but by our allies in Europe and by our adversaries in the Soviet Union as well.

While Mr. Adelman has performed relatively well in subordinate posts, I do not believe that anyone would argue that his experience or his writings would yet place him in the same category of stature and respect as a Eugene Rostow, whose successor will head the agency, or a Brent Scowcroft, who has been rumored as another possible choice, or others that could be mentioned. With more time, concentrating on these issues, he might in the future be qualified for this position. Intelligence is not only required but also exceptionally sound judgment. This kind of judgment is not a matter of how long a person has lived, it can come only from experience and from living with issues and viewing them from every possible perspective. Compared with others who might be considered, I cannot conclude that Mr. Adelman is the best possible choice. Whatever the cause, a lack of poise and consistency was demonstrated during his testimony before the foreign relations committee including a failure to respond to critical questions in the first hearing to which he had concise glib answers in the second.

I also want to make it clear that I am not opposing him because of his past skepticism about SALT II or about Soviet intentions. I, too, had serious doubts about SALT II, about whether it allowed the Soviets an advantage, and about the degree to which it really represented any movement toward a real reduction of weapons. I also have grave concerns about Soviet intentions and I, too, believe that unilateral disarmament by the United States will never bring the Soviets to the bargaining table.

Even yet, Mr. President, while one may believe that it will be very hard to get a fair and verifiable agreement from the Soviet Union, it is vital that the person who will be Chief Adviser to the President and the Secretary of State on Arms Control matters should have a passionate commitment to the necessity of making a true and fervent effort to find such an agreement. I realize that any judgment on my part is necessarily subjective, but I do not find in Mr. Adelman's writings that kind of passionate commitment reflected. While I agree that there is cause for cynicism about Soviet intentions, I would like to have read a strong statement from Mr. Adelman that, nonetheless, for the sake of the whole world, we must work with all of our will and ability to achieve a balanced reduction in nuclear weapons and that we must never give up the effort.

It is not only because of the importance of the issue of nuclear war and because of the threat posed to the Western alliance caused by the debate on arms control policy that we must have the best possible director. It is also because we are facing the toughest possible adversary in these negotiations. They are cunning and quick. They can be unyielding. The Soviets have an able team on their side of the negotiating table with far more continuity of membership than our own. As one colleague put it informally: "When you're dealing with our Nation's vital interests, and you are up against the Soviet Union, you should only send in the first team."

I have great respect for the senior Senator from Mississippi (Mr. STENNIS). For many years, he chaired the Armed Services Committee of the Senate. He is not naive. He believes in a strong America. He pointed out yesterday that arms control issues are among the toughest and most difficult. He also pointed out that the Director of the Arms Control Agency is the "principal adviser" to the Secretary of State, the National Security Council, and the President, and arms control matters and he has "primary responsibility" within the Government for arms control and disarmament matters. Considering the scope of this position, Senator STENNIS concluded that he could not support this nomination, and I share his conclusion.

In closing, Mr. President, I mean no disrespect to Mr. Adelman. He is undoubtedly suitably qualified for many positions but not for this one. A person could be qualified to be a U.S. Senator, or the Cabinet Secretary of some departments, or a high Federal judge and yet not have the combination of the particular skills, experience, or expertise, required for this position.

In the past 100 years, on only three occasions has the Senate confirmed a nominee against the advice of the responsible Senate committee. In this case, a bipartisan majority of the Foreign Relations Committee recommended against confirmation. In my opinion, we should not add this nomination to this short list of historical exceptions.

Usually, the President should be allowed to have his choice accepted. However, when the issue of nuclear weapons is the focal point and when the decision impacts so severely upon the Atlantic Alliance, and when the course of negotiations with a tough adversary like the Soviet Union is at stake, we must only select the best possible candidate. If I am to be true to my own best judgment, I feel compelled to vote against Mr. Adelman's confirmation. In conscience, I simply cannot support the nomination of Mr. Adelman for this post.

Mr. PELL. I thank the Senator from Oklahoma for his remarks and know that he labored mightily over his decision and stayed up late last night thinking about this nomination.

Mr. President, I believe that the Senator from Pennsylvania wishes recognition on his side on the time of the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have decided to vote in favor of the nomination of Ambassador Adelman and I think it worthwhile to state my reasons for the record.

My own deliberations on this subject have extended through this morning so my comments will not have the coherent organization of a carefully prepared presentation. Had there been more time between decision and presentation, I would have made one.

I have considered the matter at length and conferred with many people, both in the administration and in the Senate. In reaching this decision, I have reviewed many documents

and have interviewed Ambassador Adelman at length.

My own interest in the subject of disarmament and relations with the Soviet Union began in college as an international relations major at the University of Pennsylvania where I wrote my senior thesis on Soviet foreign policy. It has extended through the years and has been intensified since coming to the Senate and working on the Foreign Operations Subcommittee of the Committee on Appropriations. I have even made a visit to the talks in Geneva where I had an opportunity to confer with Ambassador Nitze and Ambassador Rowny and to attend briefing sessions both before and after the negotiations on START and INF.

When I first saw Ambassador Adelman on television, I was very concerned with his performance before the Foreign Relations Committee. He was indecisive. He was not well prepared. He vacillated. And in his second appearance, he directly contradicted testimony which he had offered on his first appearance.

On the basis of that testimony, he did not present the picture of a man who should be entrusted with the tough task of negotiating with the Soviets or of leading ACDA.

When the hearings were concluded, I reviewed the transcript and then I invited Ambassador Adelman in, and we talked for about an hour-and-a-quarter. Based upon that review and that discussion, and discussions with some others, I wrote to the President on February 21 of this year. Under the constitutional provision of "advice" as well as "consent," I offered the President some advice, suggesting that he reconsider the nomination of Ambassador Adelman.

While suggesting reconsideration, I was so careful not to ask him to withdraw the nomination but to further consider it.

At this time, I ask unanimous consent to have printed in the RECORD the full text of the letter.

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

U.S. SENATE,
Washington, D.C., February 21, 1983.

THE PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: Since the Constitution calls for "advice" as well as "consent" from the Senate, I think it appropriate to write to you at this time concerning my deep reservations about the appointment of Ambassador Adelman to be Director for the Arms Control and Disarmament Agency. While some might oppose Ambassador Adelman for political reasons as you said in your Wednesday night news conference, my record of having supported your nominations on all 45 roll call votes demonstrates the respect and weight which I have accorded to your selections.

Since I wrote my senior college thesis in 1951 on Soviet Foreign Policy as an international relations major at the University of Pennsylvania, I have closely studied U.S.-U.S.S.R. relations, especially as they relate to nuclear arms. I have conferred with Ambassadors Nitze and Rowny in Geneva last November and in Washington last month on my continuing study of the issue.

Last week, I met with Ambassador Adelman for more than one hour after studying the extensive record before the Senate Foreign Relations Committee. While Ambassador Adelman is a man of obvious ability and doubtless qualified for most governmental positions, I have grave reservations about his competency for the ACDA post. Next to the Presidency and a few other positions such as Secretary of State or Defense, there is no other post as critical at this moment in our nation's history as Director of ACDA.

I strongly feel that this position could be pivotal on whether arms reduction is achieved and therefore potentially critical on the prevention of a nuclear holocaust. To have anyone in this position other than the very, very best would be a grave mistake.

The public perception of this appointment is also very important on support for the large Department of Defense budget. Continued support for substantial DoD expenditures requires total assurance that everything possible is being done to secure arms reduction, consistent with national security.

My considered judgment is that a superior appointment could be made and therefore urge your reconsideration of the nomination. If Ambassador Adelman's nomination reaches the Senate floor, I shall carefully consider all factors including your position, the Committee report, and the floor debate before reaching a final conclusion; but, I do feel compelled to volunteer this "advice" at this time to urge your reconsideration.

I am taking the liberty of sending copies of this letter to Secretary of State Schultz, National Security Adviser Clark, and Ambassador Adelman so that they will be fully informed of my views.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, last Friday, while talking to a friend at the White House, I was asked to support Ambassador Adelman. I responded that I was undecided and referred to the letter that I had written to the President. That may have prompted the reply which I received from the President dated April 11, 1983. Since it concerns a matter of public import and responds to the letter that I had written him, I think it appropriate to include his letter in the RECORD as well. I ask unanimous consent to have that response printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 11, 1983.

HON. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: I apologize for the delay in responding to your letter regarding the nomination of Ken Adelman to serve as Director of the Arms Control and Disarmament Agency.

In considering nominations, members of the Senate share the serious responsibility of enduring that qualified and dedicated individuals are selected for government service, and I appreciate the thoughtful and judicious manner in which you approach this responsibility.

I agree wholeheartedly with your observation that the role of the ACDA Director is a critical one. As President, I have no higher priority than to preserve peace for our people, and I am personally dedicated to the goal of achieving genuine and mutual arms reduction consistent with protecting our national security. For this reason, I have given very careful thought to filling the ACDA post, and I am confident that Ambassador Adelman would be a strong and effective advocate of arms control within this Administration.

As you know from your own discussions with Ken, he has a wide-ranging knowledge of the technical aspects of arms control and has written extensively in this field. In addition, he has an excellent understanding of the international political environment in which the arms control talks are being conducted. Finally, let me assure you that Ken has the respect and support of other members of my Administration involved in the arms control area.

If confirmed by the Senate, I am confident that Ken will make a significant contribution to the arms control effort, and I hope you will see fit to support his confirmation.

Sincerely,

RON.

Mr. SPECTER. Mr. President, in reaching my decision on this nomination I have conferred with a number of people in the executive branch.

President Reagan called to urge me to support Ambassador Adelman, and we talked for perhaps 5 tor 10 minutes on the telephone. I told him that I would consider the matter. I expressed to him my concern about the overall policy of the United States on arms control and expressed to him my keen interest in seeing a summit between President Reagan and Premier Andropov. I reminded the President that I had sponsored a sense-of-the-Senate resolution for a summit about a year ago, which had passed by a decisive vote. I noted that the reasons which had been advanced by the administration last year for not having a summit seemed to me no longer applicable.

At that time, in discussion with then Secretary of State Haig and others in the administration, I was informed that the administration did not want to have a summit unless it was carefully prepared and amounted virtually to a signing ceremony.

In the intervening year, that has not occurred. As I said earlier this week when I introduced the sense-of-the-Senate resolution again calling for a prompt summit, I believe that in President Reagan we have a remarkable communicator and a remarkable leader. We should utilize his talents while they are available. In my judgment, 1984 may well be too late for a summit because there will already have been deployment of the Pershing II and cruise missiles, and by 1984 President Reagan will either be a can-

didate for reelection or a President about to retire.

I mentioned the summit in my conversation with President Reagan; and I emphasize it here today because I think these issues are all closely related because if we have an active policy on arms control and on disarmament then Ambassador Adelman may well be well qualified to carry out such a policy. If not, then we may well need someone with greater initiative, greater experience, greater intensity, and greater advocacy skills than Ambassador Adelman.

In the last 2 days I have talked at length with National Security Adviser William Clark, again with Ambassador Nitze, again with Ambassador Rowny, and once again with Ambassador Adelman. Although the conversations with Judge Clark, Ambassador Nitze, and Ambassador Rowny were in person it was only by telephone that I talked this morning with Ambassador Adelman.

My net conclusion is that the President's nomination should be confirmed. I say that because of my conclusion that in fact there is a very active administration effort on arms control and arms reduction.

I have supported the President's approach on the so-called two-track direction: Seeking strength and seeking arms reduction at the same time, because my studies of Soviet foreign policy have convinced me that we have to be strong in order to give the Soviets appropriate inducement to accept mutual arms reduction.

I have been encouraged to hear that the President presides personally over the White House discussions on arms reductions, a practice that I understand to be a change from that of his predecessors. Likewise, I have been encouraged to learn that the President is now spending more time on foreign relations and arms control than on all other subjects that occupies his time.

I believe that, on balance, it is more in the interest of arms control and arms reduction to confirm Ambassador Adelman and to let this process move ahead than to reject Ambassador Adelman and send the President and his advisers back to the drawing board in search of a replacement nominee.

The entire process relating to this confirmation I think has focused necessary attention on this issue. There has been extensive debate on this floor on whether it is appropriate to send someone or other some message or other, and it may be that the Senate sends messages that ought not to be sent or sends conflicting messages. But I believe it is our function in this nomination process to advise the administration on how we feel, and there is a significant impact resulting from all of the discussions which many of us have with the key people of the administration, including the President.

I am concerned about challenges to the President's leadership in the field of international relations. I am concerned about the status in El Salvador, although I insisted, along with my colleagues on the Foreign Operations Subcommittee, on tight restrictions as a precondition to aid there.

I am concerned about the situation in Nicaragua.

I am concerned about the MX missile. While I am supportive of the administration generally on arms expenditures, I voted against the roughly $990 million for the MX last year because there was no plan of deployment.

I am concerned about the discussion on the freeze, which is complicated, and I shall not digress into that at this time.

It is important that the Soviet Union not misunderstand what is happening in the United States on any of these issues and especially on the issue of Ambassador Adelman's confirmation.

There is value in supporting the President, although our system, in my judgment, derives its greatest strength from discussions like these and from disagreements with the President, even on matters of international affairs and foreign policy, where the executive branch has the paramount responsibility under the Constitution.

Our strength is derived from these discussions. When we come to a conclusion and a consensus, it is an agreement freely arrived at by free men expressing themselves in an independent way. That expresses the character of the country, which is 230 million free men and women who elect their officials to the Senate and the House of Representatives, and the officials in turn exercise their independent judgment, which is all far different from the monolithic approach of the Soviet Union. Although we may not have their kind of unity or cohesiveness or single direction, we have much greater strength as a result of the processes we have here.

Even though we may disagree with the President on a number of issues, we stand behind him once a decision is made.

Finally, in my discussion with Ambassador Adelman this morning, I told him that I was inclined to support his nomination but wanted his assurance on one important point: His commitment to be an advocate for arms control and arms reduction.

If you look at the way the Arms Control and Disarmament Agency functions and its interrelationship with the Defense Department, the State Department, the CIA, and the Joint Chiefs of Staff, it is not easy to see the line of authority along which the decisions proceed to the President or to delineate the responsibilities of potentially competing agencies.

But as I understand the structure, and as it has been confirmed to me by the members of the executive branch in authority, the main function of the Arms Control and Disarmament Agency Director, the position for which Mr. Adelman is now being considered, is to be an advocate for disarmament and arms control. That is somewhat different from the Joint Chiefs or the Defense Department where their bias may be somewhat more in favor of greater comparative military strength for the United States, although these are all relative because no one expects anyone to make unwarranted or unwise concessions.

But in this mix, it is my understanding that the ACDA Director is supposed to be the advocate, and it has been my concern that Ambassador Adelman might not have the experience, the stature, or the toughness to carry forward that line of advocacy within the administration.

I asked him point blank if he was committed to be an advocate for disarmament and an advocate for arms control, and he said positively that he was and he would regard that as his mission.

The process, I think, is useful when, before decisions are made with finality or announced, that a Senator can call a nominee and put that kind of a question to him and get that kind of a commitment. I do think it has value on how a person will later carry on his responsibility, just as a candidate for the Senate must take positions before a great many people, must face up to a lot of questions, must make commitments, and all within the realm of discretion as being executed on votes, because situations do change, and none of the commitments is binding if new factors should come into play.

But just as those situations impact on a Senator's decisions so, I think, it is useful to have the kind of a conversation that I had with Ambassador Adelman this morning to impact on his decisions.

In sum, I am persuaded of the President's commitment to arms reduction. I have always been persuaded to that commitment but have been concerned about the intensity of his own personal involvement, and I have been reassured on that subject. And I have been reassured on the specifics of the administration's policy and program to achieve arms control and arms reduction.

Based on those assurances, I believe the Ambassador Adelman does have the capability to carry out a policy, assuming or concluding as I now do that that policy is clearly delineated and clearly defined and has sufficient affirmative qualities to it.

Given the assurances that Ambassador Adelman considers himself an ad-

vocate for arms reduction as well as arms control, I intend to vote for his confirmation when the roll is called at 2 o'clock this afternoon.

I thank the Chair and I yield the floor.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from Georgia.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Georgia is recognized.

Mr. NUNN. I thank my colleague.

Mr. President, I would like to make a short statement on the matter of the nomination of Ambassador Kenneth Adelman for the position of Director of the Arms Control and Disarmament Agency.

There have been many statements by both supporters and opponents about Dr. Adelman's integrity and capabilities. I have studied the hearing transcript in detail; I have read a large number of articles he has written over the years; I have discussed the hearings and the record with many Senators involved in the process; and I have met personally with Dr. Adelman and his supporters.

In my judgment, the record does not support the contention that Dr. Adelman has compromised his integrity or is not a capable individual. I have read the factsheet circulated with summaries of Dr. Adelman's answers to committee questions at the first hearing on this nomination. Several of the answers on this circulated sheet were not complete, and I ask unanimous consent that a more accurate summary be printed in the RECORD.

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

HEARING TRANSCRIPT EXCERPTS PROVIDED TO MEMBERS OF THE SENATE AND FULL TRANSCRIPT EXCERPTS

Circulated excerpt: Senator Pell asked whether nuclear war could be limited. He said: I just have no thoughts in that area . . ." (page 40).

Complete excerpt: Senator PELL. Do you believe that war can be limited, or do you think both sides would then use their total arsenals:

Ambassador ADELMAN. Senator Pell, I just have no thoughts in that area, and I will tell you why. I think it would be such a time of extreme human stress and extreme conditions that I think any predictions on what leaders around the world would do in that kind of situation would just not be accurate or not be based on anything that I know (p. 40).

Circulated excerpt: Senator Pell asked whether either side could prevail. He evaded an answer (pages 42 to 43).

Complete excerpt: Senator PELL. If there were a full-scale exchange with the Soviet Union, do you believe that either country could survive or prevail, which would seem to be the current term in use, to any substantial degree?

Ambassador ADELMAN. I entirely agree with the President that there could be no clear winners in a nuclear war.

Senator PELL. I'm delighted to believe that the President said that. But I thought the word "prevail" was creeping into the lexicon these days and that the Administration's view was that one side or the other could prevail. I am delighted to hear that is your view and that the Administration believes neither side would prevail.

Ambassador ADELMAN. Senator, as you say, I have read in the newspaper about supposed defensive guidance leaks that have prevailed on prolonged nuclear war. I personally have not seen that kind of defense guidance in the classified form. I do not know if the wording is correct or what the situation is. It has not been an area of responsibility of mine at the U.N.

Senator PELL. Would you agree that neither side would prevail?

Ambassador ADELMAN. Senator, you are asking me to look at a word that has been used in a context supposedly because of these newspaper reports of a defense guidance that I just have never seen, and you are asking me to judge that word in a larger context. I don't know what the context is. I trust it is an accurate reflection of what the defense guidance is, but I have never seen the context and I don't know the document (pages 41 to 43).

Circulated excerpt: Senator Helms asked him what the United States' response would be if the Soviets offered to have a verifiable elimination of nuclear weaponry altogether. He responded that that thought was something "I just have never thought about in my life . . ." (pages 90-91).

Complete excerpt: Senator HELMS. Suppose Ed Rowny were to get from the Soviet Union an offer to have a verifiable elimination of nuclear weaponry altogether. What do you think the United States response would be to that?

Ambassador ADELMAN. Senator, I would not be honest if I did not tell you that is a thought I just have never thought about in my life. I would have to really look at that and explore it. It seems a breathtaking type of endeavor and may we be blessed with such a problem in the future (pages 90-91).

Circulated excerpt: Senator Pell asked whether the societies could survive, he replied: ". . . so, again, I am sorry to tell you I just have no strong opinion" (pages 42-43).

Complete excerpt: Senator PELL. Now, in the case of a full exchange, do you believe that either country could survive in any governable form?

Ambassador ADELMAN. Senator Pell, again over the years I have been acquainted with some of the literature, but not very much of the literature, on those kind of scenarios and the pro and con, kind of looking at the figures back and forth. But it has not been an area that I personally have been engaged in. So, again, I am sorry to tell you I just have no strong opinion on that.

Senator PELL. Would you agree with me that the Director of ACDA should develop very quickly very strong views on this subject, because it is your job to be the protagonist of the arms control and disarmament views?

Ambassador ADELMAN. I think that a Director of the ACDA should have very strong views on the structure of the arms control agreements, to go after the problem of instability in the nuclear field. I think that addressing the most destabilizing systems on both sides, like the START proposal does, the systems that are the most threatening to each side, that are most vulnerable, that are the land-based systems, the most rapid, the biggest problem in the world, I think that would be a very important responsibility for an ACDA director.

Circulated excerpt: Senator Pressler asked whether he would argue for an immediate resumption of the Anti-satellite talks. He responded that he would have to examine that. (pages 78-79 and 153).

Complete excerpt: Senator PRESSLER. Do you agree with me that we must give arms control a try before military developments make it extremely difficult to reach a verifiable arms control agreement?

Ambassador ADELMAN. I do agree with you, Senator, that the fact that the Soviets have an operational ASAT capability—antisatellite capability—is very worrisome. It is not only worrisome for our national security, let me say, but in what Senator Cranston—to follow up to his remarks—it is very worrisome from an arms control point of view.

So much of our success or our prospects for arms control through the years have depended, as you know, on national technical means. If there is some threat to systems of national technical means, that will throw back the prospects for real reductions, for verification, for success in arms control significantly.

Senator, that is not an area that I have looked into. It is not an area I am knowledgeable about at all.

Circulated excerpt: Senator Cranston pressed him on the question of possible Soviet cheating on SALT II and Mr. Adelman said in effect that one has to know exactly what the treaty requires. Asked whether he knows all that, he responded no (pages 100-101).

Complete excerpt: Senator Cranston. Well, I too am astounded that you do not have a view of whether the Soviets are cheating or not.

Ambassador ADELMAN. Senator Cranston, that is a very important subject. That is a very delicate subject and delicate in the sense that you have to look at it, what you have to know to answer that question is (a) what is the specific provisions of SALT II itself, (b) what is the legislative history of the treaty.

In other words, did one side or another side make a unilateral interception of a provision? Did we mean this by the interception? The other side says we accept that interception of that provision or do not accept that interception.

Three, you would have to look at the verification techniques and the verification of them. That is a very, at times, uncertain area, so you have to know what it is that you have agreed to. You have to know what it is that the other side and your side agreed to at the time.

Senator CRANSTON. Do you know all that?

Ambassador ADELMAN. No, I do not, Senator (pages 100-101).

Circulated Excerpt: Senator Boschwitz pressed him on the question of Soviet adherence and he said that this "is not an issued I have a judgment about, and I just cannot give you a judgment if I do not have a judgment about it" (pages 100-102).

Complete excerpt: Senator BOSCHWITZ. In your judgment perhaps we should ask the question, has SALT II been adhered to by the Russians, and if not, why not?

Ambassador ADELMAN. Senator Boschwitz, let me just tell you, in all frankness, that that is not an issue that I have dealt with at the U.N. It is not an issue I have a judgment about, and I just cannot give you a judgment if I do not have a judgment about it. I know it is very important. I would think that any ACDA Director, into his term, who had the responsibility of compliance, of ver-

ification in his mandate, would be derelict if he did not know the answer to that.

I do not think a Deputy Permanent Representative of the United States to the United Nations would be derelict in his responsibilities if he could not answer that. I can assure that this is an area I would look into, I would be in touch with you about. It is going to be an important area and it is an important consideration.

Senator CRANSTON. Do you know . . . whether we have ever submitted evidence in the form of a complaint to the Standing Consultative Commission that they are violating, cheating on SALT II.

Ambassador ADELMAN. Yes (pages 102-104).

Circulated excerpt: Senator Cranston asked him whether a freeze on the testing and deployment of strategic nuclear weapons is verifiable. He replied, "... I do not know, Senator" (pages 142-143).

Complete excerpt: Senator CRANSTON. Do you believe a freeze on testing and deployment of U.S. and Soviet strategic weapons is verifiable?

Ambassador ADELMAN. On the testing and deployment, I do not know Senator. I do not think it (a freeze) would be wise, because, Like I said this morning I think what we should really be looking at, and I would hope that all of the people interested in arms control through the years, like you have been with your Cranston meetings that I have heard about, for instance, when I joined the government, looking at arms control in a serious way, would be for real reductions if we can get real reductions (pages 142-143).

Circulated excerpt: Senator Cranston asked him how submarine based cruise missile limitations could be verified and he said that I do not have the answer (page 143).

Complete excerpt: Senator CRANSTON. How would we verify cruise missile limitations if the Soviets follow suit with their cruise missiles on submarines.

Ambassador ADELMAN. That is a technical question I just do not have the answer to now. I would be happy to look into it for you, Senator. I would be happy to discuss it.

Senator CRANSTON. Well, it is highly technical, but incredibly important.

Ambassador ADELMAN. I agree with you, Senator. The whole question you raise there, Senator, on the amount of verifiability for cruise missiles and technologies in the future is a very essential question, and I think it is a question that a lot of arms control will turn on (page 143).

Circulated excerpt: Senator Pell asked whether he supported the Outer Space resolution that the Senator had sponsored in the North Atlantic Assembly. He said I would have to look at it (pages 174-176).

Complete excerpt: Senator PELL. Do you have a reaction to this resolution? Would you be in support of it? The main thrust of which is, as it says, to limit the deployment of offensive weapons in space?

Ambassador ADELMAN. I would really have to look at a resolution like that. My feeling is to address the problems of having the Soviets with an ASAT capability or anti-satellite capability is a very dangerous thing, not only for security but also for arms control. And if we could solve that problem through an arms control device, or help solve it through that, I think it is well worth exploring.

Senator PELL. But you would not be able to support that? You could not say you support that as of now?

Ambassador ADELMAN. Senator Pell, I would have to look at it. I would have to know the history, and I just would not want to give you an answer right now and have someone say, well this language goes against the Outer Space Treaty III words and, therefore, it is going to cause something else.

I have had some experience in the U.N. at looking at different resolutions, and you have to do it on the basis of the legislative history on a lot of these things (pages 174-176).

Mr. NUNN. In my judgment, Dr. Adelman has demonstrated in his writings, his testimony for the most part, and his experience that he is a bright, capable individual.

Were this debate occurring at the beginning of the Reagan administration, I have no doubt that Dr. Adelman would be confirmed by the Senate with little controversy and would be in a position to make a real contribution to the administration's arms control policies. That is obviously not the case today.

While Dr. Adelman has the requisite capabilities to do a good job at ACDA under normal circumstances, these times are not normal. In my mind, then, the issue is not really Dr. Adelman's integrity or his capabilities. The issue is the long-term best interests of this country in the arms control arena.

There is a growing focus, both in this country and abroad, of the need to move arms control to the front and center in the search for peace and stability. There is a growing pressure and impatience for some signs of progress and continuity. In fairness, the Reagan administration has put forward several sound proposals in this area. From the outset of this administration, however, the path to progress has been littered with unwarranted and unneeded rhetoric which has caused considerable controversy and confusion both in this country and abroad. For every step forward it seems we take two steps backward.

Arms control in 1983 is one of our most important foreign policy objectives. More than ever before, other important foreign policy and national security goals are intertwined with our arms control proposals. Progress in this area, which is essential to many of our national security objectives, depends on the European citizenry, as well as our own, believing that this country's leadership is serious about arms control. If the European public is not convinced, then the European political leaders are going to have difficulty deploying the Pershing II and ground launched cruise missiles. If the Soviets perceive that NATO will not deploy those missiles, there will not be an intermediate range nuclear force agreement. If we do not reach an INF agreement, the prospects for START diminish considerably. We are in a battle for the hearts and minds of the European public as well as the American public. It is important that our friends and our adversaries believe that U.S. arms control policies have broad bipartisan support with continuity from administration to administration. The Adelman nomination and this debate certainly does not encourage that belief.

I would have preferred that President Reagan withdraw Dr. Adelman's nomination without prejudice and nominate someone who would enjoy a broad bipartisan consensus. Despite his impressive general qualifications, Dr. Adelman has admitted that he is not a recognized expert with international standing in the arms control field. The President, however, as is his prerogative, has not withdrawn this nomination, and the Senate is now faced with deciding between two undesirable choices: Confirming or defeating the nomination by a small margin. In my view, our Nation loses either way.

Mr. President, I am convinced that there will be no success in arms control unless the Soviets are firmly convinced that U.S. arms control policies have continuity and strong bipartisan support and will not significantly change in 1985 whether President Reagan is in office or not. This is a major challenge for the Reagan administration during the remainder of this term.

In my judgment, the Adelman nomination is a move away from this essential national goal. I will, therefore, vote "no" on this confirmation.

Whatever the outcome of today's vote, it is imperative that both the administration and Congress begin to approach our national security and arms control policies on a bipartisan basis. Unless this is done, there will be little chance of providing continuity in our arms control efforts.

Mr. President, I yield back the remainder of my time to the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend, the ranking member on the Foreign Relations Committee.

Mr. President, I have been agonizing over this vote for a long time. Unfortunately, I have been tied up the last few days with the night-and-day sessions in the Senate Budget Committee and therefore have not been able to be on the floor to the extent that I would have liked to listen to the debate to try and help inform me on how I should vote on this nomination.

As I said when I was on the floor a couple of days ago and had a chance to listen to some of the debate then, during that time I became involved in the debate and I said I felt that probably this was the most important vote or one of the most important votes

that I probably will cast as a Member of this body.

I listened with interest to my friend from Georgia and the remarks that he made. Generally speaking, I would like to associate myself with what he had to say.

It seems to me that the arms control failure or success by the present administration is going to go a long way to write their chapter in history as to whether it was basically a good or less than good administration. Therefore, I generally in the past have given the support to most or all of the nominees that have been sent over here by not only this President but the previous one, because I do believe that generally speaking we should go along with the President's wishes.

However, some of the remarks that have been made that we should give Mr. Adelman the stamp of approval just because he was sent over by the President, it seems to me, violates that very important part of our Constitution that gives the Members of the Senate the right to look at these individuals and the right of advise and consent. Therefore, because this is a very important issue, I have been wrestling with it long and very hard.

About 3 weeks ago, I had a visit in my office for about an hour with the nominee. Certainly I found him to be a very interesting, a very articulate, and a very impressive man indeed. But I have concerns about what happened following his nomination to this highly important position by the President of the United States.

I suspect, frankly, Mr. President, that what Mr. Adelman said in his second hearing in front of the Foreign Relations Committee was what he should have said and probably wanted to say when he was there for the first hearing. We all agree, including Mr. Adelman and his strongest supporters, that his testimony in the first hearing was a disaster in front of the Foreign Relations Committee which recommended against this nomination.

Mr. President, I think the question comes that if my suspicions are correct, then why was it that a man that we expect to sit down and bargain across the table with the Soviet Union was so inarticulate and evasive in the first hearing in front of the Foreign Relations Committee and why was he not as forthright and forthcoming as he was to most questions in the second hearing? I guess that is what, above everything else, above and beyond his qualifications, which are obvious and highly good in some areas and not quite so obvious or quite so good in others, especially with regard to experience.

But if I could ask the ranking member of the committee what explanation is there from his perspective as to the question that I have. Why was it that Mr. Adelman was so evasive, if that is the right term, in the first hearing and not evasive in the second? The key question I am trying to answer in my mind is: Was there a valid reason that he was not forthcoming and forthright in the first hearing as he seemed to be in the second? Can the Senator enlighten me at all?

Mr. PELL. It is very hard to put oneself in the skin of another individual. But I think my own presumption was that he was nervous, certainly, with us on that first day, and overly cautious. I think he had a very hard drill with the administration as to how he should have handled himself and that drill was given to him after the first day instead of, as should have been the case, before. That would be my own explanation as to the difference.

Mr. EXON. The answer that the Senator gave me confounds and compounds my concerns more than answers it. Because I would think that a man of his experience that had done considerable writing on a whole series of subjects would not need prompting or coaching on most of the questions that I read or heard that he was asked in the Senator's committee.

In fact, my friend from Rhode Island asked one of the questions. I do not remember exactly what it was, but it had something to do about, "Had you, Mr. Adelman, thought about the survivability of either nation in the event of a nuclear exchange?" And the answer came back, "Well, frankly, I had never thought about that."

That statement is very hard for me to understand because I think most people in the United States have thought about what would happen to this country and the whole world in regard to a nuclear exchange. It worries me when a man said to be experienced says he has never thought about it.

Mr. PELL. I think that is the reason why a majority of the Foreign Relations Committee voted not to support the nomination, and it is also the reason why earlier, by a 15-to-2 vote, the committee voted to postpone the decision for a week to give the President an opportunity to send up somebody who was more forthcoming, forthright, and articulate. That is, I think, basically the reason as to why that particular vote occurred the way it did in our committee.

Mr. EXON. One more question, please. Assume that Mr. Adelman made a mistake. Let us say he made a mistake. We have all made mistakes in our lives. I certainly do not want to vote against him because of just one mistake on one question.

In the view of my friend from Rhode Island, and I would be happy to hear anyone else who may be on the other side of this issue respond if they wish, was that the overriding reason that, in the opinion of the Senator from Rhode Island, the committee cast the negative vote in the end, or were there other reasons?

Mr. PELL. That was one reason. Another reason in my case was that I did not feel that he had that burning fire in his belly which, in my opinion, you should have in arms control, if you are going to lead that Agency. Also, I did not think he had the national stature or depth of experience in this field that he should have. It is a combination of all of these factors which had to be overcome for us to support the President's choice, which, as the Senator knows, we all like to do.

Mr. EXON. I thank my friend from Rhode Island.

Mr. McCLURE. Mr. President, I yield 2 minutes to my friend from Utah.

Mr. HATCH. Mr. President, I have been listening carefully to the comments of my colleagues opposed to Dr. Kenneth Adelman who is President Reagan's choice to be Director of the Arms Control Agency, and it seems to me that the reasoning used by Dr. Adelman's opponents is complex and interesting.

They say that they have met him and they like him. They say he is intelligent, even brilliant. They say he has written impressively for many prestigious journals. They say he has had experience not only as deputy representative to the United Nations but also as Secretary of Defense Donald Rumsfeld's special assistant at the Pentagon. They say he would be qualified for any other job in the administration but this one. They say that the President ought to have the right to his choice of political appointees except for this one.

Mr. President, I was puzzled by these arguments because of what Dr. Adelman's opponents do not say. To justify opposition to Dr. Adelman they would have to make more persuasive arguments than they have. They do not say he has a criminal record. They do not say he is mentally incompetent. They do not say he lacks experience in foreign policy and arms control. They do not say he has a conflict of interest. They do not say he is immoral. They do not say that he had some sort of secret plan to purge career officials at the Arms Control Agency which he tried to conceal in his testimony before the Senate Foreign Relations Committee.

Dr. Adelman's opponents do not say these things because they are not true and there is no evidence for any of them. What then is the essence of the case Dr. Adelman's opponents have made against him?

When I listen closely, I think I can hear an echo of earlier debates here in the Senate into which Dr. Adelman's opponents have tried to drag him. First, having failed to obtain approval of the SALT II treaty in 1979 some

Senators seem to be arguing that another Arms Control Agency Director less faithful and less loyal to President Reagan's views will be able to lobby and pressure the White House toward the kinds of arms control policy represented by the Carter administration and the SALT II treaty. They do not want Dr. Adelman, in other words, because he has written against the SALT II treaty, and more than that he mocked the Carter administration's pathetic efforts to sell the SALT II treaty to the Senate in a witty and provocative article entitled "Rafshooning the Armageddon." I have heard this article mentioned by Dr. Adelman's opponents probably because by its tone it adds insult to the injury suffered by the supporters of the SALT II treaty here in the Senate. So this is one key point in the case against Dr. Adelman. These last 2 days have been a chance to refight the SALT II debate and to appeal for an ACDA Director who will lobby the President on arms control and somehow reverse President Reagan's long-standing view that the SALT II treaty is fatally flawed and that deep reductions in strategic weapons must be sought in negotiations with the Soviet Union instead.

The second key point in the opponents' case against Dr. Adelman seems to be that he lacks the kind of experience in arms control matters that his opponents believe is required for an ACDA Director. No Senator has specified in detail what this great experience should be that Dr. Adelman lacks, but I suspect what his opponents have in mind is that Dr. Adelman did not experience either the selling of the SALT II treaty or the negotiating of this treaty. It is this lack of experience which his opponents are actually lamenting. Many of Dr. Adelman's supporters, however, probably including President Reagan, count Dr. Adelman's nonparticipation in the selling and negotiating of SALT II as one of his highest qualifications to serve as Director of ACDA. Indeed, how could anyone tainted with guilt by association with SALT II successfully serve our President who made it clear in the campaign against President Jimmy Carter that the SALT II treaty was fatally flawed?

What is the evidence for my hunch about the case against Dr. Adelman that his opponents have not dared to state clearly and openly? The names they whisper as possible replacements are those who worked on SALT II during the Nixon and Ford administrations or those who did not publicly and forthrightly oppose the ratification of the SALT II treaty

This then is the secret hope of Dr. Adelman's opponents. They want us to vote him down and instead find someone whose policy views are to the left of President Reagan. At the least they hope to embarrass the President and feed the minority perception that the President is not serious about arms control.

I must advise Dr. Adelman's opponents as chairman of the Subcommittee on the Constitution that they would find interesting reading in the Federalist Papers on the subject of why the Senate should give its advice and consent to Presidential appointments. This is a debate we should have another day. And I intend to raise the comments of Dr. Adelman's opponents on that day, should it ever come, when another President in the distant future, perhaps even a member of the Democratic party, nominates a fanatic zealot for arms control at any price to be his Director of the Arms Control Agency. On that future day, I ask my colleagues should the Senate rise up in opposition and seek to replace that future liberal President's nominee with a hawk who is skeptical about Soviet violations of arms control agreements? On that day, should I live so long, I will read the words of Dr. Adelman's opponents into the CONGRESSIONAL RECORD and ask them to vote down that future President's nominee, if that is their understanding of our Constitution and the meaning of the Senate's power of confirmation of Presidential appointments.

Mr. President, I will vote enthusiastically today to confirm Dr. Adelman who is an outstanding choice. I might add my personal view that the experience he has suffered these last few weeks at the hands of his critics is not a bad thing but a useful tempering experience that he may look back upon with fondness and relief that he was put to the test by the President's opponents and that he passed the test and earned greater respect, admiration, and sympathy than if he was a mere bland, noncontroversial figure in a field which seems to excite such passion from both liberals and conservatives; namely, the field of arms control and disarmament.

Perhaps there was a time when arms control was an unpleasant subject for conservatives who looked only to America's military might to defend our people, but today conservatives must be interested in and familiar with arms control issues. I commend those Senators who have visited the arms control negotiation that Dr. Adelman will be supervising. I visited the MBFR, INF, START, and CSCE negotiations and believe more conservatives should do so to make plain to the Soviets that the Senate stands behind President Reagan's negotiating offers and will accept nothing less than strict verification of any agreements.

I thank my colleague from Idaho.

Mr. McCLURE. Mr. President, I yield myself 8 minutes.

ARMS CONTROL POLICY: WHERE HAVE WE BEEN? WHERE ARE WE GOING?

Mr. McCLURE. Mr. President, arms control has been a major thrust of U.S. foreign and defense policies for 25 years, and a top American priority for the past 10. Unfortunately, notwithstanding a few notable successes, the results have been disappointing. The arms control process has not produced stability around the world, better relations between the United States and the Soviet Union, enhanced security, or an end in the growth of nuclear arms.

Today, more than ever before, dissatisfaction with arms control is intense. Perhaps because of the past disappointments, there is an increased sense of urgency and pressure to negotiate, to reach agreement, to end the nuclear arms race. This pressure is substantial, coming as it does not only from Congress and the media, but from town meetings as well.

The situation is critical because the problems associated with agreements—systems, definitions, verification, and so forth—are all more difficult than they have been at any time in the past. Pressing for an agreement in 1983, or 1984, is tantamount to asking for more and better accomplishments in 1½ or 2 years than were achieved in 7 years of negotiating SALT II, when the issues were technologically less difficult.

Mr. President, the arms control process is not working, as I will show. And, when business as usual is not working, it is time for change. I believe we need to take a hard look at the past, preserve what is good, and introduce some new ideas—ideas that take into account why the past approach has failed.

Today, as we consider the nomination of Dr. Kenneth Adelman to head the Arms Control and Disarmament Agency, it is an especially good time to review this past and suggest some improvements. In reviewing the past, one of the agreements I will bring up is the little known basic principles of relations, which was part of SALT I and SALT II. In this agreement, both sides agreed not to seek to gain unilateral advantage.

But, if there is a common thread to the Soviet approach to arms control, it has been to gain unilateral advantage, beginning with the first arms control initiative, the nuclear test moratorium. As I will discuss, this has also been the case with the Threshhold Test Ban, the ABM Treaty, the Interim Agreement, SALT II, the Geneva Protocol, and the Biological and Toxins Weapons Conventions. Soviet violations and circumventions have destroyed all of the basic objectives we had in entering into these treaties.

Clearly, the horrible consequences associated with today's weapons of war

are of such a magnitude that in spite of the past disappointments, we cannot afford to discard the process. But changes are definitely called for. I believe Dr. Adelman has the wisdom to identify and retain the positive aspects and the imagination and courage to identify and put forth new initiatives.

Mr. President, the problem of compliance has to be dealt with as a matter of highest priority. I also would like to remind the Senate of the seven most militarily significant violations and circumventions, to which Dr. Adelman will surely give his intense attention. These seven Soviet violations are:

First, Soviet deployment of heavy ICBM's replacing light ICBM's, enabling them to quintuple their counterforce capability.

Second, Soviet ICBM rapid reload/refire, stockpiling of extra missiles, covert soft launch, and mobile ICBM capability, circumventing all SALT launcher ceilings, and also adding a strategic reserve with strong counterforce capabilities.

Third, Soviet flight-testing of two new type ICBM's, in violation of SALT II, which adds to an already overwhelming counterforce capability.

Fourth, Soviet violation of the Threshold Test Ban Treaty in militarily significant ways, which also adds to their counterforce capability.

Fifth, Soviet development of a nationwide ABM defense, through their construction of ABM battle-management radars, three types of SAM's for ABM mode use, and a mobile or rapidly deployable new ABM in mass production. All of these capabilities give the Soviets a real ABM breakout capability.

Sixth, Soviet violation of the biological warfare and chemical weapons conventions.

Seventh, Soviet deployment of offensive weapons to Cuba, in violation of the Kennedy-Khrushchev agreement of 1962.

President Reagan himself has accused the Soviets of four of the above arms control violations. The Scrowcroft MX Commission report mentioned one, Dr. Henry Kissinger has referred to one as "sharp practice," and the Defense Department has expressed concern over one.

Another requirement in looking toward the future that I will discuss is patience. The rush to seek agreement for immediate political gains has directly contributed to the failure of SALT I and SALT II. Certainly, if there is any quality Dr. Adelman has displayed over the past few months, it is that of patience—and, to his great credit, I might add.

I will also propose several major new initiatives to help deal with the difficult question of verification, and I will strongly support the need to focus much more attention on how wars start, that we may better prevent their occurrence. Dr. Adelman's training in political affairs and his impressive writings prepare him eminently well to lead serious efforts in these areas.

Above all, the arms control process needs leadership and direction on a continuing, day-to-day basis. Someone who is mindful of the past and realistic about the future. I believe that Dr. Adelman fits that bill and should be confirmed by the Senate.

Mr. President, with this brief introduction, I would like to turn now and review the accomplishments of our past arms control efforts with the Soviet Union.

The 1958 nuclear test moratorium can be taken as the first real United States-Soviet arms control agreement. This informal agreement was actually just a succession of unilateral public statements in which both sides agreed to cease nuclear testing. This moratorium lasted until September 1, 1961, when the Soviets unilaterally resumed atmospheric nuclear testing with the most extensive series of nuclear tests the world has ever experienced, including tests at high altitude and yields in excess of 50 megatons.

In examining this Soviet breakout of the moratorium, three observations are worth making.

First, it is highly probable that the Soviets intended to violate the agreement from the beginning. The tests were too extensive, too well planned, and too great an extension of the prior art to be viewed as a mere Soviet defensive move undertaken in response to French atomic tests in early 1961.

Second, the United States knew in advance that the Soviets were going to resume testing, but did nothing to prepare the United States to respond either with its own test series or with a propaganda barrage. It was not until some time after the Soviet test series was finished that the United States decided to resume atmospheric testing, which it did in April 1962.

The third observation concerns the arms control protest responsg in the U.S. media. President Kennedy had expected an outpouring of U.S. media protest when the Soviets broke the moratorium and was surprised when only a dribble came forth. The U.S. outcry did not emerge until the United States decided to resume testing the following spring.

The moratorium enabled the Soviets to leapfrog ahead of the United States in the design of high-yield weapons and to gain critical knowledge of weapon effects associated with high altitude explosions. At that time, high-yield designs were important to overcome accuracy deficiencies associated with the attack of hardened targets. Understanding the effects of high altitude nuclear explosions since has been determined to be very significant in designing ballistic missile defenses and in assessing the vulnerability of electronics and the changes in communication propagation paths caused by the high-altitude burst electromagnetic pulse phenomena.

The second United States-Soviet arms control agreement was the 1962 Kennedy-Khrushchev Cuba agreement. On October 27, 1962, Khrushchev proposed "to remove those weapons from Cuba which you regard as offensive weapons." In his response, President Kennedy made it quite clear that the weapons not only be removed, but "further introduction be halted." The "weapons" not only referred to bombers and missiles, but troops as well. As had been acknowledged by Khrushchev the previous day, "troops are by Soviet definition offensive weapons." Finally, Kennedy stated that the series of letters should be regarded "as firm undertakings on the part of both our Governments."

While there is some doubt as to whether or not all the Soviet offensive missiles and bombers were actually removed at the time, there is no doubt that since then, Cuba has been transformed into a Soviet military base that is now as significant a danger to the United States as it was about to become in the fall of 1962, perhaps more significant. The offensive military capabilities that have been introduced gradually into Cuba include a combat military brigade that could be specially trained Spetsnaz forces for sabotage, special operations, or nuclear weapons security forces; nuclear submarine docking and supply facilities, expanded air base facilities; and associated basing and operations of reconnaissance and, more importantly, nuclear capable aircraft, namely Mig-23's and TU-95 Bear bombers.

Cuba also has been turned into the main base—or revolutionary center to use Soviet terminology—for training revolutionary forces and exporting these forces and equipment to Central America and throughout the Caribbean. Cuban intelligence, totally a Soviet KGB surrogate, has been identified as active in intelligence operations within the United States and in supplying heroin and other illegal drugs to criminals in the United States.

In the fall of 1963, a formal agreement banning all atmospheric tests, the Limited Test Ban Treaty, was signed and ratified. The objectives were to stop polluting the atmosphere and to put a cap on the development of high-yield designs. Underground testing was permitted provided that no radioactive debris would be allowed to escape into the atmosphere and be carried across national boundaries.

Since the treaty went into effect, the United States has had one case of minor "venting" of debris that was deposited locally and did not pass any

national boundaries. In contrast, the Soviet Union has repeatedly vented—30 known times—with sufficient intensity that the radioactive debris was carried beyond the Soviet boundaries. The United States has repeatedly complained, but with no apparent effect.

These are serious incidents, but public statements and discussions have never raised the level of public understanding of the nature of the threat or the extent of the Soviet violations. Our reactions, Soviet disdain, and our almost total failure to pursue the obvious patterns, have nearly rendered the treaty void on one side. While we have adhered to it, they certainly have not.

Throughout the 1960's, the most significant nuclear arms control efforts were unilateral American initiatives. In this time frame, we greatly expanded our nuclear capability with the deployment of 1,000 Minuteman missiles and 41 Polaris submarines with 656 missiles.

But, these deployments should not be allowed to mask the more dominant long-range actions that were undertaken in the early 1960's to "put the nuclear genie back in the bottle."

The Minuteman and Polaris deployments were mainly the last vestige of momentum of the nuclear weapons programs of the 1950's. The Minuteman deployment actually was a significant cutback from what had been previously planned and funded. The procurement was to have been 4,000 missiles. This was cut back to 1,000 missiles, which was selected as the smallest number Secretary McNamara felt he could get through Congress and get the Air Force to accept. The Polaris program also was cut back somewhat.

Also, beginning in 1964, the United States shut down 10 nuclear weapons material production reactors, explicitly to limit the availability of critical nuclear material, and in that manner, place a ceiling on the future size to which the U.S. nuclear stockpile could expand. At about the same time, the new B-70 strategic bomber that was to have succeeded the B-52 was canceled. And finally, weapon system design efforts having first strike capabilities, for example high yield and high accuracy, were discouraged, along with ABM development efforts.

In addition to these "strategic" actions, there also was a strong effort to "put the theater nuclear genie back in the bottle." Immediately following President Kennedy's inauguration, the NATO policy review group was formed to review and revise U.S. theater nuclear policy. The thrust of the new policy, officially adopted in late April 1961, was to shift NATO strategy and capability from nuclear to conventional defense. The implementing actions had significant impact on personnel, deployments, posture, plans, technical assistance to allies, and especially on the development of new tactical and theater nuclear systems, all of which were canceled.

During this same period of time, the 1960's, the Soviets deployed their first significant array of strategic nuclear systems. This deployment was well underway in 1964. It was sufficiently massive that Secretary Clifford in his last speech as Secretary of Defense in January 1969, warned that the Soviet Union would surpass the United States in strategic nuclear capability later that year. This change in the balance was also reflected in President Nixon's shift from having strategic superiority as an objective, one that he campaigned for in 1968, to a "sufficiency" objective in March 1969.

The U.S. policy in the 1960's of letting the Soviets catch up and attain strategic parity had been achieved by 1969. Additional expansion of Soviet theater nuclear capability followed and later, in the mid to late 1970's both their strategic and theater nuclear capabilities were still further expanded—U.S. unilateral restraint in both areas notwithstanding.

The last significant arms control action in the 1960's, again, a unilateral U.S. action, came in November 1969 when President Nixon renounced the use of biological weapons and declared that the United States would destroy its stockpile of such agents and weapons. This action was extended in February 1970 to include toxins. Within 2 years, the Soviet Union and the United States, and a variety of other nations, signed the Biological and Toxin Weapons Convention, which went into effect in March 1975. By that time, the United States had already destroyed all its stocks of biological and toxin agents and weapons, although some minor quantities were later learned to have been retained inadvertantly by the CIA. This action was accompanied by parallel unilateral disarming actions by the United States in the chemical warfare area that left the United States essentially unarmed in the chemical area by 1975. The United States now has no offensive biological or toxin capability, essentially no chemical offensive capability, and very weak defenses to use to counteract a Soviet biological or chemical attack.

What few people know is that the 1969 U.S. decision to disarm unilaterally had been preceded by a secret, Soviet invitation for mutual restraint in chemical and biological warfare that was passed to President Nixon via a Soviet double agent. This deceptive invitation was responsible for the President's decision.

However, notwithstanding this Soviet invitation and the U.S. disarming initiatives, beginning in roughly 1972 the Soviets began a major expansion of their chemical, biological, and toxin research, development, production, and testing programs. Then, in the late 1970's the Soviets are believed to have employed and assisted others in employing lethal chemical agents and toxins in Southeast Asia and Afghanistan in direct violation of both the Geneva Protocol of 1925 and the 1972 Biological and Toxin Weapons Convention. Finally, in 1979, it became apparent that the Soviets were continuing to manufacture and store biological warfare agents, also in deliberate violation of the 1972 convention.

The Soviet Union has denied all charges of violations in Southeast Asia and Afghanistan. Moreover, in retaliation the Soviet Union countercharged that the United States was the source of the contaminants and, further, that we are experimenting with biological warfare in Afghanistan. Further, the Soviet Union has obstructed the United Nations efforts to investigate.

In sum, the United States has been able to do nothing other than raise the issue through a series of demarches and, after those proved ineffective, through public complaints, that have been equally ineffective.

This is the only situation in which the top U.S. leadership have explicitly, unanimously, and publically accused the Soviets of deliberate arms control violations. It is interesting that this also is the only area where the United States, in entering into the treaty, acknowledged that means of verification were totally inadequate and then discounted the need to verify, perhaps because the United States previously had decided to disarm unilaterally and perhaps because, as stated during the hearings on the treaty, the weapons were not considered strategically significant. This, of course, was misleading because at that time, eminent scientists privately and publically warned that developments in the new field of genetic engineering soon would make biological and toxin weapons very strategically significant.

The major watershed in United States-Soviet nuclear arms control agreements in the 1970's came in May 1972, an election year, when SALT I and the basic principles of relations were signed in Moscow. SALT I had two parts, the ABM Treaty and the Interim Agreement. The ABM Treaty was to limit each party to two ABM deployment areas, later reduced to one, and to limit ABM technology development. The Interim Agreement was to limit competition in offensive strategic arms for 5 years while further negotiations were conducted. Competition was to be limited by placing a ceiling on the number of ICBM and SLBM launchers and by limiting conversion of light launchers into launchers for modern heavy ICBM's. In addition, both sides agreed not to interfere with the national means of technical verification, and not to use

deliberate concealment measures to impede verification.

Before examining Soviet and U.S. actions covered by these two agreements over the ensuing years, it is useful first to consider the third agreement, the Declaration of Basic Principles of Relations that was signed 3 days after SALT I, but which is usually ignored—it is not even contained in the annual Arms Control Agency's "arms control and disarmament agreement" publication—even though it is explicity cited in the preamble of subsequent agreements, such as the prevention of nuclear war agreement and SALT II.

In the declaration of basic principles of relations, the United States and the Soviet Union, among other things, agreed to "do their utmost to avoid military confrontation" and to "exercise restraint." The declaration clearly states:

> Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives.

The parties agreed to "continue to make special efforts to limit strategic armaments."

Furthermore, they agreed "to promote conditions in which all countries will live in peace and security and will not be subject to outside interference in their internal affairs." This certainly lays the basis for valid subsequent concern over diplomatic "linkage." Good behavior is explicitly called for in the SALT I Declaration of Basic Principles of Relations. This declaration is very important to consider in deciding how to interpret possible violations or circumventions, as well as other misbehavior of concern.

In interpreting the various Soviet actions as violations or circumventions, two additional important considerations are the significance of the actions and whether they relate to the spirit or letter of the treaty.

If an action is not militarily significant, is it still important? The problem, of course, is the word "significant." To many articulate and influencial experts in the arms control area, very little at present is militarily significant because the levels of armaments are so high. Anything over a few hundred weapons is deemed insignificant according to this view.

This view is then directly carried over into verification and specifically into the "adequacy" or "sufficiency" of the verification, where adequacy and sufficiency are determined by one's beliefs concerning "significance." In the minimum deterrence view, verification is really a nonproblem; several thousand warheads more or less is insignificant.

Equally subjective is the question of whether it is the letter or the spirit of the agreement that the signatories should be held accountable for, and in the case of spirit, this would include how unilateral statements should be treated. Some of the most serious problems or disagreements that have arisen have been questions of interpretation, questions of "sharp negotiating practices," and negotiating "deception."

One school of thought is that the spirit of an arms control agreement is a U.S. invention, and something to which the Soviets cannot be held accountable. On the other hand, in most cases, it is clear that the Soviets were aware of the U.S. concerns, knew at the time they would be violated and kept silent or deliberately misled American negotiators. Is this in keeping with the basic principles of relations, specifically the principles of cooperation and no efforts to obtain unilateral advantage?

Either way, from the American point of view in evaluating the entire arms control process, what has to be most important is the extent to which our national security interests are being served and safeguarded. If objectives are not met, if the treaty in retrospect is regarded as a bad bargain, then, the entire process is placed at risk.

Therefore, in the following review of United States and Soviet action under SALT I, and later under SALT II, the criteria for evaluation is the combination of military significance, specific treaty terms, and the basic principles of cooperation, mutual restraint, and no efforts to gain unilateral advantage as agreed to in the 1972 declaration of basic principles of relations.

Following the SALT I agreement, the United States scrupulously complied with all aspects of the ABM and the interim agreement. The main issue raised by the Soviets concerned small environmental covers placed over Minuteman silos for weather protection purposes. These were removed following Soviet complaints.

The situation with Soviet actions was not as simple; nor were their reactions to U.S. complaints so responsive. There have been a variety of technical treaty violations by the Soviet Union, including failure to stay within the upper limit on launchers allowed, deployment of ICBM's in disallowed areas, for example, SS-11's at SS-4 sites and operational SS-9's at test ranges, opening a new ABM test range without prior notification, and testing three air defense systems—both radars and missiles—in an ABM mode.

Most of these technical violations do not appear to be of any immediate significance, although some people might question the illegal basing of SS-9 and SS-11 missiles and the testing of air defense systems in an ABM mode as not only strategically significant, but also as a major threat to stability. Part of the problem in assessing significance in such cases, is that the significance really may not be apparent until a much later time. This is especially true in regard to testing air defense systems in an ABM mode. If the test leads to subsequent models that have a significant capability against ICBM or SLBM warheads, the basis for a nationwide defense is established. And, with the recent tests of the SAM-12 in an ABM mode, this is exactly what appears to have happened.

The SAM-12 is a new mobile air defense system that has been tested in an ABM mode. This system has been tested against IRBM's and MRBM's and has been assessed as effective against pershing and missiles aboard Poseidon and Trident submarines. The SAM-12 is expected to go into production shortly and have an initial operating capability in the mid-1980's. With the SAM-12, the Soviets have a relatively cheap ABM system that can be proliferated. As a replacement for current air defense systems, this suggests the procurement of thousands of discrete point defense systems, which when internetted may provide an effective nationwide BMD capability. Because it is mobile, it is essentially covert and nontargetable, which is precisely as called for in the classified Soviet general staff literature in the late 1960's.

The seriousness of this Soviet violation of the ABM Treaty is further increased by two additional Soviet actions that, if correctly analyzed, also could be very significant violations. These are the construction of radars with assessed battle management capability at five locations and the apparent development of a rapidly deployable mobile ABM. Together, they also could provide a second base for a nationwide ABM capability.

These combined developments mean the Soviets should be expected to have a two-layered nationwide BMD capability coming into existence within 5 years. And, as the Soviets themselves have stated, the development of a nationwide ABM capability would be a most strategically significant development, one that would have major impact on the balance of power. In the just released bipartisan Scrowcroft Commission report on strategic programs, there are three references to the Soviet capability to now breakout of the ABM Treaty.

The most significant Soviet violation or circumvention, labeled a "sharp practice" by Henry Kissinger, was the Soviet deployment of their new SS-19 missile, clearly a heavy missile as defined by SALT I, as a replacement for the light SS-11 missile. This has been acknowledged as significant by numerous top U.S. officials, as clearly outside the spirit of the agreement, and, as revealed in reports from sensitive intelligence sources, to have been known and considered by the Soviet officials during the negotiations—spe-

cifically in stonewalling U.S. efforts to define "light" and "heavy" and in not responding to U.S. unilateral statements. Indeed, Soviet statements actively misled the United States about the SS-19.

Through this action more than any other, the Soviet Union achieved substantial unilateral advantage in offensive strategic nuclear capabilities during the 1970's. It is hard to view this action as in any sense being consistent with the basic principles of relations or with U.S. arms control objectives.

The final Soviet indiscretion during the SALT I Agreement, was a steady increase in the use of deliberate camouflage, concealment, and deception designed to interfere with our national technical means of verification. The known measures employed include camouflage of ICBM testing, production, and deployement; concealment of ballistic missile submarine construction and berthing, including the famous "rubber submarine"; and the encryption of missile telemetry.

Because the treaty forbids new concealment and deception practices, not continuation-of-old practices, one can argue that all the preceding examples were merely continuation of prior practices and do not constitute violations. One also can argue that the preceding examples were not violations because national technical means are not defined and because the Soviet Union still considers U.S. satellite surveillance as illegal spying.

However, there is no question about what the United States meant during the negotiations, and the importance the United States places on verifiability. Consequently, it is difficult to label these Soviet actions as anything other than significant violations of the basic principles of relations and of SALT I, particularly because they gradually and increasingly have been expanded over the ensuring years, a Soviet practice that will be discussed further under SALT II.

The second major nuclear arms control agreement of the 1970's was the Threshold Test Ban Treaty, which limited underground nuclear tests to a maximum yield of 150 kilotons. Since the treaty yield limit went into effect in 1976, the Soviets are reported to have conducted over 15 tests in excess of the 150-kiloton threshold. In two reported cases, even the lower uncertainty bound on the yield calculation was in excess of 150 kilotons, with one reported to have been 400 kilotons, grossly in excess of the prescribed limit.

The United States has repeatedly complained, but to no avail. The Soviets continue to maintain that there have been no violations; and, the Soviets turned down the U.S. proposal to allow on site inspection at each others test sites to help resolve the compliance disagreement.

The last event of the 1970's was SALT II. Negotiations began in November 1972, and ended with the signing of the agreement in Vienna on June 18, 1979. The principal U.S. objectives were to correct the launcher number inequalities registered in SALT I, establish equal limits on the number of strategic nuclear delivery vehicles, begin to reduce those numbers, and restrain further qualitative developments that might threaten future stability.

SALT II negotiations encountered numerous difficulties in trying to deal with different forces, systems, and concepts. Trying to corral the entire panoply of Soviet delivery vehicles, and do so in a manner that was verifiable, perhaps was the treaty's undoing. And when SALT II was presented to the Senate for its advice and consent, it quickly became apparent that the treaty was in trouble.

Before considering the U.S. and Soviet actions under SALT II, it is worth reviewing the main reasons why the Senate and the public would not support the treaty, which then caused the President to defer its active consideration. First, the treaty was simply too complex, and exactly those factors that made the treaty complex were such that a party not wanting to be constrained by the treaty, was not. The loopholes were said to be sufficiently large to drive a Mack truck through. This was judged especially important to those who opposed the treaty because of the actions by the Soviet Union that were clearly outside the spirit of SALT I, such as SS-19 deployment, SAM testing in ABM modes, and increased use of concealment and deception measures.

The consensus was that SALT I had been to the disadvantage of the United States, and that SALT II put no significant constraints on the Soviets and was even more disadvantageous to America.

The feeling of inequality, which was made a major public issue by the committee on the present danger, was heightened by a growing concern over the general misbehavior of the Soviet Union.

By 1979, it was clear that SALT I did not stop the buildup in Soviet nuclear capability. This buildup took on an especially ominous character with the deployment of the SS-18 and SS-19 missiles and the newly revised assessments of Soviet missile accuracy, both of which raised concerns of Soviet first strike intentions and potential.

It was also clear that détente, SALT I, and SALT II had not resulted in improved U.S.-Soviet relations or in a more peaceful, secure world. Soviet instigation and active support of revolutionary movements in Third World areas and sabotage of U.S. relations with those countries, had taken on a new and greatly expanded dimension in the 1970's. The declaration of basic principles of relations notwithstanding, there certainly was no diplomatic "linkage" in the Soviet mind, or at least not the type the United States had expected to be associated with détente and continued arms control negotiation, as spelled out in the declaration.

The three events that sealed the fate of SALT II, at least up to the present, were first, the revealing in July and August 1979, of the presence of a combat brigade in Cuba; second, the Soviet invasion of Afghanistan in December 1979; and 2 months later, the revealing of a large scale anthrax accident that had taken place at Sverdlovsk the previous April and that indicated that the Soviets were actively violating the biological and toxin weapons convention that had taken effect only 4 years earlier. And, woven in amongst these "indiscretions," was the emergence of evidence that strongly suggested that the Soviets were violating or circumventing SALT I in the variety of ways mentioned earlier.

All the above, coupled with the problems of the SALT II treaty language itself, caused the administration and the proposed treaty to lose credibility.

SALT II, although not officially withdrawn from Senate consideration, was set aside and the treaty has yet to be ratified. Consequently, there is considerable question of how to view Soviet and U.S. actions following signing of the treaty. Are violations challengeable or not?

At times, there have been questions whether either the Soviet Union or the United States felt bound by the treaty. The U.S. policy is not to undercut SALT II as long as the Soviets show equal restraint. The Soviets are not known to have made a high-level commitment to observe SALT II, but have informally indicated they have been complying with the terms of the treaty.

Rather than get lost in the legal morass, or likewise in the technicalities of the treaty itself, it seems more useful to examine subsequent actions as indications of intentions and for the lessons that possibly can be drawn.

The United States has clearly complied with all aspects of the SALT II treaty. Internal DOD directives address all the terms and insure that developers and planners understand that they are as constrained by the terms of SALT II as much as they would be had it been ratified. Numerous specific actions regarding deployed weapon systems have been taken that further reflect this adherence.

With the Soviet actions, again, several major concerns have arisen. The actions of greatest concern have been rapid reload and refire exercises of the

SS-18 missile; concealed deployment of banned mobile SS-16 missiles at the Plesetsk Test Range; deployment of long range air-to-surface cruise missiles on TU-95 Bear intercontinental bombers and on Backfire bombers, which greatly increases their intercontinental attack capability; almost total encryption of the telemetry associated with the testing of all significant missiles; development of two new types of ICBM's; testing of a new mobile air defense system, SAM-12, in an ABM mode; further increased strategic camouflage, concealment, and deception designed to interfere with the U.S. national means of technical verification; and finally, evidence of direct attack on one of the U.S. national technical means with blinding laser radiation.

The implications of this panoply of Soviet indiscretions are quite simple: Verification of Soviet compliance is now an obvious major problem for the United States. More and more, it appears that the arms control process has had little effect on Soviet nuclear weapons programs, and the declaration of basic principles of relations is clearly ineffective and inoperative.

Verification is a major problem for two main reasons. First, the telemetry encryption prevents accurate assessments of Soviet missile capabilities, such as range and payload. In terms of capabilities, this is significant.

For example, Soviet telemetry encryption prevents assessment of critical SS-20 parameters. We cannot assess whether the SS-20, whose deployment continues, has an intercontinental capability. There is considerable disagreement over the SS-20 range—it could be greater than the 5,000-km range that is most often associated with it. A mere 10-percent increase would put the SS-20 into the SALT II ICBM category. The missile range clearly becomes intercontinental if the payload is reduced to one warhead. And, in this regard, it is important to recall that each of the three warheads said to make up the current SS-20 payload is larger than most Minuteman warheads. It is also an intercontinental missile if it is deployed northward into the Kola Peninsula or Kamchatka area, from which the missile can reach most of the United States.

The SS-20, with either 1, 2, or 3 warheads, could be an excellent land-based strategic reserve, and also could play a major role in a Soviet surprise first strike because of its ability to launch out of unexpected areas, thus confusing the defense satellite warning system. Moreover, there is no target base in Europe that comes even close to justifying the system, both in terms of quantity and quality.

The second problem of verification is the result of mobile missiles, the SS-16, SS-20, and perhaps the most recent PL-5, which is described as an intercontinental mobile missile follow-on to the SS-20 or SS-16. Since the early 1960's, the Soviets have stressed the need for mobile missiles for survivability. Because of their ability to change location and their relative ease of concealment and camouflage, survivability is achieved because the enemy cannot effectively find and target the missiles.

This makes verification a serious problem in two ways: First, the missiles are almost impossible to find and, hence, to verify. Verification of production probably is even harder. Second, they bring into question the SALT I practice whereby counting silos was considered tantamount to counting launchers, and that, in turn, to counting missiles. In this latter sense, mobile missiles do not make verification more difficult, they only make non-silo-based missiles more difficult to ignore. Now, to verify the number of strategic offensive missiles, it becomes necessary to recognize and account for the thousands of extra missiles known to exist but not contained in the silos. Further, it will be difficult to estimate with credibility quantities of mobile missiles merely by counting buildings within which they are "believed" to be stored.

The two new Soviet ICBM's PL-4 and PL-5, are also significant in that they further support the argument that the arms control process has not had any appreciable effect on the Soviet arms development process or schedule. The Soviet system continues to turn out new and improved capabilities, contrary to U.S. expectations for the strategic arms limitation process.

Nor are the Soviet developments the result of a "mindless momentum," often attributed to the Soviet system. The capabilities that emerge are well designed and carefully planned to support Soviet military doctrine in an efficient and coherent manner. About the only thing they do not fit is the U.S. mirror image doctrine often attributed to them.

In addition to the above actions that can be considered as challenging, if not conflicting with the terms of the SALT II treaty, all the Soviet actions in areas that contributed to the deferral of the treaty from active Senate consideration in 1980 have continued through 1983 and, in most cases, have become all the more alarming. In the case of Cuba, nuclear capable aircraft (Mig-23's and TU-95 Bear bombers) are now based and being staged through the island. Nuclear submarines of the Golf and Echo class have been identified at the Cienfuegos Sub Base.

The Soviet war against Afghanistan continues. The use of toxin and lethal chemical weapons in Laos, Kampuchea, and Afghanistan has been intensified. Most recently, there has been the Soviet invasion threat and imposition of martial law in Poland and associated restrictions in individual freedoms, which is only one of a continuing succession of blatant violations by the Soviet Union of the Helsinki Agreement.

Finally, there is the ominous cloud of suspicion associated with the possible Soviet involvement in the attempted assassination of the Pope.

Looking back over the past 25-year history of arms control, the U.S. objectives for the most part have been honest and sincere. The best encapsulation of the U.S. objective has been, as best expressed by President Kennedy, to "put the nuclear genie back in the bottle."

At the same time, in assessing the Soviet objectives, it is becoming increasingly difficult not to give considerable credence to the conclusions from a 1973 British intelligence report on a meeting of high level East European officials at which the Soviet General Secretary, Leonid Brezhnev, explained that détente was really a ruse designed to better enable the Soviets to gain overall military superiority. This report was suppressed by high U.S. officials at the time because it ran counter to U.S. détente policy.

Last month, Henry Kissinger, in a time magazine article, wrote,

> If the Soviets refuse to discuss such a proposal (his new approach to arms control), one of three conclusions is inescapable: (A) Their arms program aims for strategic superiority, if not by design, then by momentum; (B) they believe strategic edges can be translated into political advantages; (C) arms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage.

Mr. President, looking back, it would seem to me that all three of these conclusions already should have been reached.

Having reviewed the somewhat sorry accomplishments of our arms control efforts over the past 25 years, I would like to sum up the lessons we should have learned and then suggest some changes that I would like to see the new Arms Control Director seriously consider.

The principal conclusions are first, the product of the past has been disappointing and therefore changes in expectation or in approach or both are called for, second, rushing to achieve a treaty by a certain date has been counter-productive, third, there are very few areas where the meaningful mutuality of interest essential for real progress appears to exist, fourth, verification of Soviet compliance is unattainable with current approaches and new approaches need to be identified, and fifth, the arms control process appears to suffer badly from a lack of effective leadership in policy formulation and direction.

In reviewing the accomplishments of the arms control process, it is hard to

conclude that it has served United States national security interests well. The process has not contributed to stability or to better United States-Soviet relations. It has not resulted in any change in Soviet international behavior. It has not had any significant effect on Soviet weapon acquisition policy.

On the other hand, the process has been accompanied by a substantial decline in relative U.S. military strength—the result of simultaneous U.S. restraint in the face of continuing Soviet expansion.

This does not mean that arms control efforts should cease. The dangers of nuclear weapons and nuclear war are too severe not to continue a major arms control effort. The above conclusion only means that the product of the past has been disappointing and that changes in expectations or approach are warranted, if not essential, to achieve meaningful progress.

One serious problem in our approach to arms control has been the rush to achieve results for immediate political payoff. This has been counterproductive. Most serious problems could have been (or were) anticipated during the negotiation processes, but were not resolved in the haste to reach agreement. This was clearly true of the interim agreement and SALT II.

The failure to resolve differences, if anything, has damaged the process because subsequent actions that were considered "at odds with the spirit of the treaty," in retrospect were directly related to the negotiating problems. This, in turn, resulted in attacks of "sharp practices" and "negotiating deception," which have the effect of discrediting the entire process.

That is, the problem in the approach is not just that the Soviets cheat, but also that the United States sacrifices care and assumes unnecessary risks to its security in the name of progress—progress that has turned out to be illusory and contrary to U.S. national security interests.

And, this problem of reconciling differences during negotiations should be expected to grow more severe. The shear complexity of SALT-II and the problems in start are worse—indicates that unless both sides share roughly mutual interests and intentions, it may be quite difficult to negotiate a safe and equitable agreement on a reasonably encompassing or comprehensive treaty. This may be especially serious because both sides do not appear to share many mutual interests or intentions.

In fact, there appears to be very little mutuality in United States and Soviet foreign policy and arms control interests or objectives. In assessing interests or intent, it is important to examine actions not words. In examining actions, the results of the process speak for themselves. It is difficult to find much congruence of interests or intent.

Assessing interests or intent is further a problem because of Soviet ideology. In particular, the meanings they assign to words, is alien to most Americans. Words such as "peace," "peaceful coexistance," "defense," "noninterference," simply do not have meanings in American dictionaries that are in any sense similar to their Soviet counterparts. The failure of many U.S. negotiators to recognize and understand this is obvious in the very language of many agreements, for example the basic principles of relations and the biological and toxin weapons convention.

Unpleasant as the thought may be, our objective to "put the nuclear genie back in the bottle," may be unrealistic, given the political and ideological differences between the United States and the Soviet Union.

This is not a call to build arms. It is merely warning that U.S. security interests, including arms control, might be better served by channeling efforts into areas where there might be some prospect for meaningful agreement, rather than continuing to try to negotiate nuclear weapons out of existence. The results of the arms control process over the past 25 years suggests that the weapons are not about to go out of existence. It may even be unrealistic to expect to achieve substantial reductions. These possibilities, albeit unpleasant, need to be faced.

In reviewing the various arms control problems, two areas where there may be common interests are nonproliferation and reducing the risks of accidental war. In regard to the second, there has been a small but growing recognition that instead of focusing almost sole attention on numbers of weapons, we should direct increased attention to the problem of how nuclear war or other wars might start, and look for ways to guard against that event or reduce its likelihood. This is an area that deserves greatly increased attention.

To place verification in the proper perspective, it is essential to recognize that verification is only half of the problem. Enforcing compliance is the other half. Another observation is that there is no way of enforcing compliance against the will of the noncomplying party, which generally will be the case when the noncomplying party is deliberately noncomplying.

Perhaps the more serious complaint levied against the overall approach of the current administration has been the apparent lack of a definite policy, and of little central direction. The administration is being subjected to pressures from a variety of directions to get moving seriously on arms control, and, except for the President, no one appears able to respond effectively.

Policies appear to be developed mainly to counter pressure from Congress and the media. INF and START, to all outward impressions, are valid examples of this reactive problem. Important issues appear to be left to the inevitable compromises of bureaucratic politics, which produces ample inertia, but little progress. The verification/compliance and chemical/biological/toxins areas are two good examples of this problem.

Verification was not a serious issue in the past, because of the mystique associated with national technical means; because of a widespread belief that, while the Soviets might exploit every loophole and technicality, they would not deliberately cheat; and because there was no history, that is, no data base or experience, to draw upon.

All these perceptions have changed, and it should be clear that verification has rapidly become the Achilles' heel of arms control. Yet, no one has taken charge, or has been allowed to take charge, of this area, and congressional concern over the types of violations and circumventions previously mentioned is rapidly mounting.

The chemical, biological, and toxin area, as discussed earlier, is the main area where the Soviets have been directly and unequivocally accused by the Reagan administration of deliberate violations. It seems that this should have important implications for the entire arms control process; yet the administration has not established any policy or course of action designed to bring about compliance or deal with the consequences of compliance failure.

As indicated above, the reasons for suggesting new initiatives to improve the arms control process and increase the likelihood of achieving meaningful progress in a desirable direction while simultaneously avoiding the types of disappointments and threats to U.S. security that have resulted from the arms control process over the past two decades.

Clearly, the ongoing INF and START negotiations are well defined and should not be disturbed without major cause. The original objectives set by President Reagan, in INF to eliminate intermediate systems entirely, and in START to reduce strategic nuclear arms to significantly lower and equal levels, certainly appear to be valid and meritorious. There is no reason that the United States cannot continue to strive to achieve these original INF and START objectives, while carefully evaluating possible conceptual improvements or alternative guidelines.

The INF objective, to eliminate intermediate range systems, is good for three reasons: It is a simple concept, noncompliance is probably easiest to identify, and follow-on actions, for ex-

ample, elimination of short-range missiles, are easy to envision.

But, pressure has already caused the Reagan administration to back off of this "zero base" option, which if successful would result in a treaty that suffers from most of the defects of the past. The current yielding in process, proposing an interim agreement in route to the zero base, is reminiscent of the SALT I interim agreement and should be expected to be equally ineffective. However, while such a treaty would be technically deficient and unverifiable, because most of the pressure is coming from European NATO countries, a bad treaty that NATO decides it wants, at least would not be disharmonious insofar as the alliance is concerned.

The START objective, to reduce the levels of strategic nuclear arms, is good because it recognizes the need to reduce the stockpiles if meaningful accomplishments are to be achieved and especially because as a collateral condition the need for cooperative measures of verification visibly brings out the severe disabilities of the national technical means of verification. However, insofar as there are substantial questions regarding what is to be reduced and what is meant by cooperative measures, START appears headed for serious trouble.

START appears to be headed back into many of the SALT I and SALT II traps—lack of attention to equality, limits that are not limits, an absence of verifiability, and a failure to comprehend the impact on national security—and also SALT I and SALT II, in large measure the result of haste to see results.

Therefore, the best suggestion for START and INF is to recognize the serious inherent difficulties in the process and stop raising false expectations by placing artificial time constraints, such as an INF treaty by the end of 1983 or a START agreement "in time" for the 1984 election. These artificial time constraints are most serious as they apply to START.

In START, the actual nuclear capabilities and intentions of the parties are expected to dominate the process. At the same time, it might be appropriate to review the priorities of negotiating the "systems" terms or verification terms. A major portion of the negotiating effort should address the problems of verification and compliance. Agreement on system definitions, numbers, and deployments will be of little avail without satisfactory means of handling verification and compliance. There is not even agreement on what are national technical means or what constitutes interference, or what camouflage, concealment, cover, and deception is allowed and what is not allowed. None of the negotiations have taken the time to resolve these types of critical questions.

In reviewing the potential for flexibility in the "systems" terms of START, achieving substantial reductions in one step along the lines of the START proposal simply may not be in the cards. Further, considering the past, negotiating substantial reductions in one step easily could be considered too risky.

An alternative approach to consider is a longer term approach composed of a sequence of discrete and well-spaced smaller, less substantial steps. This approach would enable the parties in between steps to assess the other side's intentions and behavior at minimal risk.

One guideline might be to not agree to any restraints that the United States is not willing to undertake unilaterally; that is, agree to no restraints that would be judged to be detrimental to United States national security interests, assuming the Soviet Union does not undertake similar restraints. In this approach, the future prospects become based on satisfaction with past performance rather than on speculation about Soviet behavior or intentions or on the politics of achieving substantial immediate results.

This same approach might help ease the verification and compliance problem. That is, it may be more sensible to seek agreements where verification and compliance are used to judge the possibility of moving forward as much as to assess the past.

A related worthwhile, if not essential, effort is to make verification and compliance a two-way street. This problem is presently only a U.S. problem. The Soviets have no problem. A major effort of the verification activities should be to shift the verification burden off the back of the United States national technical means and onto the back of Soviet secrecy and deception where it belongs. There are many actions available to support such a conceptual shift, but few if any have been undertaken or even examined. There has not even been a comprehensive study of Soviet secrecy, cover, and deception practices. Considering the problems of SALT I and SALT II and the inherent importance of verification, which can be viewed as the art of penetrating Soviet secrecy, cover, and deception, such a study would seem to be of the highest priority.

As a general recommendation, there is a strong need to develop a full awareness of the past. In Western bureaucracies, there is a strong tendency to forget the past, that is, to look forward, not back; do not cry over spilt milk. This tendency is especially strong in the United States. However, unless the mistakes of the past are surfaced and understood, they are bound to be repeated. This is exactly what happened in SALT II and it is beginning to happen in START. We cannot make informed decisions on changes unless the past is understood and corrected.

The need for a critical and continuing review of the past in the process of managing the present and formulating future plans and priorities cannot be overestimated. This is especially applicable to violations and circumventions. The U.S. practice of continuing to forget the past in order to move forward does not enable true forward movement, and quite likely signals Moscow that the United States is really not serious about the need for bilateral arms control.

Does it make sense for the United States or any other nation to continue to talk about a new chemical warfare treaty at Geneva when the 1925 Geneva protocol and 1975 Biological and Toxin Weapons Convention are being actively violated by the Soviet Union and its allies or when these treaties are even suspected of being violated? How can START or INF move forward with credibility when SALT I and SALT II have been violated, or are suspected of being violated? How can one plan to reduce the allowed nuclear test threshold when the current threshold is being exceeded?

As a matter of priority, compliance and enforcement issues deserve critical high-level attention. The tendency to forgive and forget the evidence, look for reasons to excuse or downplay the issues, change the measure (the "shrinking ruler"), and countereffords to raise the issues by admonishing the "wolf-cryers" that their rhetoric is "anti-Soviet" and counterproductive, have not worked and should be discarded.

A new approach is called for. It should not just look forward. The future is critically dependent on the past. It is crucial to begin by reconstructing the past and resolve all past issues with satisfaction while dealing with the present and future.

The Swedish diplomatic effort, supported and encouraged by the United States, to reconvene the BW/CW States Parties Convention to address future compliance rather than the 1976-83 violations and inspection problems is a good example of evading the real problem and, in effect, assisting the Soviet cause by rendering ineffective exactly that mechanism that should be used to deal with the problem.

A case file on each incident—both violations and circumventions—should be opened. Circumventions should be treated as violations under the 1972 Basic Principles of Relations Agreement. This file should be kept open for 20 years or until the incident is resolved. Incidents can take a long time to develop sufficiently for the total significance to be understood and assessed. Two good examples of this are SAM testing in ABM modes and mis-

sile test telemetry encryption. In both cases, the significance of mid-1970's violations did not really get widespread appreciation until 1983.

Each incident should be examined from both a pro and con perspective. Because the natural tendency of the bureaucracy is to want to find compliance and not raise problems, an externally constituted "Red Team" should be used in this evaluation. This team should contain expertise in areas of United States military strategy, Soviet political and military strategy, technology, intelligence, and especially Communist ideology.

The Red Team should review all relevant original source data, identify specific additional data to collect or search for, and determine when nothing is really wrong or when the evidence is such that the burden of proof, insofar as the United States is concerned, has shifted to the Soviets to show they are complying. In the latter case, the Red Team should be used to help develop a specific strategy for the United States to implement to gain compliance or, alternatively, advise the President whether or not the United States should withdraw from the treaty.

As indicated earlier, the two areas where United States and Soviet interests appear to be most alined are nonproliferation and reducing the risk of accidental war. Efforts in these two areas, especially the latter, could be significantly expanded. The accidental war problem could well be the most important area for arms control research and analysis. The problem will not be easy because it is so closely related to the surprise attack problem, and requires a detailed understanding of Soviet concepts and practices. Soviet surprise attack scenarios in use in the West are unimaginative, do not reflect Soviet thinking as expressed in their literature, or the importance accorded the topic in their doctrine and in their strategic capabilities. A great deal of research and analysis is essential in this area before concrete proposals are formulated or proposed for bilateral discussion. This work also should begin as soon as possible.

The need to examine how war might start, rather than continuing to focus on numbers, necognizes that numbers are a very limited part of capability and can be misleading. This is not meant to say that numbers are unimportant and should be ignored, but rather, that when exclusively relied upon, lead to overly simplistic analysis.

Nuclear capability is as much determined by factors that can not be quantified in a simple manner. Command and control, leadership, morale, and strategy are just as important determinants of capability as are the number of warheads or throw weight. The problem in not just weapons, but war. SALT I and SALT II begin with a recognition of the devastating consequences nuclear war would have for all mankind. The hope then expressed is that the treaty will reduce the risk of outbreak of nuclear war.

Increased analysis of the nature of such war and how it might come about is worth far more attention, both to identify measures that might more directly reduce the risk and to better understand what systems and system variables—that is, what numbers—are significant.

Another general suggestion is to use the red team to provide devil's advocate analyses of all potential treaties. This could be an integral part of all negotiations, which should not be terminated until all uncertainties have been resolved and all unilateral statements have been reponded to.

President Reagan came to Washington believing that the arms control process was failing and that new approaches were required. The seemingly interminable personnel staffing delays at the Arms Control Agency has resulted in a policy planning vacuum, or rather, has ceded control of the process to the very forces responsible for the prior failures. As an example of the slowness of the process, the ACDA assistant director responsible for verification was not confirmed until last month, and still no one responsible for strategic and theater nuclear matters has even been nominated.

The resultant vacuum has helped make the administration vulnerable to pressures that, for all practical purposes, are forcing the process directly into the mold of the past—pressures to lower U.S. objectives, ignore the problems of the past, not upset the Soviets, and reach an agreement soon.

The apparent objective of turning President Reagan into a "peace candidate," while well intentioned, appears to discount dangerously the past and, in the process, run an unnecessary risk of leading him and the arms control process directly into an election year "buzz saw" not entirely dissimilar to what President Carter experienced with Salt II.

The alternative is obvious. As a matter of urgency, arms control should be accorded the high and serious management priority it deserves. People and policies are needed to provide reasonable direction and response to the serious political and public pressures. The bureaucracy is in dire need of a focus, and, as I stressed at the beginning, one that is mindful of the past and realistic about the future.

Mr. President, I believe the best course of action now, and one that should not be put off any longer, is to bring in someone new, someone with drive and ideas, with sensitivity to the ongoing process, but someone who is not wedded to the past, who is free to consider new ideas from the outside.

Dr. Adelman is exactly that type of professional. His background makes him eminently well qualified. He will be a Director whom I believe will bring new ideas into the arms control process and set about to achieve real progress.

The Arms Control and Disarmament Agency has been floundering for half a year, some would say much longer. The Senate should end that problem now by confirming Dr. Adelman.

Mr. PELL. Mr. President, I yield to the Senator from Massachusetts (Mr. TSONGAS) 2 minutes.

Mr. TSONGAS. Mr. President, I should like to read from a letter that was inserted into the RECORD by Senator SPECTER, of Pennsylvania. The letter was sent by him to the President. Let me read part of it.

> While Ambassådor Adelman is a man of obvious ability and doubtless qualified for most governmental positions, I have grave reservations about his competency for the ACDA post. Next to the Presidency and a few other positions such as Secretary of State or Defense, there is no other post as critical at this moment in our nation's history as Director of ACDA.
>
> I strongly feel that this position could be pivotal on whether arms reduction is achieved and therefore potentially critical on the prevention of a nuclear holocaust. To have anyone in this position other than the very, very best would be a grave mistake.

I could not agree more, Mr. President. I regret that we came out on different sides of the issue.

Let me address, finally, one other point. The issue has been raised that we have to support the nominee and get on with what is happening in Geneva. Nothing is happening in Geneva, because the Soviets believe that they can take Europe away from the United States by using propaganda and the Adelman nomination plays right into their hands, The best thing to do to get progress in Geneva is to have a competent, qualified, credible arms control Director and let us then win over the European hearts and minds and force the Soviets to abandon their political objective, to finally sit down and negotiate. I hope that the Senators, those who are wavering, would call a European of your choice and ask them how they feel about this nominee.

I thank the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield 3 minutes to my distinguished colleague (Mr. WEICKER).

Mr. WEICKER. Mr. President, I have pondered the nomination of Kenneth Adelman to direct the U.S. Arms Control Agency for many weeks now. Arms control is without doubt one of the paramount issues of our time and

its pursuit is one of the most important responsibilities of this or any government.

Amid the controversy over Mr. Adelman's qualifications for the job, one central truth has become ever clearer to me. That is that if President Reagan is truly committed to an arms control agreement with the Soviet Union, then we will have one. If he is not, such an agreement will never materialize, no matter who is in charge of the Arms Control Agency. In the final analysis, the responsibility for forging and executing our arms control policy lies not with an arms control ambassador but with the President of the United States.

The evidence to date seems to indicate that this administration lacks the commitment necessary to achieve a sound and timely arms control agreement, but that judgment is still only a partial one, the final verdict cannot be delivered until 1984. At that time, the American people will get to judge for themselves the depth and sincerity of this administration's approach to arms control.

In the meantime, I want this administration to have no excuse for failing to achieve some tangible results. I do not want this administration to be able to excuse its record on the basis that its nominee for this post was rejected and that it had to expend all its energies dredging up another. I do not want this administration to justify the paucity of results on the grounds that the President was not allowed to choose his own person for the job—because I intend to hold this President and this administration accountable on the arms control issue and I expect the American people will too.

Therefore, I do not think it appropriate to turn Mr. Adelman's nomination into a referendum on the Reagan arms control policy. While admitting that policy leaves a lot to be desired, I believe the Congress should give Mr. Adelman a chance to achieve the results that have not been forthcoming from the administration to date. As a result, Mr. President, I shall cast my vote in favor of Kenneth Adelman to become our arms control Ambassador.

I yield back the remainder of my time.

Mr. PERCY. Mr. President, I express my deep appreciation to my colleague for his statement.

Mr. PELL. Mr. President, after debate on the Senate floor lasting 3 days, Senators will shortly have to decide whether Kenneth L. Adelman is qualified to be the Director of the United States Arms Control and Disarmament Agency. I urge each of my fellow Senators to vote on the basis of the judgment made on that question. If each Senator does that, Mr. Adelman will surely not be confirmed.

In the course of this debate, I have not heard a single argument which has contradicted the finding of the Committee on Foreign Relations that Mr. Adelman is not qualified to serve as the Director of ACDA.

Mr. President, in winding up the debate, I think we should consider that the committee held three lengthy hearings on the nomination and discussed the issue extensively. After the first two hearings, the committee decided, in a 15-to-2 vote, to delay action for a week to allow the President to reconsider the nomination.

I think this shows what the real sentiments of our committee members were toward the advisability of confirming Mr. Adelman for this important job. Despite those sentiments, the President stood firm, and the majority of the committee decided reluctantly that they had no choice other than to recommend to report the nomination unfavorably. I believe that the committee gave Mr. Adelman every reasonable chance to prove himself. He simply failed the test.

The majority of the committee concluded:

> The exhaustive hearings established, in our view, that Mr. Adelman is not qualified to hold the important position of ACDA Director. His interest in arms control was revealed to be more general than specific, his familiarity with the broad range of arms control issues limited, his background in twenty years' history of negotiations shallow, his approach political rather than substantive.

Some Senators have chosen to say that there is no compelling evidence that Mr. Adelman is unqualified to serve as Director of ACDA. This is an odd, an Alice-in-Wonderland standard to apply to any nominee. The committee chose a higher and more proper standard. In a fair-minded and careful fashion, the committee attempted to ascertain the positive, whether he is qualified—not is he not qualified, or is he the most qualified, or is he well qualified? Our conclusion was that he most definitely is not qualified. It is now the responsibility of the Senate to decide whether Mr. Adelman is qualified. It is simply not enough to ask whether there is compelling evidence that a nominee is not qualified.

The argument has been made that the President deserves to be supported in his choice. Normally I would agree, unless there is a compelling reason to decide otherwise. There is such a compelling reason in this case. Surely there is no Senator here who believes that the President would be dealt an irreparable blow if Mr. Adelman were not confirmed. The President is resilient. He would know what to do. I have a sneaking suspicion he might make the right choice given the second chance, as he did when the nominee for Assistant Secretary of State for Human Rights was rejected by the committee and as he did when the Environmental Protection Agency was in disarray. I think he would do the same thing here.

The argument has been made that this vote is a referendum on the President's arms control policies. Those who have been here for the discussions on the floor, as I have, will know that such a view is simply wrong. There will be times and places for such referendums. Those who have visited with their constituents lately know full well that there will be such referendums. The object here was much more confined—to pass on the qualifications of Kenneth Adelman. To pretend otherwise is to obscure the point that Mr. Adelman failed the test of competence.

Mr. President, I hope that Senators appreciate that the Committee on Foreign Relations reached its judgment only after the most thorough and careful consideration. This is the first nominee reported unfavorably by the committee since 1925. The committee has only once voted down a nominee in that period, and the nominee withdrew almost immediately after the vote. We gave the President and Mr. Adelman every chance to withdraw. That opportunity was not taken advantage of.

This is only the 13th time in that period that a committee has recommended rejection of a nominee. Only 3 of the previous 12 have been confirmed.

Against such a history, I urge most strongly that Senators consider very carefully their decisions. We must think of the duty of the Senate under the Constitution. Our duty is not to rubberstamp decisions; our duty is to consider most carefully whether to advise and consent. In this case the choice is clear. The committee's judgment should be upheld.

Our forefathers did not give the Senate this responsibility and obligation to be treated lightly. It is a solemn trust. We must not fail that trust.

Mr. President, I realize this is a very tough vote for many of my colleagues. I just ask them to search their consciences and ask themselves if they really believe they should not only advise but consent to the nomination of Mr. Adelman, if he is the best choice, a man with a burning desire for arms control, a forthright man, and a man who will stand up on a toe-to-toe basis with those representatives of governments of high rank and stature.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, during the past 2 days I have listened very carefully to the debate on the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency. About one-fifth of the Senate, more than 20 of my col-

leagues, have come to the floor to express their views in this Presidential appointment, and I greatly appreciate their interest in this matter.

Having had the full benefit of this discussion, it is clear to me that one issue rises above all others—and this is the paramount question facing mankind—whether the confirmation of Ambassador Adelman will be an impediment to serious arms control or, instead, will be a catalyst for further progress in this vital area of national and international security.

I am convinced, in light of the extensive debate in these chambers, that his confirmation will be a major step in the right direction and vigorously move the Reagan administration toward achieving arms control agreements that can win the approval and praise of the Senate.

Ambassador Adelman is well known to the President, who has repeatedly expressed his confidence in him and has made it very clear that he wants him to be the next ACDA Director. The President's judgment of Ambassador Adelman's abilities is shared by some of the most eminent people in this country.

President Ford has spoken strongly of Ambassador Adelman. He knows him well, and has contacted me indicating his strong support for the nominee. Former Secretary of State Kissinger holds Ambassador Adelman in the highest regard. Former Secretary of Defense Donald Rumsfeld has conveyed to me his full support for the nominee, having worked with Ambassador Adelman in the Department of Defense where Ambassador Adelman was a close aide of his.

Ambassador Kirkpatrick has written to me that Ambassador Adelman has done an outstanding job as her principal deputy at the United Nations. She indicated:

> He did a first-class job, won the respect and friendship of his colleagues in the mission and among other delegations.

I know that Secretary Shultz agrees with this assessment. He wants Ambassador Adelman in this job and has indicated that he intends to work closely with him. He feels that this nomination will advance the cause of arms control more than any other nomination at this time. His immediate predecessor, the distinguished Eugene Rostow, has indicated publicly that he has "high regard" for Ken Adelman and that he had enthusiastically asked Ambassador Adelman to take a senior job in the Arms Control and Disarmament Agency.

In light of these strong endorsements from such outstanding people, I believe Ambassador Adelman should be confirmed.

The nominee has gone on record that he will be a strong and consistent advocate of arms control. He testified:

> If confirmed ... my overriding obligation would be to serve as an advocate of arms control to the President and to tell him that it is an objectively important subject in the world.

Ambassador Adelman also pledged that his commitment to arms control will take priority over his personal allegiance to the administration and that he would resign his office if he became convinced that his values and principles conflicted with administration policy. I interpret this statement to mean that if he is "stonewalled," as Director Rostow was before him in his arms control efforts or if his ability to counsel the President on arms control is rendered ineffective, that he will step aside rather than go back on his commitment to the Senate.

Mr. President, I believe that almost all of my colleagues will agree that any further resignations from the Arms Control and Disarmament Agency would not be productive for the administration. This factor will give Ambassador Adelman the necessary "leverage" to which Senator TSONGAS referred during the nomination hearings to press hard within the administration for negotiable arms control agreements.

Yet, just as Ambassador Adelman will enjoy increased leverage, he also will bear the direct burden of proof that he can get the job done and that he can be effective in achieving substantial results in this field. In a sense then, those of us who support the nominee will enjoy a certain degree of leverage as well. Ambassador Adelman will owe it to his supporters and to the American people to prove their judgment of his character and ability to be sound. And rest assured, this Senator will look to the nominee to make good on this vote of confidence if he is confirmed by the Senate.

It is also very clear to me that the administration, as a whole, must achieve real progress on arms control in the near term if it is to retain its credibility and influence on such matters among concerned Americans as well as among our allies. Simply put, the world will be looking to President Reagan and his team of arms control advisers and negotiators and to Chairman Andropov and his arms control team for results. Words alone will no longer satisfy all of us who want so badly to reduce the risks of a nuclear holocaust.

Mr. President, I take note of a recent development that I find very encouraging. The Scowcroft Commission, consisting of some of our most distinguished thinkers on defense and arms control issues, has put forward a prudent and imaginative plan for proceeding with strategic force modernization in a new and more stabilizing arms control framework. It is my hope that the acceptance of the Commission's recommedations can be the beginning of a new bipartisan consensus on the direction in which U.S. arms control policy should move. I believe that confirming Ambassador Adelman will greatly improve the prospects for sustaining this effort at bipartisan arms control policy formulation.

Moreover, let us not forget that two of the administration's foremost negotiators, Secretary of State Shultz, and Deputy Secretary of State Dam, will be intimately involved in the development of our arms control proposals. Clearly, their involvement will help to assure that our arms control efforts get the highest priority attention possible within this administration.

Other important commitments have been obtained since Ambassador Adelman was nominated to be the ACDA Director. Priority is being given to removing the last obstacles blocking ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Ambassador Adelman has pledged to get the best possible people available to fill the vacancies that have plagued ACDA for 2 years, and it is expected that extensive and substantive use will be made of the fine career professionals who already are serving at ACDA.

Mr. President, if we reject this nomination today, we undercut all of the commitments that have been made on behalf of arms control since Ambassador Adelman was nominated to be ACDA Director almost 3 months ago. Such a negative vote will only make it possible for the Arms Control and Disarmament Agency to flounder once again without the top leadership it so desperately needs. Let us not lose the momentum for real arms control progress that the committee hearings and this debate have made possible. I urge my colleagues to vote in favor of the nomination of Kenneth Adelman.

I wish also to thank my distinguished colleagues who opposed the nomination for not offering a motion to recommit it to the Foreign Relations Committee. We deeply appreciate that courtesy since it is clear that no hearings would have been held, and it would have languished in committee.

It was a far better course of action to have an up-and-down vote. I believe that this is in keeping with the great tradition of the Senate on a nomination of this importance.

Mr. PELL. Mr. President, I thank the Senator from Illinois, the chairman of our committee, for his gracious remarks.

At this point, I yield 4 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, the most important responsibility we have as legislators and leaders is to provide for the security of the United States.

We face today a mounting threat to the very survival of our country. We

and the Soviet Union pile up nuclear weapons on a hair trigger than can destroy both countries and conceivably wipe out humanity.

Our country is supposed to be led in this struggle by the President, who has the exclusive power of the United States to initiate and conduct diplomatic negotiations designed to half the nuclear arms race.

To be successful in these efforts, the executive branch must gain the benefit of experienced counsel on arms control issues. Yet, today there is no Cabinet-level official in the executive branch with any prior professional or academic experience in arms control endeavors. I do not believe that arms control experts alone can solve the mammoth problem that confronts us in the nuclear age, but I believe that the national interest demands that we in the Senate seize the opportunity before us to express our view that we need a committed and competent expert on arms control at the head of the Arms Control and Disarmament Agency.

No Member of this body can seriously make the case that Kenneth Adelman is such a man. No Senator has even tried to make that case. With an astonishing lack of enthusiasm, the supporters of this nomination have argued that we should give the President his choice. That is not what article II, section 2 of the Constitution states. The Founding Fathers did not give the President his choice. They conferred upon Senators the right and responsibility to advise on these nominations and to ratify or reject Presidential nominations.

It should be a cause of deep concern to us that no one in the executive branch controlling policy in this matter has the experience of their counterparts in Moscow. The Soviets have a Foreign Minister who has dealt with more than a dozen Secretaries of State. With the nomination of a novice like Kenneth Adelman, this administration appears to be unilaterally disarming in the contest of competence with the Soviet Union. It is a cause of deep concern to many of us in this body that the nomination and the approval of Kenneth Adelman would give ammunition to those in Europe who criticize America and who doubt our commitment to arms control.

Mr. President, the Constitution of the United States confers on the Senate the solemn responsibility to approve or disapprove Presidential nominees for senior posts in the executive branch. This serious obligation requires each Member of the Senate to consider thoroughly the competence and the commitment of a nominee to fulfill the statutory mission of the post for which he has been named.

The nomination last January by President Reagan of a new Director for the Arms Control and Disarmament Agency presents the Senate with an extremely important task. We are charged as individuals with the duty to decide whether or not confirmation of this nomination is in the best interests of our country.

The nomination of a new ACDA Director is always a serious business. The Arms Control and Disarmament Agency was established by congressional initiative in 1961 with the distinct mission of providing leadership in, expertise on, and advocacy of arms control as an instrument of national security policy. Congress created ACDA to insure that an expert's perspective on the great promise and problems of arms control would be voiced within the senior councils of the excutive branch.

Mr. President, the most important responsibility we have as legislators and leaders is to provide for the security of the United States. Today we face a mounting threat to the very survival of our country. Over the past four decades the American and Soviet Governments have produced and deployed nuclear weapons around this planet sufficient to obliterate our entire human civilization in one nuclear spasm.

These ever-growing nuclear arsenals have confronted our generation with a duel with destiny—a struggle for our very survival as a civilization.

Our country is supposed to be led in this struggle by the President, who has the exclusive power in the United States to initiate and conduct diplomatic negotiations designed to halt the nuclear arms race. In the executive branch also lies the power to propose initiation of new arms programs or the curbing of existing arms programs after weighing, among other factors, the impact of these proposals on hopes for arms control.

To be successful in these efforts, the executive branch absolutely must gain the benefit of experienced counsel on arms control issues. And yet today there is no Cabinet-level official in the executive branch with any prior professional or academic experience in arms control endeavors. This is an essential fact which each Member of this body must weigh as we consider the pending nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

I do not believe that experts alone can solve the mammoth problem of halting and reversing the nuclear arms race. But I believe that the national interest demands that we seize the opportunity before us to express our view that we need a committed and competent arms control expert to head the Arms Control and Disarmament Agency for this administration.

No Member of this body can seriously make the case that Kenneth Adelman is such a man. No Senator has tried to.

With an astonishing lack of enthusiasm, the supporters of this nomination have argued that we should "give the President his choice."

But what about article II, section 2 of the Constitution? Our Founding Father's did not say "give the President his choice." Rather they conferred upon Senators the right and the responsibility to advise on these nominations—and to ratify or reject the President's nominee.

I believe our national security interests oblige us to take the latter course in the case before us and to reject the nomination of Kenneth Adelman to head ACDA.

Our Nation is currently confronted, along with the Soviet Union with the critical challenge of ending the nuclear arms race before it ends us.

It can only harm our efforts to meet this challenge if we add to Reagan administration Cabinet councils yet another key official bereft of expertise in the intricacies of arms control negotiations.

Our Nation is currently engaged in a crucial contest with the Soviet Union for the support of European peoples concerned about controlling nuclear arms.

It can only harm our chances in this contest to confirm as our leading arms control advocate a man who has given wide distribution to his disparaging view of all arms control efforts.

Our Nation is currently driven by an anxious debate over the future course of our arms policies.

It can only harm our efforts to heal these divisions and to form a bipartisan consensus on security policy if we put in place a man who has in his previous writings and interviews—heaped scorn on those in public and private life who have advanced the cause of arms control.

It should be a cause of deep concern to all Senators that the current arms control policymakers in the executive branch have none of the experience of their counterparts on Moscow. The Soviets have an arms negotiating team in place which has been working professionally on these issues for decades. And they have a foreign minister who has dealt with more than a dozen American Secretaries of State. Meanwhile the Reagan administration is beset with serious disarray in its arms control policymaking team. With the nomination of an arms control novice like Kenneth Adelman, this administration appears to be unilaterally disarming in the contest of competence in this area.

It is also a cause of deep concern to me that Mr. Adelman's writings provide such effective ammunition for those in Europe who criticize American arms and defense policies and question our national commitment to arms control. We are engaged in a dip-

lomatic struggle with Soviet leaders who must carry the heavy water of their actions in Afghanistan, Poland, domestic repression, SS-20 deployment and other fields. And yet, inexcusably, our Government finds itself on the defensive in the contest of minds in Europe. Senators deeply concerned about the NATO alliance would do well to consider the impact in Europe of confirming as our Nation's No. 1 arms control advocate a man who has expressed scorn for the very idea of arms control. His nomination lends credence to widespread suspicions that the Reagan administration is not serious about reaching an arms control agreement with the Soviet Union. Confirmation of Mr. Adelman could provide a propaganda bonanza for the Soviets in Europe.

The ACDA post has never been a partisan position; experts of such stature as Gerard Smith, Paul Warnke, Fred Ikle, and Ralph Earle have advanced arms control negotiations under both Democratic and Republican administrations. And yet we now have before us a man who will only be confirmed if partisan political pressures from the White House succeed in bludgeoning the Senate to reject the bipartisan majority of the Foreign Relations Committee that has found Mr. Adelman wanting in both experience with and commitment to the arms control process.

I believe confirmation of Mr. Adelman would be a betrayal of the hopes of tens of millions of Americans for swift progress toward a mutual, balanced, verifiable end to the United States-Soviet nuclear arms race.

And I fear confirmation could be seen as an abandonment of the three-decade-long bipartisan congressional commitment to an effective role for ACDA in senior executive branch councils.

The conclusion of the bipartisan Foreign Relations Committee majority is clear:

> The exhaustive hearings established, in our view, that Mr. Adelman is not qualified to hold the important position of ACDA Director. His interest in arms control was revealed to be more general than specific, his familiarity with the broad range of arms control issues limited, his background in twenty years' history of negotiations shallow, his approach political rather than substantive * * *.
>
> His testimony confirmed suspicions that he does not regard on-going efforts to achieve mutual, verifiable arms control agreements in a number of areas as an important aspect of strategic planning, but is rather inclined to see them, first of all, as an impediment to expansion of the defense budget. He did not display the informed, coherent, professional approach to these highly complex questions, that the nation needs in the Director of the ACDA * * *.
>
> However, capable and accomplished a citizen Mr. Adelman may be, we have concluded that he is not qualified, in the words of the statute, to be "the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters" and, under the direction of the Secretary of State, to have "primary responsibility within the Government for arms control and disarmament matters." We urge the Senate to sustain this judgment. Republicans and Democrats alike must be concerned to ensure that our nation has the leadership to carry forward the continuing efforts to achieve arms control and arms agreements that truly serve the national interests.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. PELL. I yield the Senator from California as much time as I have remaining.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, I do not take lightly the matter of rejecting a Presidential nomination. I hold to the general rule that the President should be given the benefit of the doubt on nominations. For that reason, I was one of the Democrats on the Foreign Relations Committee who voted to confirm the nomination of Alexander Haig as Secretary of State. Not all Democrats on the committee did that. I entered those hearings with doubts about the advisability of voting for Alexander Haig. I expected to vote against him. I wound up voting for him after the hearings.

I was the only Democrat on the Foreign Relations committee to vote for the nomination of William Clark as Deputy Secretary of State. I felt that the President was entitled to have at close hand the man he wanted in that position, a man whom he knew very well, with whom he had worked closely over many years.

However, I submit that the Adelman nomination is just "too much." Why put a novice in arms control in charge of the Arms Control and Disarmament Agency, a novice who will be dealing in matters vital to our security and to our survival, with the Soviet arms control experts who have spent years, decades, learning all there is to know about arms control, defense, and foreign policy?

I say that the President's advisers have not served him well in recommending Kenneth Adelman for this position, nor are the President and his advisers wise in insisting on staying with him, despite the adverse recommendation of the Foreign Relations Committee. But because the President has made a mistake is no reason for the Senate to compound that mistake. We should reject the nomination of Kenneth Adelman.

I yield 30 seconds to the Senator from Montana.

Mr. MELCHER. I thank my friend from California.

Mr. President, President Reagan should not have contemplated Ambassador Adelman for appointment as the Director of the Arms Control and Disarmament Agency. It embarrasses me that the President has made this nomination. My reasons follow.

One of the most important individuals in the process to provide a method of reducing the threat of nuclear destruction will be the next Director of the Arms Control and Disarmament Agency.

The Agency's Director plays a leading role to devise a means to prevent nuclear holocaust. The Director must have the expertise, experience, stature, and intellectual prowess to formulate arms control policies, as well as the determination to aggressively represent the cause of arms control at the highest level of decisionmaking in our Government.

The single question that faces us today is, "Has Kenneth Adelman displayed these qualities?"

There can be no doubt that Mr. Adelman has a sound education and has worked hard to develop a career as a specialist in international affairs, both in and out of Government. That is not enough.

Mr. Adelman served less than 2 years as Deputy Permanent Representative of the United States to the United Nations. As has been pointed out in both the Foreign Relations Committee report and in testimony here on the Senate floor, Mr. Adelman's duties at the United Nations, related to arms control, have involved less the development of arms control policies than their explanation and defense. In short, for less than 2 years he has been a part time spokesman for arms control but not a decisionmaker. That is not enough.

Prior to serving at the U.S. Mission to the United Nations, Mr. Adelman was employed at the Departments of Defense, State, and Commerce and worked as a senior political analyst at the Stanford Research Institute. That is not enough.

None of Mr. Adelman's earlier Government service during the Nixon and Ford administrations related directly to arms control. He has been an African affairs specialist and writer in his years of non-Government employment. His writings are largely in fields removed from arms control. That is not enough. The President has suggested that he is confident of Ambassador Adelman. That too, is not enough.

By his own testimony, Mr. Adelman has a very limited view of what he sees as his own role if confirmed. He has said that he sees himself as a "contact point" rather than a focal point for arms negotiations.

The truest measure of the standards we have set for our ACDA Director can be seen by looking at Mr. Adelman's predecessors.

There have been seven Directors of the ACDA since it was established on September 26, 1961. Without excep-

tion, all of the previous Directors have been men of stature and professionalism who were credible advocates and spokesmen for arms control. Most of them had had significant negotiating experience on arms control matters prior to their appointment as Director.

The Agency's first Director, William C. Foster (1961-69) had been Deputy Secretary of Defense shortly before being appointed as Director. In the capacity of Deputy Secretary, he headed the U.S. delegation to the 1958 Geneva Conference of Experts who were focusing on the question of reducing the possibility of surprise attack. When he became ACDA Director, he also became the chief arms control negotiator and either negotiated or was intimately involved in the negotiations for the hotline agreement, the Limited Test Ban Treaty, the Outer Space Treaty, and the Nuclear Non-Proliferation Treaty. He left a distinguished arms control legacy.

Gerard Smith, who served from 1969-73, had had even more extensive negotiating experience prior to his appointment. He had worked for nearly 20 years in various capacities in the U.S. Atomic Energy Commission and the Department of State, and he was a part of the U.S. delegation involved in the first Atoms for Peace Conference in 1957, the Four-Power Conference on Berlin in 1959, and the Paris Summit Meeting of 1960. He is credited as having been instrumental in the negotiation of the hotline agreement. As Director, he also left a distinguished record encompassing the negotiation of the ABM Treaty and the SALT I interim agreement on offensive arms.

Fred C. Ikle was Director from 1973-77. He had come from a post at the Rand Corp. where he had written a seminal article entitled "Can deterrence Last Out the Century?" which had just been published in Foreign Affairs magazine. One of his major achievements as Director of ACDA was the negotiation of the protocol to the ABM Treaty which reduced the number of permitted ABM sites. During Director Ikle's term of office the Threshold Test Ban and Peaceful Nuclear Explosions Treaties were negotiated with the Soviet Union. Ikle is also credited with having provided effective guidance to Ambassador U. Alexis Johnson, chairman of the SALT II delegation, and to Ambassador Stanley Resor, who headed the mutual balance force reduction negotiations.

Paul Warnke was the fourth Director of the ACDA, serving from 1977-78. He came to the post from the Department of Defense, where he had served as Assistant Secretary of Defense for International Security Affairs in the 1960's. He brought with him significant negotiating experience from that position.

George Seignious, who was Director from 1978-80, had negotiating experience gained from serving on the U.S. delegation to the quadripartite negotiations on the status of Berlin, and as public member of the U.S. SALT II delegation in 1977-78. During his term as Director, the SALT II negotiations were completed.

Ralph W. Earle II, Director from 1980-81, came to the post from chairmanship of the U.S. SALT II delegation. Prior to that, he was deputy chairman of the SALT II delegation from 1977-78, and the ACDA member of the SALT II delegation from 1973-77. He also served as the defense adviser at NATO Under Secretary Laird from 1969-73, gaining negotiating experience working with NATO allies.

Eugene V. Rostow (1981-83) had had extensive experience in Government prior to his selection as ACDA Director. As Under Secretary of State from 1966-69, he was in a highly visible policy position. During his term in office, the START and INF negotiations commenced.

Each of these ACDA Directors had extensive experience and expertise in Government and arms control before assuming the position of ACDA Director. Another aspect of the men on this list is that they all had close ties with the various Presidents they served, and there is very little doubt that they could effectively make their case directly to the President for arms control.

Ambassador Adelman was a foreign policy adviser to Governor Reagan during the 1980 Presidential campaign and was a member of the President's transition team following the election. He also served as the President's representative during the release of the U.S. hostages from Iran. But that is not enough.

Paul Warnke was the fourth Director of the ADCA, serving from 1977-78. He came to the post from the Department of Defense, where he had served as Assistant Secretary of Defense for International Security Affairs in the 1960's. He brought with him significant negotiating experience from that position.

George Seignious, who was Director from 1978-80, had negotiating experience gained from serving on the U.S. delegation to the quadripartite negotiations on the status of Berlin, and as public member of the U.S. SALT II delegation in 1977-78.

In the law establishing the Arms Control and Disarmament Agency, Congress clearly intended the Director of ACDA to be one of the most senior officials in Government and an individual who could hold his own with the Secretary of Defense or any other official in any contest or dispute on arms control.

Mr. Adelman falls short of the qualities and stature we need in our next Director of ACDA. My vote will be "no" against his appointment.

I am left with the sense, both from Mr. Adelman's testimony before the Foreign Relations Committee and the other information presented on him, that he is really meant to "fill in" as Director of the ACDA—to be a "caretaker." In a less troubled time, a time where there was less urgency in obtaining an end to the nuclear arms race, this in itself would not disqualify a Presidential nominee. We cannot afford a caretaker in this most important Government position. We must have the best individual we can find. The ACDA Director must be qualified and immediately ready to play a vigorous role in developing and pressing for arms control policies which further the national security interests of the United States. This is a job of prime importance. This is a position of responsibility, of great significance—and we must have an individual that fills that description.

For all of the people of this country the Senate should vote "no" on this nomination and give the President a second chance on another nomination.

I believe we should vote "no" on the nomination.

Mr. PERCY. Mr. President, I yield 30 seconds to the Senator from Iowa.

Mr. JEPSEN. Mr. President, I support the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

I am convinced he has the necessary qualifications for the position, including clear support of the President's sound goals for arms reductions.

On November 18, 1981, President Reagan outlined three policy guidelines for future arms control policy. They are: First, substantial, militarily significant arms reductions; second, equal ceilings for similar types of weaponry; and third, adequate provisions for verification.

Every arms reduction proposal that the President has made since November 1981, has embodied those clear first principles.

On the occasion of that landmark speech, the President proposed the so-called zero option as an opening U.S. position in the intermediate-range nuclear force talks that began on November 30 of that year. The President correctly focused on the major threat to nuclear stability in the European Theater: The threat posed by over 300 highly accurate SS-20's deployed by the Soviet Union beginning in the late 1970's. By offering to scrap the planned deployment of Pershing II and ground-launched cruise missiles if the Soviets agreed to dismantle all of their SS-4's, SS-5's and SS-20's, the President had in effect proposed eliminating the Soviet margin of superiority in the most critical weapons catego-

ry and restoring a more stable balance in Europe.

On May 9, 1982, the President once again focused on militarily significant reductions in the one category of strategic nuclear weapons that is curently most destabilizing: intercontinental ballistic missiles. In his commencement address to Eureka College, the President presented a plan for the gradual reduction to equal levels of the missile arsenals of the United States and the Soviet Union.

Last month, the United States submitted a draft treaty for negotiations to provide for a complete ban of chemical weapons and production over a 10-year period. The administration has also decided to move forward with the Threshold Test Ban Treaty and the Peaceful Nuclear Test Ban Treaty. The President has proposed ratification as soon as new protocols improving verification procedures can be negotiated.

The issue of verification in arms control with the Soviet Union cannot be emphasized too much. The examples of Soviet violations of international treaties are legion. One need only reflect on the history of the Soviet violations of the Yalta agreements to the recent compelling evidence of the Soviet use of chemical weapons in Afghanistan and Laos, to understand that the Soviets cannot be trusted to abide by international agreements unless adequate verification provisions are included. In the case of arms control agreements, this must include onsite inspection in some form.

The need for guaranteed onsite inspection is a direct result of the relative openness of U.S. society compared with the very serious restrictions placed on foreigners in the Soviet Union. William F. Scott, in an article entitled, "The Myth of Free Travel in the U.S.S.R.," which was published in the March issue of Air Force magazine, has stated:

> In the U.S., practically every county is crisscrossed by roads over which trained Sovet observers may travel without restriction. It is improbable that any sizeable movement of military personnel or equipment could take place without detection by a Soviet agent. The travel assymetry between the two nations makes for a serious imbalance in arms control verification.

The arms control agreements with onsite inspections are the only means of insuring mutual confidence and trust with the Soviet Union. Despite the propaganda and rhetoric, the Soviet Union has responded to the President's initiatives with constructive, if inadequate, counterproposals, as well as providing unprecedented information on the composition of their armed forces. The far-reaching proposals of President Reagan, combined with the flexibility shown in his March 30, 1983, interim proposal for intermediate-range nuclear force reduction proposal, are very likely to result in a long-term stable nuclear balance.

Now the Senate must decide if Dr. Adelman's views on arms control are consistent with the very serious approach in this area taken by President Reagan and whether he can be considered, on the basis of education and experience, to be qualified to manage our arms control policy and execution.

Senator LAXALT very wisely inserted a series of articles and speeches by Dr. Adelman in the CONGRESSIONAL RECORD during the debate on Wednesday. This collection, which covers a period from 1979 through the present, is the most reliable source we have of Kenneth Adelman's views on the proper role of arms control in national security policy. It is therefore useful to compare the views expressed in them with those principles which serve as the basis for President Reagan's arms control policy.

In an article taken from the American Spectator, December 1979, Dr. Adelman provided a thorough critique of the thinking that led to the SALT II and the military situation in which the United States found itself as the Senate debated ratification of the treaty. In that piece, he argued forcefully that arms control agreements are not ends in themselves, but that they must be in accord with existing defense policies and place restraints on the military buildup of our potential adversary, the Soviet Union.

In the summer 1981 issue of Policy Review, Dr. Adelman underscored this point further when he wrote:

> President Reagan has advocated a "margin of safety" for the United States, including, of course, the overall strategic balance. But the problem pressing his Administration is not the development of such a "margin" but, in fact, the removal of the Soviets' looming "margin". . .

These views are wholly consistent with the arms control agenda laid out by the President.

Mr. President, Kenneth Adelman is equipped by both experience and education to fill the Arms Control Director's post. He has behind him 10 years of public service in a wide variety of positions, including serving in the Department of Defense, and, most recently, as Deputy Permanent Representative to the United Nations where he has led the U.S. Delegation to the Second Special Session on disarmament. Dr. Adelman's career in public service has been supported by extensive scholarship in national security and foreign policy issues, including his work as a senior political scientist at the Strategic Studies Center of the Stanford Research Institute.

In closing, I would like to point out the final, very important qualification of Dr. Kenneth Adelman. He has the confidence of the President of the United States, whose policies he must faithfully execute. The American people elect the President and the Senate must ratify arms control treaties, but it is upon our President, Ronald Reagan, that the negotiation of arms control agreements must rest. Kenneth Adelman should be confirmed. He is qualified and the President has chosen him to carry on his arms control agenda.

DR. ADELMAN'S PRIOR ARMS CONTROL NEGOTIATING EXPERIENCE

Mr. SYMMS. Mr. President, I have heard some criticism to the effect that Ambassador Adelman should not be confirmed because he lacks arms control negotiating experience. This is a specious argument on at least three counts.

First of all, he does have relevant international experience by virtue of his position as Deputy Permanent Representative of the United States to the United Nations. This has been established by Ambassador Kirkpatrick and by his record. Second, the position for which he was nominated is that of Director of the Agency, not chief negotiator. Third, predecessors with no more arms control negotiating experience have some of the best track records in arms control achievements while serving as Director.

The distinction between being nominated Director and being nominated to head a U.S. delegation to a particular arms control negotiation was illustrated by the confirmation debate and vote over Paul Warnke in 1977. In 1977 he was nominated for two different positions: ACDA Director, and chief negotiator including Chairman of the U.S. SALT II delegation. The Senate vote on these jobs was separate. He was confirmed as Director by a vote of 70 to 29, but after long debate, he was confirmed as chief negotiator by the much closer vote of 58 to 40.

As for the relevance of arms control negotiating experience to being Director, Fred Ikle was among those examples of a good Director cited by Senator PELL during Mr. Adelman's confirmation hearing. Fred Ikle had no prior negotiating experience. Nevertheless, during his incumbency he negotiated, through the Soviet Embassy in Washington, the protocol to the ABM Treaty which reduced the number of permitted ABM sites under the ABM Treaty from two to one. Also while he was Director he gave effective guidance to Ambassador U. Alexis Johnson, Chairman of the SALT II delegation; he also assisted in getting the MBFR negotiations under Ambassador Stanley Resor underway. During Director Ikle's term of office the Threshold Test Ban and Peaceful Nuclear Explosions Treaties were negotiated with the Soviet Union. ACDA played a major role in supporting these negotiations. Also the negotiation of the Environmental Modifica-

tion Treaty was completed in 1976. The U.S. delegation was headed by an ACDA official. Finally, Director Ikle was an outstanding spokeman on the important subject of U.S. nuclear nonproliferation policy.

General Seignious, who served effectively as Director from 1978 to 1980, had very little prior negotiating experience, and Bill Foster, the first Director of ACDA, had considerable foreign affairs experience but very little negotiating experience prior to becoming Director. Yet under his tenure as Director, Ambassador Foster either negotiated or was intimately involved in the negotiating process that resulted in the "Hot Line" Agreement, the Limited Test Ban Treaty, the Outer Space Treaty, and the Non-Proliferation Treaty.

Mr. President, I submit to you and to my colleagues that Ambassador Adelman has every bit as much, and in some instances more, experience and background relevant to being good at the job of Director as many of his predecessors. And some of those predecessors with little or no arms control negotiating experience made some of the most distinguished records of progress during their incumbency. I submit Ambassador Adelman will do the same and deserves our support for confirmation as Director of ACDA. The real question is, Can we afford another hiatus in leadership in this key Agency at a time like this, a hiatus that would come if we denied our consent to confirmation and another candidate had to be found and put forward to run the confirmation course? I put it to you: If arms reduction is so important to national and world security, and it is so important, can we afford the luxury of a further prolonged gap in leadership in the Agency this Congress made the focal point in Government for arms controls? I say we do not have that luxury.

Mr. LAUTENBERG. Mr. President, the requirement that the Senate confirm the appointment of the Director of the Arms Control and Disarmament Agency is one means we have for shaping the arms control and defense policies of the United States. This prerogative flows from the law which established the Agency in 1961.

For the last few days, the Senate has been debating the nomination of Kenneth L. Adelman to be the Director. In doing so, we are exercising our responsibility to pass on this Presidential appointment and acting under the larger advice and consent function given the Senate by the Constitution.

The Presidential power of appointment is broad, Mr. President, as is his discretion. But neither is to be exercised alone. The power of the Senate is narrower, but real, and not to be abdicated. It is a check on Presidential power and was intended to be so.

Under the 1961 law establishing the Arms Control and Disarmament Agency, the Director is to have clear duties as "principal adviser" with "primary responsibility within the Government for arms control and disarmament matters." The Director is not to be just one of many working in this area. He or she is to be the advocate for arms control within the Government, the counterweight to other national security actors.

Background, relevant experience, integrity, temperament, intellect and good judgment are required for any Director to be successful in fulfilling this broad and difficult mandate. And these are the characteristics we must weigh in the nomination before us.

The Committee on Foreign Relations held 3 days of hearings in January and February to review the President's appointment. The committee reported to the full Senate that Mr. Adelman's initial appearance before it was marked by his lack of information, ambiguity, and confusion. The committee reported that it did not find Mr. Adelman's experience in the arms control sphere to be substantive. The committee reported that Mr. Adelman was less than candid in response to some of the committee's inquiries.

A review of Mr. Adelman's responses and comments before the Committee on Foreign Relations and of the committee's unfavorable report must give us pause.

But there is a responsibility beyond examining the personal characteristics of a nominee. It is our duty as elected representatives to determine whether a nominee appreciates fully the broad national objectives forged by the Congresses and the Presidents of the United States over time.

In this case there is a broad national objective that places arms control in the forefront of our national security policy. It is our duty to evaluate whether a nominee, this nominee, shares the commitment of the American people to halting and reversing the arms race.

Tens of millions of Americans, Mr. President, are raising their voices now—for their fellowmen and for themselves—to bring an end to the futility of the arms race and to make peace more than just an absence of open warfare. We must know whether this nominee would raise his voice.

It is regrettable that the committee instead suspected that Mr. Adelman's commitment to arms control was more rhetorical than real.

It is regrettable that the committee found Mr. Adelman's voice not strong and clear in support of arms control, but vague and evasive.

It is regrettable that Mr. Adelman seems all too willing to find more logic in proceeding unchecked in the arms race than in furthering the arms control consensus of the decades since the first atomic bomb.

Mr. President, I am convinced that the United States must be active in its efforts to end the nuclear arms race. I believe we must negotiate with the Soviet Union wherever progress in this area seems possible. I arrive at these positions as a hard realist. It is the tens of thousands of nuclear weapons on all sides that place the very future of this planet and every person on it at risk. We can only reduce the risk of a nuclear holocaust by reducing the capacity of all states to wage nuclear war.

Our need just now is not for a greater effort to manage public opinion. Our need is not for a redoubled effort to build up the threat from our adversaries or to justify new weapons as symbols of our resolve. Our need is for bold leadership on the issues in a time when we, our allies, and our adversaries together are floundering, struggling for forward movement on arms control.

Mr. President, the duties and responsibilities of the Director of the Arms Control and Disarmament Agency proceed from the law that established the Agency in 1961, not from the discretion of the President. The Director has clearly assigned duties to be an advocate. These are duties that require stature, respect, and commitment to arms control.

A majority on the Committee on Foreign Relations, reviewing these duties and our needs, find Mr. Adleman to be unqualified to be the Director of the Agency. This is true despite the fact that a majority of members of that committee are from the President's own party.

For me, Mr. Adelman has not demonstrated that he could or would as Director "give impetus to the U.S. goals of a world which is free from the scourge of war and the dangers and burdens of armaments." This is what the law requires and this is what the people demand.

I will oppose confirmation of Mr. Adelman.

If Mr. Adelman is not confirmed, Mr. President, I hope the President of the United States will use his power to nominate the most distinguished and capable person he can find to assist him in shaping a more credible, coordinated, and successful arms control policy.

If Mr. Adelman is confirmed, I pray that the President will take heed of the clear goals established by law for the Arms Control and Disarmament Agency and of the deep reservations in the Senate over this nomination.

● Mr. HUDDLESTON. Mr. President, I will vote against the nomination of Kenneth L. Adelman to be Director of the Arms Control and Disarmanent Agency.

I believe a President is generally entitled to have his nominees confirmed, to have his choice of men and women to advise and counsel him. But the Senate also has a responsibility over nominations, and perhaps the most important aspect of that responsibility is knowing when to exercise it in order to disapprove a nominee.

U.S. arms control policy is currently in disarray. Our European allies are uncomfortable. U.S. citizens or various political persuasions are dissatisified. Twenty years of efforts by both Republican and Democratic Presidents to make arms control a central part of strategic policy are threatened.

They are threatened at a time, perhaps the last time in the immediate future, when a new agreement is feasible. Technological developments and potential deployments could well take us into an era where controls and verification could become increasingly difficult.

In such a climate, the Director of the Arms Control and Disarmament Agency can—and must—play a crucial role. The agency is no place for a nominee who demonstrated in a confirmation hearing an amazing lack of knowledge and opinion on a subject in which he was supposedly versed. The fact that a subsequent appearance sought to remedy the unfavorable impression created at the first does little to erase the initial imprint or to override the fact that Mr. Adelman apparently misjudged the level of preparation necessary for that first appearance. We in the Senate have the right to have expected more.

The agency is also no place for a nominee swathed in controversy who more than likely would have to spend more time replying to the controversy swirling around him than addressing the substance of arms control. It is time to move ahead with the important business or arms control and arms reduction. To do so, we need a strong, experienced, and knowledgeable head of the Arms Control and Disarmament Agency. Mr. Adelman's own appearances before the Senate Foreign Relations Committee indicate we need someone else for that task.●

● Mr. BIDEN, Mr. President, I deeply regret that this debate is taking place, for this controversy is not helpful to Kenneth Adelman, nor to President Reagan, nor to U.S. foreign policy, nor to the search for effective arms control. When former Director Eugene Rostow was fired, the President had—and still has—an opportunity to name another experienced, well-regarded individual who fully shares his views on the Soviet Union and on arms control.

Instead he chose Kenneth Adelman, an obviously bright and articulate individual, well-qualified for any number of foreign policy posts, but who had little background in the complex and demanding issues of arms control.

In three appearances before the Foreign Relations Committee, Mr. Adelman demonstrated uneven competence on arms controls issues and a curious hesitation to express his views. He also failed to show the strength and stature which I believe the Director of the Arms Control and Disarmament Agency should have.

Congress created ACDA because it wanted that Agency and its Director to be a powerful advocate for arms control, not a sideline observer or mere contact point. That role is especially important now, since no one else in the key foreign policy positions in this administration has substantial knowledge or experience of arms control issues. I suspect that arms control may have been one of the matters Secretary of State Shultz had in mind when he said that he was concerned about the importance of issues which he did not have time for.

Mr. President, good intentions are not enough. In order to reassure our allies and the American people, we need a serious, sustained, visible commitment to negotiations and agreements which could reduce the risks of nuclear war. To that, we also need a distinguished and effective Director of ACDA.

The Foreign Relations Committee, at my urging, tried to give the President a nonconfrontational chance to reconsider his appointment of Mr. Adelman by delaying our formal and negative vote for a week. I still regret that the President did not seize that opportunity.

Now we face a no-win situation. If we reject Mr. Adelman's nomination, that action is likely to be construed as a personal rebuff to the nominee and the President, rather than as a warning and an opportunity to name a different person who could command widespread bipartisan support. If we confirm Mr. Adelman, it will be a narrow victory, with our lack of confidence in the nominee and administration policy painfully evident.

Over the years I have given the benefit of the doubt to Presidential nominees. Only in rare circumstances have I voted against confirmation. In this case, after careful consideration, I have concluded that Mr. Adelman lacks sufficient background experience and also lacks sufficient unambiguous commitment to the arms control process to perform the duties of ACDA Director as Congress intended.●

Mr. MITCHELL. Mr. President, I oppose the nomination of Kenneth L. Adelman to be Director of the Arms Control and Disarmament Agency (ACDA).

I agree with the chairman of the Senate Foreign Relations Committee, Senator PERCY, who, on the first day of Mr. Adelman's confirmation hearings, said,

> The question which must be responsibly addressed with respect to this or any other nomination for the position of ACDA director, is whether the nominee possesses the specific experience, capabilities, and commitment to arms control envisioned by Congress when it created the Arms Control and Disarmament Agency.

In my judgment, the evidence before the Senate establishes clearly and convincingly that Mr. Adelman does not possess the requisite experience, capabilities, or commitment to arms control.

The post for which Mr. Adelman has been nominated is an important one. The Director of the Arms Control and Disarmament Agency sits at National Security Council meetings and presents his views and recommendations directly to the President. He is also the Secretary of State's chief adviser on arms control issues.

ACDA and its Director, however, are supposed to do more than simply advise the President and Secretary of State.

The law which established the Agency specifically requires it to perform a vital and major advocacy function. Senator PELL, who was an author of the law, recently emphasized the importance of this function. He stressed that ACDA was intended ". . . to play the role of an advocate for arms control as a complement to, and sometimes as a substitute for, arms programs, as a way to enhance our national security."

I have carefully reviewed Mr. Adelman's background and career. That review discloses no familarity with the range of arms control issues with which the agency must deal. Nor does it disclose any commitment whatsoever to arms control; to the contrary, it discloses a hostility to, and cynicism about, arms control.

These deficiences were highlighted during the 4 days of hearings on Mr. Adelman's nomination. The hearing record contains numerous passages which support the conclusion that Mr. Adelman, though an intelligent person, is not qualified to advise the President on arms control, to advocate arms control, and to implement the important provisions of the Arms Control Act. Consider Mr. Adelman's responses to the following questions posed by members of the Committee on Foreign Relations:

When asked if, in the case of a full nuclear exchange, he believed that either the United States or U.S.S.R. could survive in any governable form, Mr. Adelman responded: "I just have no strong opinion on that."

When asked by Senator HELMS what the U.S. response would be if the Soviets proposed to eliminate nuclear weaponry altogether, Mr. Adelman said: ". . . that is a thought I have just never thought about in my life. I

would have to really look at that and explore it."

When asked whether a freeze on the testing and deployment of strategic nuclear weapons is verifiable, he replied: "I do not know."

When asked if he would consider separating out from negotiations the pursuit of a "confidence-building" measure (in this case, a proposal that each superpower would have to notify the other in advance of all nuclear warhead tests and ICBM tests), Mr. Adelman stated: "You mean separate it out from the START negotiations or something? I just do not know, Senator."

When asked the extent to which the President ought to be able, by a unilateral course of action, to preclude the involvement of Congress in arms control decisionmaking, Mr. Adelman responded:

> That is a question I would have to seek legal counsel to answer and look at the precedents in law and the kinds of legal judgment that would have to be rendered to answer that kind of question.

The questions and answers which I have cited deal with first the objectives of arms control, second an understanding of the ability to verify, third arms control negotiating practice, and fourth the policy making relationship between the executive and legislative branches. The President and Secretary of State's primary arms control adviser and our Government's primary advocate for arms control should possess substantial knowledge of these subjects.

Mr. Adelman does not possess that level of knowledge. The transcript of the committee's hearing makes this clear. In more than 20 different instances, his answers reveal uncertainty, and a lack of basic arms control understanding and experience.

We should also be concerned about Mr. Adelman's May 1981 interview with Mr. Ken Auletta, a New York Post reporter. During that interview, Mr. Adelman said that, first, he could not "* * * think of any negotiations on security or weaponry that have done any good"; second, "one reason not to rush into negotiations * * * is that in a democracy, these negotiations tend to discourage money for defense programs"; and third, a major reason to enter into arms control negotiations would be to placate our allies and American public opinion. Mr. Adelman said about arms control: "My policy would be to do it for political reasons * * * I think it's a sham."

When the Foreign Relations committee questioned Mr. Adelman about these comments, he did not deny having made them, though he said he could not recall the interview. After reviewing the reporter's notes and questioning the reporter under oath, the committee stated in its report: "The majority of the members concluded that Mr. Adelman's denials did not stand up to scrutiny."

It seems almost incredible that the United States would appoint, and the Senate would confirm, as the Director of an agency devoted to arms control a person who has expressed views so hostile to, and cynical about, arms control negotiations.

We must bear in mind another episode as we consider Mr. Adelman's nomination. At the Januray 27 hearing, in response to a question by Senator PELL, Mr. Adelman said that he had not thought about ACDA personnel matters. Subsequently, the committee learned that on January 14, Mr. Adelman had sent to Mr. Robin West, another administration official, a memo concerning ACDA personnel written by arms control negotiator Edward Rowny. Attached to the memo was an Adelman note which read: "Ed Rowny's very confidential real views on people." The following day, Mr. Adelman sent a second communication to Mr. West in which he discussed the timing of appointments, kinds of appointments, and the types of people he wanted for ACDA. In light of these communications, it is reasonable to conclude that Mr. Adelman misled the committee in his answers about personnel matters.

Finally, the views of the Foreign Relations Committee must be given great weight in our deliberations. After lengthy hearings and extensive deliberation, that committee recommended rejection of this nomination. The vote was not wholly partisan; the majority of the committee is, after all, Republican.

In this century, the Senate has considered hundreds of thousands of nominations, most of them routine, but surely thousands of them significant. In only three instances has the Senate failed to accept a negative recommendation from the relevant committee. Ordinarily, protracted delay based upon strong bipartisan opposition has been sufficient to persuade the President to withdraw a nomination. Unfortunately, the President refuses to withdraw this nomination. It remains, then, the task of the Senate to reject it.

The Senate's history is replete with confirmation battles in which the votes focused not on the nominee's qualifications but on some other subject—some Presidential policy or approach, or the fact that someone else wanted the position. All too often, Senate confirmation proceedings deteriorate into partisan wrangling.

The Senate's role is to gauge qualifications and fitness, and we should not be diverted from this task. In this particular instance, the President's nominee has failed the fitness test, and I therefore urge my colleagues to oppose his nomination.

Mr. BRADLEY. Mr. President, today the Senate must decide whether Mr. Kenneth Adelman should be confirmed as the Director of the Arms Control and Disarmament Agency. This is an important decision: National security policy, of which arms control is one component, is being questioned today from all sides—by the American public, by the Congress, and by our allies. We must strive to reestablish a consensus for a strong national security policy that is capable of gathering the support of these same groups. Is Mr. Adelman the man to play a role in the reestablishment of that consensus?

The arms control component of national security policy is extraordinarily complex. On the one hand, it appeals to our American idealism: We hope to make the world a better place to live by somehow limiting the nuclear arms race. We must reduce the number of nuclear weapons on both sides. The nuclear freeze resolution is a symbol of this fervent hope. On the other hand, to be effective, we must temper our hopes with realism. Arms control must not be oversold; it is not a panacea for the ills of the world. It will not make the Soviets less adventuresome, or less oppressive. It will not eliminate international conflict. We will still need to spend national resources to maintain a credible nuclear and conventional deterrent.

But in the area of nuclear weapons, we continue to hope that a negotiated, verifiable arms control agreement will bound the arms race and make both sides—and hence the world—more secure.

Negotiating that agreement is a difficult task for any individual, any team, any government, but it is especially challenging for the U.S. arms control negotiators. They must face their Soviet counterparts who represent stubborn, sometimes rigid, sometimes paranoid, always clever adversaries. The Soviet negotiators need not worry about Russian public opinion; the U.S. negotiators must always consider American public opinion. The Soviet negotiators need not worry about ratification of a treaty; the U.S. negotiators must consider the opinions of the Senate. The Soviet negotiators need not worry too much about the opinions of their allies or even public opinion in Warsaw Pact nations; the U.S. negotiators must consider the interests of the NATO Alliance and the strong and volatile public opinion in each NATO country. The U.S. negotiators, Mr. President, have an immensely difficult job.

Arms control policy is further complicated by the technical intricacies of weapons systems—current and future—and verification techniques. The negotiator must know what limits on weapons systems can be verified

and which cannot. He must know what level of variance from an agreement can be tolerated, if any, and then determine whether the means of verification is able to detect such a variation.

Further, the U.S. negotiator must be prepared to walk away from an agreement if it does not pass the crucial test: Is the United States more secure or less secure as a result of this treaty? On the other hand, we should not walk away from an agreement just because the Soviets refuse to unilaterally disarm. Even if we do not get immediately everything we might desire out of a particular arms control agreement, if it increases our security, we should be prepared to sign it. We should not allow the best to be the enemy of the good.

The job of the Director of ACDA at this time in history and in this administration is especially demanding. Since 1962, the Soviet Union has been engaged in a massive arms buildup; so much so that they have essentially caught up with us in overall military capabilities. The Director of ACDA has a difficult task to promote arms control in such an environment. Further complicating his job is this administration's ideological view of Soviet-United States relations. Policymaking in arms control in this administration is indeed a challenge.

Does the administration recognize the complexities of national security policy and how arms control fits in? This week's Time cites the "partial vacuum of experience, expertise and interest in arms control that exists at the highest levels of the Government, including the Oval Office." Time goes on to say:

> Not since World War II has American national security policy been presided over by a group with so little grounding and standing in the field. National Security Adviser William Clark is a transplanted California judge and loyal Reagan staffman; Director of Central Intelligence William Casey is a seasoned businessman and an energetic Republican campaigner; Casper Weinberger does not have the background in defense policy to match his zealous commitment to the goal of rearming America. If confirmed, Kenneth Adelman will be the least qualified Director in the 21-year history of the Arms Control and Disarmament Agency.

That is Time magazine speaking.

Now, Mr. President, I normally support the prerogative of the President to put his own people in positions of authority. I have not voted against any of this President's more controversial appointments. However, this appointment is different in several respects.

First, unlike every previous nomination, the relevant committee has recommended that this nominee not be confirmed.

Second, this administration's national security policy in general—and the arms control component in particular—is in disarray. This week, I have talked to three different officials of the administration, including representatives from the White House and the Defense Department and Mr. Adelman himself. I have heard three different, contradictory descriptions of the role of ACDA in this administration. On one hand, I was told that this nomination is crucial, all or nothing, a part of a seamless web of national security policy that all fits together—it includes the MX, the START and INF talks, the defense budget. On the other hand, I was told that ACDA is not an important player in national security policymaking; the Director does little more than make speeches. One person said that the Secretary of State would be the principal architect of arms control strategy; another told me that the START and INF negotiators would report directly to Mr. Adelman.

Support for defense is eroding in the Congress and among American citizens. If changes are not made and policies are not clarified, this erosion of support for the Nation's defense threatens to weaken the security of this country. Men and women of the highest stature must be brought in to bring balance and substance back to national security policy and thereby to begin to restore the measure of consensus so essential to any foreign and national security policy. We cannot afford to wait.

Third, I fear that the extraordinary controversy surrounding Mr. Adelman's nomination, some of which he and his legislative advisers brought on him at his first hearing, will keep him from accomplishing his mission as Director of ACDA. The President would be well advised to choose a person of high stature and wide respect to fill this job. There is no dearth of acceptable candidates who support a strong national defense and an aggressive arms control policy. Such a person could begin to gather the support for U.S. arms control policies from the American people, the Congress, and our allies. Mr. Adelman is not incompetent or unqualified but the challenge demands a person of deep proven ability, and of commanding authority. Mr. Adelman is not yet that person.

I urge the President to reconsider this nomination. I will vote against Mr. Adelman.

Mr. MATSUNAGA. Mr. President, I rise with some reluctance to express my concern and opposition to the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

Let me say at the outset that I share the same ambivalent feelings about voting to reject the President's arms control nominee as do many other Senators. I respect the desire of the President to have at the helm of our Nation's crucial arms control effort someone he can trust, someone he is confident can do the job, someone he feels shares his philosophy on arms control and his views of how the United States should go about negotiating with the Soviets to attain that crucial goal.

In other words, it is usually the decision of the Senate, in carrying out its advice and consent role under the Constitution, to give the President the benefit of the doubt on his nominations. In many instances, after in-depth committee consideration of nominees has left certain questions unanswered or unsatisfactorily answered, reasonable doubts about the nominee are almost always decided in favor of the nominee and the President. The key phrase here, Mr. President, is reasonable doubt. In the case of Mr. Adelman, the Senate Foreign Relations Committee could not overlook a number of glaring and substantial doubts that had surfaced about the ability of Mr. Adelman to adequately fill the post of Arms Control Director. These concerns and questions about the nominee went beyond reasonable doubt and provided the basis for the committee's decision to report the nomination to the full Senate with an unfavorable recommendation.

Critics of the committee's decision have argued that the committee broke historic precedent by recommending that the Senate not honor the customary right of the President to select high officials whom he believes will best implement his policies. In my view, however, the committee fulfilled its proper constitutional role in evaluating and passing judgment on the nominee's qualifications to hold the high post of Director of the Arms Control and Disarmament Agency, on his experience in the arms control field, and the circumstances surrounding his nomination, particularly the current status of the administration's arms control efforts.

With respect to Mr. Adelman's qualifications and experience, the committee expressed its deep concern that the nominee has not had the level of involvement in arms control which would give him the ability to carry out the duties of the ACDA Director, which is to be the President's principal adviser on arms control and disarmament issues. To his credit, Mr. Adelman does not have a background in arms control demonstrated by his various writings in the field and his service over the past year and a half as Deputy Permanent Representative of the United States to the United Nations.

However, the Foreign Relations Committee, in its report on the nominee, points out the fact that Mr. Adelman's experience at the U.N., in particular his work with the Second Spe-

cial Session on Disarmament, had very little to do with actual formulation of administration arms control policy. His lack of firsthand, intimate knowledge of the intricacies of past and present arms control initiatives and current strategic issues were apparent in his testimony before the committee and have been referred to and repeated during this debate by a number of Senators.

Mr. President, Mr. Adelman's lack of sufficient qualifications and experience were central to the committee's decision to reject the nomination and very important in persuading me to cast my vote in opposition.

Mr. President, in my judgment, Mr. Adelman lacks the stature and experience necessary to effectively direct our Nation's arms control efforts, particularly at this critical juncture in our strategic nuclear relationship with the Soviet Union. The nominee also appears to have a far too limited view of what his role would be if confirmed as arms control chief. Furthermore, there are serious questions which have yet to be satisfactorily dispelled as to the degree of Mr. Adelman's support for arms control treaties and negotiations and, very importantly, his commitment to pursuing new and meaningful arms control initiatives with the Soviets.

The fact of the matter is that the Director of the Arms Control and Disarmament Agency is one of our Government's most highly visible officials abroad, symbolizing the commitment of the United States to halting the nuclear arms race and preventing a nuclear holocaust. He must also be the President's foremost adviser on arms control negotiations and he must have the skill, the expertise, the stature, and the stamina, to deal with the Pentagon on strategic arms and arms control and to successfully contest the Soviets at the bargaining table. The Arms Control Director must also be in a strong enough position within the administration to be able to shield his Agency against budget cuts and personnel purges which might cripple its mission.

What I believe the Reagan administration needs is a distinguished appointee who would be able to hold his own with the Pentagon, with the Soviets, and with the White House, overcoming the administration's former disdain for arms control, and compensating for the inexperience in arms control of its top officials. I think it is widely recognized that neither the President, nor his National Security adviser, nor his Secretaries of State and Defense, has ever wrestled with the complexities, the intricate diplomacy, and the intellectual problems associated with the controlling of nuclear arms. And I believe that the Foreign Relations Committee has correctly determined that the President's nominee for Arms Control Director, Kenneth Adelman, does not have the qualifications or the experience necessary to make up for this lack of arms control knowledge at the highest policy levels of the administration.

Mr. President, beyond Mr. Adelman's personal qualifications, I am also deeply concerned that the Senate's confirmation of Mr. Adelman will send the wrong signal to both the Soviets and our allies in Europe about the intentions of the United States on arms control. At the present time, we are at a stalemate with the Soviets at the strategic arms reduction talks, and we are at a similar stalemate at the medium-range Euromissile talks.

Last week, the Senate Foreign Relations Committee received testimony from the administration's top arms negotiators that in the foreseeable future there does not appear to be any chance for an accord in either of these crucial negotiations. This is, indeed, discouraging news, but news that was not totally unexpected. Certainly, the Soviets can be rightly blamed for their intransigence, but I think the Reagan administration, by virtue of its lack of enthusiasm, its lack of positive action over the long haul, and its lack of consistent leadership and direction in arms control, must bear a great deal of responsibility.

The nomination of Kenneth Adelman has without a doubt added to the administration's serious lack of credibility on arms control in Europe. Europe, of course, is the principal focus of much of our strategic policies and our current arms control negotiations. The Europeans see the President's nominee as a lower-level diplomat with little hands-on arms control experience and even less standing with the European arms control community.

It has been argued, and quite correctly in my view, that if the United States does not win the hearts and minds of the people of Europe, if we do not convince them that we are serious about arms control, we will make little headway in arms negotiations with the Soviets. Most observers agree that the Soviet Union is presently sitting back waiting to see what we do here in the Senate on this nomination. Some argue that it might be in the best interest of the Soviet Union for us to confirm Kenneth Adelman because of the negative signal it will send to our European allies about our commitment to arms control and strategic reductions in Europe. That, of course, remains to be seen.

However, it is a fact that the Soviets are hoping that continued conflict between President Reagan and Europe over the direction and approach the allies should take on arms control will place a wedge between the United States and NATO. I must say that the confirmation of Kenneth Adelman does not bode well for a change in the administration's approach to the negotiations in Europe. For this reason, I believe that the Senate should reject the Adelman nomination, thereby urging the President to nominate an arms negotiator of credibility and stature, both with the Soviets and with the Europeans, who can speak forcefully and eloquently for the United States and Europe in the strategic arms talks.

I sincerely hope that the Senate will have the courage to do what is necessary to insure that arms control is our highest foreign policy priority. Without a doubt, the President will incur a certain amount of political damage if his nominee is rejected by the Senate. However, I believe that it could be greatly minimized and be only momentary if the administration acts quickly thereafter to name an acceptable, distinguished nominee. In the short run, the President will lose a little ground politically, but in the long run he will gain badly needed stature and technical skill for his arms control team.

Mr. President, I think a great many of my colleagues believe that what we are voting on here today is no less than the future direction of this administration's arms control policies. If we confirm Mr. Adelman, I am convinced that we will not see a great deal of substantive progress in arms control during the remainder of President Reagan's term in office. I say this because it seems clear that Mr. Adelman will merely carry on the administration's ambivalent approach to arms control, which has been badly misinterpreted abroad, strongly opposed at home, and which threatens to place us firmly on the path of an accelerated arms race.

I ask my colleagues to consider the alternative of rejecting this nominee, limiting the political rhetoric that would usually accompany such a setback for a President, and working with the White House on appointing a Director of the Arms Control and Disarmament Agency who will command the respect of the Soviets and our allies and insure that our Nation has the leadership it needs to carry forward our continued efforts to achieve true and meaningful arms reductions with the Soviet Union.

I urge a "no" vote on Mr. Adelman's nomination.

Mrs. HAWKINS. Mr. President, I rise today to speak in favor of the nomination of Kenneth Adelman to be the Director of Arms Control and Disarmament Agency. I have reviewed the Foreign Relations Committee's report with care because of the importance I place on the issue of arms control. I support Ambassador Adelman because I believe that the defeat of his nomination will terribly damage the prospects for achieving timely and

meaningful arms control agreements that will enhance our national security, world stability, and at the same time reduce the threat of nuclear war. Ambassador Adelman has the qualifications necessary to fulfill his duties in a way that will contribute to the arms control process, and the defeat of this nomination will further delay and disrupt efforts to achieve significant arms control agreements.

In addition, I believe that Ambassador Adelman is well qualified to assume the directorship of the Arms Control and Disarmament Agency. Most important, he is strongly dedicated to the cause of arms control. His convictions about the need to sharply reduce the nuclear arsenals of both the Soviet Union and the United States are evident in his public statements and published writings. And he put these convictions into action as the head of our delegation to the United Nations' Special Session on Disarmament. Furthermore, Ambassador Adelman is the man the President and the Secretary of State want to fill this important post. He is the man they feel comfortable working with on the issues of arms control and I believe that it is important for the President to have the man on his team who he believes is best qualified. After all, the ultimate outcome of our arms control negotiations is the President's responsibility. Finally, Ambassador Adelman is experienced in a wide range of national security and foreign policy issues. I believe that this equips him with a fuller understanding of the implications of arms control on the national interest. I believe this broader perspective is strong argument in favor of Ambassador Adelman.

While the qualifications and abilities of Ambassador Adelman are critical considerations in making a prudent decision on his confirmation, it is also essential that we examine the consequences for arms control of rejecting Ambassador Adelman's nomination. I am convinced that the rejection of this nominee will hinder, not help, achieve meaningful arms control. The rejection of Ambassador Adelman will further delay the quick establishment of needed leadership in the Arms Control and Disarmament Agency. It will undermine the sense of unity so critical to any international negotiation. And it will restrict the administration's ability to freely negotiate with the Soviets on arms limitation. Thus, I urge those who are most concerned about the need for an arms control agreement and reducing the threat of nuclear war to recognize that their interests and mine are best served by the approval of this nominee.

Mr. President, the question before us today is whether this nominee, Kenneth Adelman, is qualified to fill the post of Director of the Arms Control and Disarmament Agency. We can debate the merits of the administration's approach to arms control but we should not let that debate spill over into this issue. We cannot allow these policy debates to deprive our Government of the ability to function smoothly. I sincerely hope those in this body who favor different approaches to arms control will realize that they have nothing to gain by rejecting this nomination. Government paralysis is too high a price to pay especially over issues as important as arms control. Mr. President, I strongly urge my colleagues to approve this nomination thereby serving our national security, the cause of arms control, world stability, and peace.

Mr. WALLOP. Mr. President, the opposition to Mr. Adelman's nomination has been disingenuous—until quite recently. For months we have been led to believe that the opposition to Mr. Adelman was based on misgivings about him as a person, on disagreements with his own publicly expressed views on various aspects of public affairs. But none of this ever rang true. Yes, Dr. Adelman is young. But the Senate has recently confirmed people for equally high diplomatic posts who are just as young —and lack Adelman's impressive academic credentials. Yes, Dr. Adelman has written much. Published writings invite people to lend fault and to state more persuasive cases for opposing views. But those opposed to Dr. Adelman have not countered with attempts at academic dissections of his published works. They have not tried to argue that his views are so inconsistent with the standard of right which they proposed that he ought not to be confirmed. This in not to say that the opposition has not been based on Dr. Adelman's views. Indeed it has.

But the views which the opposition opposes are not peculiarly Kenneth Adelman's. They are views of the man who appointed him—President Reagan. Those who oppose Dr. Adelman have had no trouble supporting other nominees of this President's, even very young ones—so long as they had reason to believe these nominees agreed more with them than with the President who appointed them. But Dr. Adelman's views are the President's views. Hence the attack. Dr. Adelman has been the occasion of an attack directed not at him, but at the President.

In recent days, this has at last become explicit. Hence today the opposition is a bit more honest. But not totally so. The opposition has used this nomination to advance the most invidious innuendos about President Reagan. The President, so the story goes, is increasing the danger of nuclear war. Mind you, the Soviet buildup is not increasing that danger, but President Reagan's attempts to restore the U.S. military position are increasing that danger. This is worse than political malice. This is outright falsehood.

When the United States enjoyed strategic superiority over the Soviet Union there was no danger of war. Does anyone argue otherwise? That danger has arisen as the Soviet Union has built a force of ICBM's clearly designed to disarm the United States with a fraction of its number, while holding us hostage with the rest. The peace of the world will not be safe so long as the Soviets hold this tempting offensive advantage. Those who argue we should let the Soviets enjoy this threatening posture bear a heavy burden. The opposition to the nomination of Dr. Adelman have not argued this explicitly. They have implied it. That is less honest and more pernicious.

How shall we escape from our current predicament, a predicament that is dangerous, unstable, and surely evolving toward greater and greater Soviet ability to threaten our lives and freedoms? We could try to reduce the numerical balance by building the equivalent of the Soviet ICBM—large, fixed, counterforce missiles. But the Soviets' lead in this field may not be surmountable. Success would mean a situation in which not only the Soviet Union, but now also we ourselves, would be tempted to launch before the other struck. That does not seem to be a goal worth striving for. The President has decided not to go down that road. But what shall we do? Again, who will argue publicly that we ought to follow the strategic policies of the late 1960's and 1970's? We must change course. Unless we do, the present course of events may well lead us to war.

The President has chosen the only other way out: We can deny to the Soviet ICBM's the ability to disarm us on the ground without preparing to strike them on the ground. We can do it by defending ourselves against Soviet missiles if and when they are ever launched against us. In short, we can protect ourselves. This ability to deny to the Soviets their present capability to disarm us and hold us hostage will make it less likely that they will try. The President does not propose to acquire the ability to attack their weapons except after those weapons are launched against us. They can keep them in all safety. They just would not be able to shoot at us successfully. Why should they be able to? These are the President's views. Anyone who disputes them should do so openly and openly argue that the peace of the world requires that ordinary American citizens peacefully going about their business be defenseless hostages to Soviet nuclear weapons. Let the argument be on substance rather than by innuendo.

The opposition has charged that the President is not serious about arms control. Well, the President is as serious about arms control as he can reasonably be. The Constitution, which he is sworn to defend, commits him—and all of us—to the common defense. His job and ours is to protect the American people. Arms control is one means among many to do this. Defense—safety—are the ends. Arms control is something to be pursued insofar as it helps us achieve safety. It is not to be pursued in ways that endanger us.

The point of all this is that certain kinds of arms control are better—and some are worse—than others. The President and his nominee are not committed to arms control in the way that the last President and his nominees were. That does not mean they are wrong. The arms control policies of the 1970's were tried—and how they were tried. They bore bitter fruit. The American people rejected them in the election of 1980. This President has his own priorities. The President's emphasis on protection of the population will affect our arms control policy, and it should. In the past our arms control policy has been shaped by the overall policy of mutual assured destruction followed by the U.S. Government since the days of Robert McNamara. Therefore in SALT I and II we sought to limit the number of launchers, fully knowing that most launchers would launch multiple warheads and perhaps multiple missiles. We sought to keep the launchers fixed and we succeeded. We sought—unsuccessfully—to limit accuracy. We sought to insure that neither side could impede the arrival of the other's missiles on target. We have succeeded in keeping ourselves vulnerable while the Soviets have built greater and greater protection for themselves. Clearly we have come to the end of a road.

Technology has changed. While we Americans, for the sake of arms control and MAD, did not take advantage of the technology of the 1970's—counterforce missiles—Soviet forces took advantage of that technology as they grew. Now we find ourselves vulnerable to being disarmed by a fraction of Soviet forces and threatened by the rest. What can arms control do about this? Will the Soviets be moved to release us from this predicament by the sweet reasonableness of our negotiators? What sort of arguments should our negotiators use? What arguments by someone other than Dr. Adelman would persuade the Soviets to deprive themselves of hard-won advantage? I suggest that such arguments do not now exist.

But technology—and our aerospace industry—can provide new and different arguments. We could agree each to build numerous defensive weapons, thereby automatically devaluing each other's ICBM forces. Then cuts in those forces would become possible. The prerequisite for all this of course is the existence of American space-based laser ABM stations. No one should doubt that the Soviets are working on them as hard as they can. True arms control would not be served if the United States were to decide not to take advantage of the technology of the 1980's even as it decided not to take advantage of the technology of the 1970's.

In order to contribute to our security, arms control must break out of the intellectual mold of mutual assured destruction, take into account new technology, and pursue new approaches. The President has new approaches in mind. That is why he is appointing new people.

If the opposition to Dr. Adelman were fully honest, it would seek to show why the policies of the 1970's would lead the Soviets to give up the advantages they have worked and paid for. The opposition would try to show that those policies, which have led us to the point for the first time in our history, where we legitimately fear war and defeat, should be continued. But the opposition is not fully honest precisely because it does not believe it can carry that heavy burden.

Mr. DODD. Mr. President, most nominations requiring the advice and consent of the Senate are processed through this body routinely, with little or no controversy. Occasionally, however, a major controversy erupts around a nomination as in the case of Mr. Kenneth Adelman. The controversy may not be based entirely on the nominee's fitness viewed in abstract. When the Government function itself, the nominee would be called upon to manage, is subject of a broad national controversy it is to be expected that the Senate takes a particularly hard look at the candidate's qualifications to step into that position with authority, to bring order into the area afflicted by disarray. In other words, the Senate's function cannot be viewed as that of a fine scale operating in vacuum. The Senate has to exercise its collective judgment in a particular historical moment, under the then existing national political conditions.

It would be unfair to blame Mr. Adelman for all the problems that cluttered his path to his confirmation. He is a very talented individual with a distinguished career. One can think of a whole range of government positions for which he would ordinarily have no difficulty in gaining the approval of the Senate.

This, however is not an ordinary nomination, and is certainly not considered under ordinary circumstances. Both among the American public as well as our allies there is a strong concern that this administration is not dedicated to the cause of arms control, its protestations to the contrary notwithstanding.

We cannot base the security of our Nation solely on trying to outspend the Soviet Union in building more and more nuclear arms. A prudent national security policy has to establish a judicious balance between arms procurement and arms control initiatives. These two components presuppose and complement each other. For far too long, the President seemed to recognize only the armament side of this equation. He allowed his spokesmen to make imprudent statements on limited nuclear war or on nuclear war-fighting that understandably alarmed the people of the United States and our European allies. As a result, the consensus behind the President's defense policies evaporated. To arrive to a significant arms control agreement with the Soviet Union is a task of enormous complexity and difficulty. With a new Soviet leader who may still be in the process of establishing his authority vis-a-vis the military this task is even more arduous. Under these circumstances we have no chance at that negotiating table unless we have a President whose authority is intact and who has a comprehensive and credible arms control policy with a national consensus behind it. The President's principal advisers have a crucial role in establishing that authority, in fashioning that policy. At present, among the President's principal officers on national security matters there is no one who has in-depth experience in the arms control field. This is no time for another trainee-on-the-job. In the present situation we need an ACDA director with an impeccable record of commitment to arms control and a well-established expertise in the technical as well as the political aspects of the field.

It is perhaps unfair to Mr. Adelman to be judged, at least in part, on the basis of circumstances that he did not create, nor does he control. It is fair, however, to point out that during the last 3 months he utterly failed to establish to the members of the Foreign Relations Committee, the informed public, indeed, to the whole Nation the genuineness of his commitment to the cause of arms control and the depth of his expertise in the field. The considerable body of writings on the subject that is so often cited by his supporters consists of little more than abrasive political philippics against supporters of arms control efforts. He was given ample opportunity before the committee to demonstrate his mastery of the technical, as opposed to the political, aspects of the issue, but he declined to rise to the challenge.

In sum, Mr. Adelman does not have sufficient credibility in this field, nor does his expertise measure up to the

very high standards that are called for. In the Nation's best interest and even in his personal political interest the President should have seized the opportunity offered to him by the Foreign Relations Committee and replace Mr. Adelman with one of the many outstanding Republican figures who would have no difficulty in gaining the trust of the Senate and the Nation.

Mr. President, for the above reasons I cannot vote for the confirmation of Mr. Adelman. Precisely because I want the President to be able to launch a successful and effective arms control effort I urge my colleagues to vote against the present nominee.

Mr. PERCY. Mr. President, I yield the remainder of our time to the distinguished majority leader, Senator BAKER.

Mr. BAKER. I thank the chairman.

Mr. President, the Senate has now spent a great amount of time debating the Adelman nomination.

May I begin by expressing my appreciation to the minority leader, to the ranking minority member of the committee, and of course to the chairman and all other Senators for entering into a unanimous-consent agreement that permitted us to reach the point we are about to reach—that is to say, an up-and-down vote on the Adelman nomination at 2 p.m. I think it is in the highest and best traditions of the Senate, in the execution of its advise and consent constitutional responsibility, that the matter has been handled in the way it has.

Notwithstanding the fact that the nomination was controversial—and indeed, the Foreign Relations Committee recommended that the Senate disapprove the nomination—the Foreign Relations Committee reported the nomination for the consideration of the full Senate. That is in keeping with previous precedents of that committee and of the Senate, and I commend the members of the committee, particularly the chairman and the ranking minority member, for agreeing to that procedure.

There has been a full, fair, and thorough examination of this nomination, as there should be; and I am convinced that the Senate should confirm the nomination of Kenneth Adelman. I am sure that there are questions that remain in the minds of many Senators.

The VICE PRESIDENT. The time of the majority leader has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the majority leader have an additional——

Mr. BAKER. Mr. President, do I correctly understand that the time for the vote is 2 p.m.?

The VICE PRESIDENT. The Senator is correct.

Mr. BAKER. Is it the statement of the Chair that time of the Senator from Illinois has expired?

The VICE PRESIDENT. The Senator's time has expired. The Senator from Rhode Island has 3 minutes remaining.

Mr. PELL. I yield to the Senator.

Mr. BAKER. Mr. President, there are 2 minutes remaining before 2 o'clock. I thank the Senator from Rhode Island for yielding from his time so that I can complete these remarks.

Mr. President, the Senate's consideration of the nomination of Ambassador Kenneth Adelman to become the Director of the Arms Control and Disarmament Agency has consumed more of the Senate's time than I would have expected when the nomination was received. I am pleased that we now have the opportunity for the Senate to express its will on this matter.

In the past several months I have had the opportunity to spend a considerable amount of time with Ambassador Adelman. During that time I have come to know him quite well and I believe I have a good understanding of his views on national security and the importance of arms control as a fundamental element of our security. In the normal course of events it would be my inclination to support him as the President's nominee; in this instance, I not only support him, I am convinced that Ambassador Adelman has the will and capacity to become an outstanding advocate of the arms control process. Because I believe deeply in that process, I believe it vitally important that the Senate confirm his nomination. I am encouraged to believe, Mr. President, that the Senate will.

Mr. President, we all know that this nomination has been embroiled in a variety of issues that go far beyond the examination of Ambassador Adelman's qualifications for this position. The Washington Post characterized these as "largely ephemeral side issues." I would be less than candid if I did not confess a similar degree of frustration at the number of seemingly unrelated issues with which we and Ambassador Adelman have had to deal. The question the Senate should be asking, and I trust will ask, is whether this nominee is qualified for the position. I am absolutely convinced that he is.

I will readily concede that an essential element of the qualifications of this nominee is his commitment to the arms control process, and I have heard it said that since Ambassador Adelman was critical of the SALT II agreement, his commitment to the process is less than enthusiastic. Mr. President, that simply is not true. I and many others in this Chamber shared the Ambassador's belief that the SALT II agreement, as submitted to the Senate, was both a detriment to the security of this country and to the long term prospects of achieving an arms control agreement that in a meaningful way reduced the risk of a nuclear war. I assure you, Mr. President, that opposition to SALT II in no way reflects, either for me or for this nominee, a belief that meaningful arms control is not essential to our national security.

There have been, as well, questions raised with respect to the President's commitment to arms control. While these questions do not bear directly on this nomination, I think it important to say that I am equally convinced of the President's commitment and belief in the importance of arms control. This, too, I can say from personal experience, having talked with the President on many occasions on this subject. Moreover, I know that Ambassador Adelman enjoys the trust, confidence, and respect of the President, as well as that of the Secretary of State, Secretary of Defense, and others with whom he will have to coordinate the Nation's arms control policies. I am confident, therefore, that he will be an able and effective advocate for arms control and highly competent in the execution of the responsibilities entrusted to his agency.

Finally, Mr. President, I understand the deep commitment of many in this Chamber to arms control and their concern that there seems to be little progress in the negotiations that are underway. Although I am more inclined to fault the Soviet Union for that lack of progress, that is a subject for an entirely separate speech. I, too, want progress on those negotiations and I believe the greatest contribution this Chamber can make to that effort is to confirm this nominee—a nominee in whom the President has the highest confidence—and give the President a full team with which to seek these important agreements. ACDA has been too long without effective leadership and I would be terribly concerned should this Chamber take any action that will contribute further to that problem.

Therefore, Mr. President, I urge my colleagues to examine this question carefully and thoughtfully. I believe the Senate should consent to his confirmation and I believe it important that we do so.

Mr. President, I urge my colleagues to consider favorably the nomination of Kenneth Adelman. I believe our confidence in him to assume this important position will be fully justified.

Mr. President, I ask for the yeas and nays on the nomination.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of Kenneth L.

Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—57

Abdnor	Hatfield	Nickles
Armstrong	Hawkins	Percy
Baker	Hecht	Quayle
Boschwitz	Heflin	Randolph
Chafee	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
D'Amato	Jackson	Specter
Danforth	Jepsen	Stafford
Denton	Johnston	Stevens
Dixon	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Laxalt	Tower
Durenberger	Long	Trible
East	Lugar	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Weicker
Grassley	Moynihan	Wilson
Hatch	Murkowski	Zorinsky

NAYS—42

Andrews	Eagleton	Matsunaga
Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Gorton	Nunn
Boren	Hart	Pell
Bradley	Hollings	Pressler
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Kennedy	Riegle
Chiles	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Stennis
Dodd	Mathias	Tsongas

NOT VOTING—1

Packwood

So the nomination was confirmed.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I yield to the chairman of the Foreign Relations Committee.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. Mr. President, may I take this opportunity to express my appreciation to both sides of this issue for their unfailing cooperation. I congratulate the distinguished chairman of the Foreign Relations Committee.

Mr. BYRD. Mr. President, the majority leader is entitled to more order than he is getting. I ask that there be order in the Senate Chamber and in the galleries.

The VICE PRESIDENT. The Senate will be in order. The galleries will please be in order as guests of the Senate. Will the Senate be in order?

The majority leader is recognized.

Mr. BAKER. Mr. President, if Senators would give me their attention, what I want to try to do is see if we can work out a schedule of activities for the Senate for the next day or so. If I could have the attention of the Senators on my right and on my left, we will try to do that.

But before I do, let me continue what I began.

I wish to express my deep appreciation to both those who supported and opposed this nomination for permitting the Senate to act as it now has acted and express its will in respect to this nomination.

Mr. President, I particularly wish to congratulate the distinguished chairman of the committee (Senator PERCY) for his good work over a long period of time in presenting this matter to the Senate and in managing the proponents' case.

Mr. President, the Senator from Rhode Island (Senator PELL) deserves special high marks for his management as well. In addition, Senator TSONGAS deserves recognition as perhaps the principal opponent. He handled himself like a real pro, which indeed he is. I wish to congratulate him for a job well done, notwithstanding that his position did not prevail.

Mr. President, I wish to say that there is much work yet to be done by the Senate.

Mr. BYRD. Mr. President, will the Senator yield to me before he changes the subject?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I express my compliments and my thanks to Mr. PERCY and Mr. PELL. I think it was very wise not to have a filibuster conducted on this nomination. I think it was very wise not to have a motion to recommit. I think the President was entitled not to just anybody he wishes—the Constitution does not say that—but I think the President was entitled to a vote up or down on his nominee.

I congratulate the committee. They did not kill the nomination. They reported it out so that the Senate could have its say and the nominee could have his day in court.

I congratulate the committee and I thank the distinguished majority leader for yielding.

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

ADELMAN NOMINATION

Mr. PELL. Mr. President, the Senate has just taken the highly unusual action of giving its advice and consent to a nomination despite the negative recommendation of the relevant committee. This has happened on only three previous occasions during this century, the last time being 33 years ago.

Having been the beneficiary of this highly unusual action, Mr. Adelman in my view is under a heavy obligation to prove by his future actions that the judgment of the full Senate was correct and that our committee's contrary judgment was wrong. As one who opposed Mr. Adelman's confirmation, I very much hope that my lack of confidence in Mr. Adelman's commitment to arms control and in his ability to be an effective advocate of arms control will prove to be unfounded. As my colleagues on the Foreign Relations Committee are aware, it was with great difficulty that I came to the judgment that Mr. Adelman is not qualified to be the Director of the Arms Control and Disarmament Agency. I like Mr. Adelman as a person and respect his personal integrity and intelligence. I therefore hope that these positive aspects, which made my decision difficult, will prove to have been justified—and I say that with the utmost sincerity.

The Senate's decision in this matter was clearly a close judgment call, just as it was in the Foreign Relations Committee. It is a rare event whenever more than 40 votes are cast against a nominee; and in the case of Mr. Adelman, the 42 votes cast against him constitute the highest negative vote on any nominee for ACDA Director in the Agency's history. Today's vote will, I am confident, be widely interpreted at home and abroad as a sign of deep concern in the Senate about the future course of the administration's arms control policy.

That is a heavy burden for Mr. Adelman to bear as he takes office, but that burden is not necessarily a source of despair; it could just as well turn out to be a source of hope. Let me briefly amplify that point.

I hope that Mr. Adelman, having squeaked through the Senate, will be sensitized to the need to make real accomplishments in the field of arms control, just as Elliott Abrams was sensitized to the need to make positive contributions to the advancement of human rights after Ernest Lefevre withdrew in the wake of his rejection by the Foreign Relations Committee.

I hope that Mr. Adelman will be as tenacious and imaginative in his advocacy of arms control as he was in his pursuit of Senate confirmation. I would be greatly comforted if I knew that such spirited perseverance would be put to work in the cause of reversing the arms race in its many dimensions.

I hope that Mr. Adelman's confirmation will, as Senator PERCY suggested, serve to speed up the arms control process. Clearly, we have dallied too long in the quest for meaningful arms

control agreements with the Soviet Union.

I hope that Mr. Adelman will, as Senator MATHIAS proposed, visit Hiroshima so that he will gain a firsthand appreciation of what a nuclear holocaust is like.

I hope that Mr. Adelman will reverse the decline in effectiveness and morale of the Agency which he is about to head. Whether or not he puts his new house in order quickly will be a good indication of where he is headed on matters of policy.

Finally, I would like to reiterate my hope that I will be proven wrong in opposing this nomination. I would like nothing better than to rise one day in this Chamber in order to praise Mr. Adelman for advancing the cause of arms control and peace in the world.

Mr. RIEGLE. Mr. President, I think it is a sad day for America that Kenneth Adelman's nomination was confirmed by the Senate. Now that he is in this position, the only way we can remove him is by removing Mr. Reagan from the Presidency. I am very much of the opinion that in 1984 our Nation, for a variety of reasons, will take that step and we will in fact elect a new President. In so doing, we will not only put the Presidency into new and more capable hands but afford ourselves the chance to then select on behalf of our Nation someone to head the arms control effort who brings the qualification and the professional standing and the awareness of the issues that this vital, absolutely critical issue requires.

In a sense, I suppose the confirmation today draws the issue even more clearly, and that is the problem of a lack of movement on arms control and in the end is a problem of inadequate Presidential leadership.

I think it is time for us now to deal with the problem—of President Reagan; when this term is up, to replace him with a President that can perform this job at a higher standard and in a much better way.

Mr. BYRD. Mr. President, I never made any statement to the Senate prior to the vote on the nomination today. I thought that was a bipartisan matter, and I felt that had I spoken against the nomination, it might be viewed as a partisan issue. I feel that a thing or two should be said, however.

As I read the Constitution, article II, section 2, paragraph 2, it is as follows:

He—

Meaning the President—

shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law . . .

I do not read the Constitution, Mr. President, as saying that the Senate has to rubberstamp every nominee or any nominee of any President, of any party. Over the years, I have heard the argument made many times to the effect that, "Well, it's the President's nominee. He should have whomever he wishes."

That is not with what the Constitution says. Each of us takes an oath, as we begin our holding of this office as a United States Senator, to uphold the Constitution.

I simply wish to say for the record that this is one Senator who will never subscribe to the view that any President—this President, a Democratic President or a Republican President—is entitled automatically to have his choice as nominee for any office.

I do not say that that is not a factor in my thinking when I approach my vote on a nomination. It is a factor and has some degree of validity, but it should not be the overriding factor; because if it is the overriding factor, the Constitution might as well be expurgated of the words I have just read, which should be taken out of the Constitution. That can be done only by a constitutional amendment.

Our Founding Fathers were concerned about extending a President such inordinate power. They feared that giving a President such unfettered power would allow him to place in office any person of his choice, no matter how unqualified or how incompetent, to conduct the important business of our Government. They were concerned that this would accord to the President the very monarchial powers against which our Founding Fathers rebelled.

History indicates that the framers of the Constitution intended that responsibility for foreign policy be shared between Congress and the President. In this connection, the Senate was accorded a special advisory role under the Constitution.

I think we make a mockery of the role for the Senate that is written into the Constitution, by simply voting automatically for a nominee once the nomination comes up.

The requirement that ambassadors, ministers, and consuls be subject to Senate confirmation appears to have been intended as a basic part of the division of foreign relations powers between Congress and the President. The power-sharing was structured in this manner as recognition that the Senate also had a special advisory role in the treaty making processes of our Government. Therefore, it was logical to our Founding Fathers that there was a connection between requiring the advice and consent of the Senate in the making of treaties and requiring the advice and consent of the Senate for the appointment of representatives of our Government responsible for overseeing treaty negotiations and those who would participate in the actual negotiations themselves.

The requirement for Senate confirmation of nominees also serves the purpose of keeping up the caliber of appointees by providing a check on the choices and an opportunity for scrutiny. In the foreign affairs field, it provides a means for the Senate to assure that the United States is ably represented. It also provides a channel of communications between Senators and executive branch officials on the problems and goals of U.S. foreign policy. And finally, the hearings and nominations are a method of overseeing the administration of foreign policy by the executive branch.

So if we subscribe to the notion that a President should have whomever he wishes, why should he even send the name up to the Senate? Why should the appropriate committee that may have jurisdiction over the nomination bother to have hearings? If it is an automatic thing, committees are wasting their time, the Senate is wasting its time debating the nominations, and the President is wasting his time in bothering to send the nomination up to the Senate.

I certainly do not find any reason to criticize any Senator for voting one way or the other on nominations, as we saw today.

I voted against the nomination for various reasons, one of which was that the President stated publicly that "If they could not see the light up there, they would feel the heat." I resented that statement. It is not a matter of feeling the heat. It is a matter of fulfilling our constitutional duties, and they are clear—that the President shall appoint, by and with the advice and consent of the Senate.

I was offended, on behalf of this institution, that the President made that statement. I hope that no future President—or this one, either—will make such a statement again. I can understand his doing everything he can in favor of a person nominated by him, and I can understand his contacts with Senators in his efforts to get a nominee confirmed. I have no objection to that. But to make a public statement that "If they cannot see the light, they can feel the heat," leaves me cold—cold. I am talking about absolute zero when I say "cold," absolute zero being minus 459 degrees Fahrenheit.

I do not subscribe to that kind of public statement, nor do I subscribe to the idea that this Senate, under this Constitution that I have here in my hand, should automatically confirm any nominee that any President sends up for any position. We cannot give any President just any old nomination he wants just because he is President; it is the responsibility of the Senate to

determine whether or not the nominee is qualified and competent. And in the case of Mr. Adelman the Committee on Foreign Relations, by a bipartisan vote, determined that he was not qualified to assume the position as Director of the Arms Control and Disarmament Agency.

I am glad that the committee did report the nomination to the Senate. I think the President is entitled to have a Senate vote on his nominee. The Constitution does not say that he shall appoint by and with the advice and consent of a Senate committee. It is "by and with the advice and consent of the Senate." So I compliment the committee—even though it reported the nomination adversely, I compliment the committee on reporting the nomination, and I commend all Senators for not engaging in a filibuster and for not moving to recommit the nomination.

I think both the President and Mr. Adelman were entitled to a vote up or down on the nomination.

As Mr. PELL pointed out, in almost 60 years rarely has the Senate Committee on Foreign Relations reported a nominee unfavorably. Only once during that period of time has the committee voted down a nomination, and in that case the nominee withdrew almost immediately. In addition this is only the 13th time in this century that any Senate committee has reported an executive branch nomination unfavorably and on only three occasions has the full Senate overturned the judgment of the committee responsible for judging the qualifications of the individual being nominated.

So the recommendation of the Senate Committee on Foreign Relations should not be taken lightly.

I think that among those issues surrounding this nomination, one of those issues was that this is an institutional matter.

But I wish to say that it was a fine debate; it was bipartisan in nature. The Senate has spoken. I wish the nominee well, just as I wished Mr. Haig well after I had voted against his nomination and after the Senate had confirmed him for the office of Secretary of State.

I believe that to vote for a nominee just because there is a feeling that the President should have his own team no matter how unqualified those individuals may be is not a responsible exercise of our institutional duty under the Constitution. Each Senator has to determine for himself where his responsibilities are, how he should view them and how he should approach them, but the words of the Constitution are clear. The Founding Fathers I think were wise in according the Senate this responsibility. They knew all too well that it would serve as a check on the President if the Senate demonstrated that there were risks in nominating questionable aspirants for positions of responsibility in the Government of the United States.

If we finally come around to the view that we give any President any nominee that he wishes, why then we are going to undermine the Constitution and we are going to undermine the intentions and deliberate words that the Founding Fathers wrote into the Constitution and in the long run we will remove a check on a President if we succumb to the idea that just any old body, any old guy, any old nominee that he sends to the Senate could have Senate confirmation just because the President wants it.

It will not make any difference whether it is a Democratic President or a Republican President. It is a duty of the Senate to fulfill its responsibility under the Constitution, and I hope that Senators will agree with me that there is that responsibility. We cannot avoid it because of the oath that we take when we enter upon our office. As I say, if that is going to be the position of the Senate, then there will be no check on the nominees that future Presidents may send or wish to send to the Senate, and we will have abdicated our own responsibility.

I yield the floor.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

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

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

SENATE SCHEDULE

Mr. BAKER. Mr President, if I may have the attention of Senators for a moment.

The PRESIDING OFFICER. The majority leader is entitled to the attention of all Members of the Senate. Those who are carrying on conversation will find other places to do that.

Mr. BAKER. Mr. President, under the order previously entered, the Senate on tomorrow will turn to the consideration of the reciprocity bill, at which time the Kasten amendment will be the pending question before the Senate. I do not know, of course, but I anticipate that the proponents of the Kasten amendment may wish to file a cloture motion to limit debate on that subject. That, of course, interacts pretty intimately with the question of how we schedule the activities of the Senate.

Mr. President, I would like to see if we could also work in the consideration of the bankruptcy bill. The Chief Justice of the United States has urged on many occasions that we consider this measure as soon as possible. It is urgent, I believe, that we clarify the law in respect to bankruptcy in view of the expiration of certain prior statutory provisions.

I may say to my friend, the minority leader, that what I would like to do for the remainder of this day, if we can do it, is to try to go to the bankruptcy bill, to spend some time on that this afternoon, if the chairman of the committee is agreeable and others, and to return to the consideration of that measure tomorrow until a reasonable time, say 1 or 2 o'clock, at which time we would—could I inquire of the Chair, what time does the order provide we will go to the reconciliation bill?

The PRESIDING OFFICER. The Senate is scheduled to go to the trade reciprocity bill 1 hour after the Senate convenes.

Mr. BAKER. I thank the Chair.

Mr. President, at that time, we will begin the consideration of the reciprocity bill.

Mr. President, I would also like to see if there is a possibility that we could avoid a Saturday session by providing that Saturday would count as the intervening day in the case of rule XXII to permit a vote on Monday, if that is the wish of those who propose it, or on Tuesday, if that seems preferable, and to provide a regular schedule of votes for next week based on the maximum convenience of Senators and circumstances involved.

Mr. President, let me say that on the reciprocity bill, I indicated to the Senate, and more particularly to the Senator from Wisconsin, Senator KASTEN, that, notwithstanding that I do not support his amendment and indeed that I will vote against cloture, I will cooperate with him in every way to see that he has an opportunity to present that motion and to schedule it in an appropriate way. I will do that.

I also indicated, I believe, in my earlier remarks, that I would see that he had an ample opportunity to try to prevail on his initiative.

Mr. President, I would like to elaborate on that now, even before we get to the subject, with this addition. What I had in mind at that time, and what I wish to offer at this time, is that if cloture is not invoked on the first try, and it may be, but if it is not, I will cooperate with the Senator from Wisconsin, if he wishes, in the matter of providing for a second cloture vote. If he does not get cloture on that, and he very well may, I will cooperate with him in trying to get a cloture vote on a third cloture vote, but it would not be my intention to go beyond three clo-

ture votes. There is so much to be done by the Senate that I think that is a fair opportunity under the circumstances.

So, Mr. President, on tomorrow, we will go, under the order previously entered, to the Kasten amendment as an amendment to the reciprocity bill.

I would like to inquire of the minority leader if we can arrange a schedule of those cloture votes so that they succeed one after the other, if that is necessary to meet the maximum convenience of Senators to avoid a Saturday session, and to get on with the consideration in the interim of the bankruptcy bill.

Mr. BYRD. Mr. President, I will respond to the majority leader that I discussed this matter in the caucus on yesterday and indicated that the majority leader might wish, or someone may wish, to enter a cloture motion on——

The PRESIDING OFFICER. Will the minority leader withhold? Either there is a deficiency in the President's hearing or there is a rather loud hum in this Chamber. The Presiding Officer, therefore, would advise both Senators and the people who continue to move in the galleries that it is very difficult for the Members of the Senate to listen to their leadership as we attempt to negotiate a time schedule for the next several days.

The minority leader is recognized.

Mr. BYRD. Mr. President, I commend the Chair, because, under the rules, the Chair has the responsibility and the duty to get order and to keep order without a point of order being made from the floor. Not many times do we see the Chair taking the initiative in doing that. That is precisely what the Chair ought to do under the rules. Any Senator who wants to read the rules, can do it for himself. But that is one reason why we do not have better order around here is that the Chair just simply does not enforce the rule—maybe he does not know the rules. But it is his responsibility to get order in the Chamber and maintain order without a point of order being made from the floor. I congratulate the present occupant of the Chair on a job well done.

Mr. President, in replying to the majority leader, I took this matter up in caucus the other day and I said that a cloture motion might be introduced on Friday and it was the majority leader's wish to vote on Monday if such occurred and that the majority leader also would want a cloture vote on Tuesday.

I indicated that the majority leader would like to try to get a unanimous-consent order that both cloture motions would be offered on Friday, if that is his wish, and that the Senate would not be in session on Saturday under the order if the majority leader prevails in getting unanimous consent and that there would be a cloture vote on Monday and one on Tuesday.

Mr. President, I have heard no objections to the procedure which the majority leader has indicated.

Mr. BAKER. I thank the minority leader. Let me yield to the Senator from Wisconsin.

Mr. KASTEN. I thank the Senator for yielding. I thank the majority leader for his assistance in this regard, even though we are on different sides.

I agree that we want to facilitate the work of the Senate and also invoke the least inconvenience to Senators. I hope also we can avoid a Saturday session.

It is my understanding that there is a number of Senators who would prefer the vote on cloture to occur on Tuesday afternoon. We may be able to set a specific time for that vote to occur. I would not object to that. It would be my intention tomorrow, sometime during the debate on the trade reciprocity bill and the Kasten amendment, to in fact file a cloture petition. I would be happy to work with the majority leader with the aim of a vote on Tuesday next and without the necessity of a Saturday session, without the vote occurring on Monday because it will create a conflict with a number of Senators with whom I have spoken.

Mr. BAKER. I thank the Senator. I have no problem with the vote occurring on Tuesday. If the minority leader has no objection, I am prepared to offer a unanimous-consent request in that regard.

Mr. BYRD. I have no objection. I suggest the majority leader proceed.

Mr. BAKER. Mr. President, let me complete the check on my side before I do that.

Mr. President, I anticipate we will be able to do that and that there would be no need for a Saturday session or a unanimous-consent request, either one. If the Senator files his petition on tomorrow, the vote would automatically occur on Tuesday.

While we are checking the cloakroom on that, could I inquire of the minority leader if there would be any objection on his side to proceeding to the consideration of the bankruptcy bill today and tomorrow until we turn to the consideration of the reciprocity bill and to lay aside that measure when, under the previous order, we are obligated to take up the reciprocity bill?

Mr. BYRD. Mr. President, the majority leader has asked me a question. Before I respond, I note the distinguished Senator from Ohio is on his feet. I would like to hear what he has to say.

Mr. METZENBAUM. I thank the distinguished minority leader.

I have no problem with the basic bill nor any amendment in connection with that bill, as such. However, as the majority leader and the minority leader both know there are two bankruptcy matters pending. One has to do with the matter of filling of vacancies and the problem that exists from the standpoint of the courts, and the other bankruptcy bill has to do with the substantive law.

I have raised this question in the Judiciary Committee where the substantive matter is presently pending. I indicated at that time that I wanted some assurances that there would be no effort to attach the substantive law measure to the pending bankruptcy bill.

It is my understanding that this bill that the leader wishes to proceed with is not that controversial, although I do believe the junior Senator from North Carolina may have one amendment. If the Senator from Ohio could have some assurances that the substantive law bill would not be attached, or an effort made to attach it as an amendment, then I have no objection whatsoever. Absent that, I do have problems and would want to discuss them at length.

Mr. BAKER. I understand the Senator does not mind us taking up the bankruptcy bill which deals with procedure but not the one which deals with substantive law and they are two separate measures.

Mr. METZENBAUM. That is correct.

Mr. BAKER. Mr. President, let me see if we can do that. I will consult with the chairman of the Judiciary Committee. I will perhaps have a request to make later. I will say to my friend from Ohio that it is my intention to go to only the procedure matter at this time. I am perfectly willing to limit my unanimous-consent request, if I can get that consent, on any amendments that can be offered to the bill.

Mr. METZENBAUM. So there may be no misunderstanding, it is my understanding that the Senator from North Carolina has an amendment to the bill the majority leader wants to proceed on, and that is not a matter of my concern. My concern is with the substantive law. The substantive law questions are contained in a bill being sponsored by Senator DOLE with a number of cosponsors, as well as a companion measure by the Senator from Ohio and the Senator from Massachusetts. It is S. 445, the substantive law bill. I know Senator DOLE and Senator THURMOND understand my position with respect to this matter. I do not believe there is any controversy about it, but I thought we ought to get it clarified to see if we do it by unanimous consent. As far as I am concerned, the bill which the majority leader wishes to proceed on this afternoon is not, I believe, very controversial.

Mr. BAKER. Mr. President, S. 445 is a bill dealing with "future income." I will consult with the distinguished Senator from Kansas and the chairman of the committee, the Senator from South Carolina. I will maybe be in a position to make that request in a little while.

Senators should be on notice that it is the desire of the leadership to try to get to the bankruptcy bill for a while this afternoon and for a brief time tomorrow before the reciprocity bill.

Mr. BYRD. If the Senator will yield, Mr. HEFLIN is to manage the bill on our side and I have been advised by Mr. HEFLIN that he is not prepared to take up that bill this afternoon.

Mr. HEFLIN. If the Senator will yield, I did not know this matter was coming up, but I would like to talk to my staff person, who has now arrived, and perhaps we can agree to do it.

Mr. BAKER. Mr. President, perhaps we would all be better served by discussing this matter at 3 p.m.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there may be Senators who wish to speak. I ask unanimous consent that the time between now and 3 p.m. be devoted to routine morning business during which Senators may speak for not more than 2 minutes.

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

PHILLIP BURTON, A CHAMPION OF PACIFIC PEOPLE

Mr. MATSUNAGA. Mr. President, news of the unexpected passing of a friend and classmate always comes to us as a shock and leaves us with sobering thoughts. We learn, and experience, in tandem with out colleagues at each stage of life's continuing education. So it was when the report of Congressman Phillip Burton reached me in Hawaii over the weekend. Phil Burton and I were Members of the class of '88, freshmen Members of the 88th Congress 20 years ago. Until I joined this body I served as president of the 88th Congress Club, while Phil collected our dues as treasurer. Although we shared many legislative aims in the House, we worked most closely since my election to the Senate because of his chairmanship of the House National Parks and Insular Affairs Subcommittee of the Interior Committee and my membership on the Senate Energy and Natural Resources Committee. We shared a common interest in the welfare of the people of our Pacific islands. With his well established credentials as a leader in environmental legislation he was as sensitive as I that we not make the Pacific a dumping ground for nuclear waste. He was keenly interested in Pacific island issues and spearheaded successful moves for official delegate representation in the U.S. Congress for Guam and American Samoa, and commonwealth status for the Northern Marianas. A mercurial champion of the poor, he has also left the Nation a legacy in our park systems that we are honorbound to maintain. He was an outstanding lawmaker who will be sorely missed, Mr. President. To his wife, Sala, and daughter Joy, I exent heartfelt condolences.

I ask unanimous consent that a news article written by David Shapiro on the death of the late Phillip Burton, published in the Honolulu Star-Bulletin of April 11, 1983, and an editorial of April 12, 1983, from the same newspaper, be printed in the RECORD, so that readers of the RECORD may be better reminded of his accomplishments, in his memorial.

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

[From the Honolulu Star-Bulletin, Apr. 11, 1983]

CALIFORNIA CONGRESSMAN PHILLIP BURTON DIES AT 56

(By David Shapiro)

Rep. Phillip Burton, D-Calif., the longtime "godfather of U.S. policy in its island territories, died yesterday at St. Francis Hospital in San Francisco.

Burton, 56, who last year won election to his 10th term in Congress, was admitted to the hospital late Saturday might complaining of chest pains. He died two hours later.

A heart attack or blood clot was the suspected cause of death, but a coroner's spokesman said "there will be no way of knowing until an autopsy today."

Burton is survived by his wife, Sala, and his daughter, Joy.

The eulogies in Congress will center on Burton's national achievements, particularly on environmental and labor issues.

A leader of House liberals, he came within one vote in 1977 of being elected majority leader—the second highest position in the House leadership. In recent years, he won passage of the biggest expansion of the National Parks system in history, and has been a point man in organized labor's fight against the Reagan administration.

But nowhere will Burton's passing be felt as much as in the U.S. territories—an invisible empire that stretches from the Virgin Islands and Puerto Rico in the Caribbean to Guam, the Northern Mariana Islands and American Samoa in the far reaches of the Pacific.

As chariman of the House territories subcommittee in the 1970s, Burton became a champion of these distant and often voiceless Americans. Through Burton, the territories gained an important measure of power in a Congress generally indifferent to their interests.

"He was like a godfather to the island people," said Edward Pangelinan, the Northern Marianas' representative in Washington. "Despite his national responsbilities, Phil took it upon himself to be the spokesman for the island people. We are going to miss him—his leadership, his warmth and his generous heart."

In the last decade, Burton won commonwealth status for the Northern Marianas, representation in Congress for Guam, the Virgin Islands and American Samoa, and struggled to assure that territories benefitted from the full range of federal social and economic programs available to other Americans.

A master parliamentarian, Burton could often be found on the House floor quietly slipping through bills that exempted the territories from new federal taxes, forgave loans to the islands and swept aside federal trade barriers that hampered local developement.

Burton's affinity for the islands even extended to Hawaii, a fully represented state where he had no official responsibilities.

In 1980, he won approval of a new national historical park at Honokohau—a project that Hawaii's congressional delegates had tried to get for years, without success. And in 1980, he played a key role in ordering a federal study of native Hawaiians' land claims against the government.

Burton had to give up his territorial post in 1980, when labor leaders prevailed upon him to focus on the Education and Labor Committee, where he could help fend off Reagan's agenda for changing U.S. labor law.

But Burton saw to it that his territories chairmanship was passed on to Del. A. B. Won Pat of Guam—the first non-voting territorial delegate ever to chair a House subcommittee. And Burton continued to play a major behind-the-scenes role on island issues.

Just last month, he announced plans to fight major provisions in the Reagan administration's proposed compact to grant semi-independence to the Micronesian states, claiming the Micronesians were being shortchanged.

Won Pat, who has built his political career around his close ties to Burton, called Burton's death "a crushing blow for me personally, and for the territories."

"Congressman Burton was one of our most powerful allies in Congress," Won Pat said. "He was tremendously helpful in bringing millions of dollars in additional federal aid to Guam. We will have to work even harder to fill the void left by the death of this remarkable man."

Hawaii Rep. Cecil Heftel today recalled the San Francisco lawmaker's concern for Hawaii.

"Congressman Phil Burton was a great friend of Hawaii, and a source of leadership and inspiration to me," Heftel said. "It was to him I turned to for guidance when there was a threat to Hawaii's sugar industry and the jobs it provides for Hawaii's people.

"The nation and the Congress will miss him. But, most of all, the people of his district and of Hawaii will feel the loss of this truly great and compassionate leader."

Burton's intense interest in island affairs was not without controversy.

In 1980, many local leaders became incensed when Burton injected himself into hot congressional races in Guam, the Virgin Islands and American Samoa.

In Guam, where Democrat Won Pat was facing a tough challenge from Republican Tony Palomo, Burton suggested that Congress might become less generous with Guam if Won Pat were defeated. As an example of what could happen, Burton cited a loss in federal aid suffered by the Virgin Islands after Republican Del. Melvin Evans had replaced DeLugo.

Burton's statements brought cries of outrage from Republicans in both territories, who accused him of using bullying tactics to interfere in local affairs. But Burton won on

both fronts when Won Pat handily defeated Palomo, and DeLugo won his rematch against Evans.

[From the Honolulu Star Bulletin, Apr. 12, 1983, Editorial]

PHILLIP BURTON

Over the last decade or so, a California congressman made a reputation for himself as an authority on the United States' island territories. He was Phillip Burton, who died Sunday at age 56.

Most members of Congress have little interest in and less knowledge of the problems of the territories. Certainly there is little political profit for them in such issues.

That was true of Burton, too, but as chairman of the House Territories subcommittee he made himself an expert on island affairs and a champion of their interests. He gave up his chairmanship in 1980 to focus on the Education and Labor Committee, but maintained an influential role behind the scenes.

Burton was a liberal Democrat with interests in labor and environmental issues who came within one vote of being elected House majority leader in 1977. But in Guam, American Samoa, the Virgin Islands and the Trust Territory he will be remembered as the congressman who appreciated and fought for the interests of the territories in the face of widespread apathy.

A HERITAGE UNSHARED

Mr. MATSUNAGA. Mr. President, last month my friend and colleague, the distinguished junior Senator from Ohio (Mr. METZENBAUM), rose on this floor to speak on the subject of Japanese American civilian internment during World War II, a matter I had addressed earlier on the occasion of the release of the findings of the Commission on Wartime Relocation and Internment of Civilians. Senator METZENBAUM had read the Commission's full report from cover to cover and was moved to organize a 2-hour special order of floor speeches on this subject. His keen sensitivity to the subject of civilian internment by military forces no doublt is based in his cultural heritage.

Similarly, I was deeply moved by the recent gathering of the survivors of the Holocaust and their recital of their incredible, nightmarish experiences. Somehow, as the years bring a degree of wisdom, we begin to see more clearly the truth of the old Oriental maxim: "Deeper understanding of human values cometh only through personal suffering."

In a recent letter to the two major Honolulu daily newspapers, the president of the Jewish Federation of Hawaii, Mr. Alex Weinstein, wrote as follows:

We who belong to a people which still bear the scars and memories of oppression in contemporary times are grateful that the injustices and errors which were practiced against our Japanese fellow citizens during World War II by the United States Government are finally being acknowledged.

In his lengthy and thoughtul letter, Mr. Weinstein also observed:

When we succumb to the adoption of totalitarian methods of European practices that we sought to defeat in World War II, we diminished our spiritual security to the extent that we endangered our physical security.

Mr. Weinstein's observation are well taken, and I am grateful that he saw fit to make them publicly. I must confess, however, that after reading the agonizing prose of writer Elie Wiesel in last Sunday's Washington Post, "A Plea for the Survivors," I find it difficult to consider the suffering of 120,000 Japanese Americans in World War II in the same breath with the extermination of 6 million Jews in Europe during that war.

The enormity of it has no precedent in recorded history. As Wiesel wrote:

Accept the idea that you will never see what they have seen—and go on seeing now, that you will never know the faces that haunt their nights, that you will never hear the cries that rent their sleep. Accept the idea that you will never penetrate the cursed and spellbound universe they carry within themselves with unfailing loyalty.

If there are any parallels to be detected in these two events—as disproportionate as they are—it is in the question whether Auschwitz and Buchenwald are the insane consequences to be expected of a policy leap from that of racial enslavement to one of racial annihilation. The answer is in the affirmative. If it be so, is not the prospect of such a leap of nonfaith in humankind always present when one group seeks to enslave another? Historians can offer evidence that such can be the case but never on the mammoth scale of the Holocaust that even to this day—four decades later—we find so difficult to comprehend or even imagine. And yet we know that technologically, if not ideologically, we are quite capable of such genocide today—many times over, in fact. Perhaps that is the rub. Will it really matter, in any moral sense, that we bring a civilization to an end by a bang, rather than a whimper?

(During Mr. MATSUNAGA's remarks the following ocurred:)

Mr. BYRD. Mr. President, the Senator is entitled to be heard. I ask for regular order in the Senate.

Mr. MATSUNAGA. I ask unanimous consent that the remainder of my statement be printed.

Mr. BYRD. I object to the dispensing with further reading. I want to hear it, but I want order in the Senate so I can hear it.

Mr. RIEGLE. Mr. President, I agree with the Senator. I care to hear it as well.

Mr. BYRD. I insist on hearing all of it.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask that we not proceed further until there is order in the Senate.

The PRESIDING OFFICER. The Senator is correct. The members of the Judiciary Committee and anyone else who is meeting this afternoon may do so in another part of the Chamber, and we look forward to the comments of the Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator for his concern. I had not heard the Senator. I thought perhaps he was anxious to get moving to other business.

(Following Mr. MATSUNAGA's remarks:)

Mr. BYRD. Mr. President, I thank the Senator for indulging my objection to his dispensing with the reading of his statement. I think it is well that he read it. I learned from listening to it. I thank him.

Mr. RIEGLE. Will the Senator yield?

Mr. MATSUNAGA. I thank the minority leader for his comments. I certainly appreciate them. It is good to know that there are people on the floor listening to what you say.

I am happy to yield now to the Senator from Michigan.

Mr. RIEGLE. Mr. President, I should like to make a comment to the Senator from Hawaii and then perhaps seek the floor in my own right.

However, I commend him on his remarks today and on his outstanding leadership in this body and, before service here, in the House of Representatives. I find the remarks of the Senator deeply meaningful and important. I appreciate the statement that the Senator has made.

Mr. MATSUNAGA. Mr. President, I thank the Senator from Michigan (Mr. RIEGLE), with whom I served in the House prior to our joining together in the Senate. We came to the Senate at the same time. I must say that Michigan made a right choice by electing him, for he has certainly been one of the true leaders in the area of civil rights. This is the subject of our talk today. And as was said by the Vice President, Mr. BUSH, earlier today in dedicating two Federal buildings for the construction of a memorial to those who died in the Holocaust, the issue is civil rights, that if we fail to observe and to work toward attainment of civil rights, then we will in effect permit what happened during World War II to happen again.

I again thank the minority leader and the Senator from Michigan for their comments.

Mr. BAKER. 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 (Mr. TRIBLE). Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended under the same terms and conditions until no later than 4 p.m. today.

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 legislative clerk proceeded to call the roll.

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

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

ACID RAIN

Mr. GLENN. Mr. President, the problem of acid rain has presented a dilemma for Congress for many years. There is no question that acid deposition on lakes and streams with watersheds having little capability to neutralize acid causes severe adverse effects. There is growing evidence of possible damage to crops, drinking water, and human health. As additional information is gathered, the effects of acid deposition of lakes, forests, crops, and cities is being seen as increasingly serious. This issue will not go away. All the evidence suggest that the arguments for control will continue and become stronger. It is time that all of us realize that there will be legislation in this area. It is important to be sure that we have the right legislation.

The acid rain control programs I have seen thus far would induce many utilities to engage in the practice of fuel switching; that is, replacing eastern coal with lower sulfur western coal, but with the additional cost of long-distance shipment from source to site of use. This could disrupt coal markets severely and adversely impact the families and communities which depend on coal mining. Not only would many thousands of jobs be at risk in the Midwest, but any environmental gains made in the East as a result to such fuel switching could be offset to a degree by the sudden and uncontrolled expansion of strip-mining in the West. In addition, some acid rain control programs would place the costs of control predominantly on the industrial Midwest, which is already suffering from excessive unemployment. More jobs would be lost as a result.

We need an acid rain control program that will clean up the environment in the East as well as protect the environment in the West. We need an acid rain control program that will allow the expansion of eastern coal, not its substitution by something else. We need an acid rain control program that will protect and expand jobs and industry, not contract them. Finally, we need an acid rain control program whose cost burden does not fall too heavily on any persons' shoulders, including the people of our industrial heartland who have devoted their lives to mining coal to support our country's need for energy and to produce steel and automobiles to support our country's need for transportation, as well as other vital industrial use.

I believe that such an acid rain control program can be designed.

America has the technology to burn coal cleanly as opposed to requiring fuel switching to meet environmental concerns. New technologies are emerging that will enable this to be done at very low cost. By designing a program that promotes the use of such technology, we can both reduce acid rain and make our coal and other industries, stronger than they have been in years.

A just completed study by the Congressional Research Service, initiated at my request, indicates we can meet the goal of a 10-million-ton reduction in sulfur-dioxide emissions over the next 12 years in the 31-State area constituting the Eastern United States at reasonable cost and without mining and industrial dislocation. This goal can be met by requiring that such reductions be accomplished by reliance on technology rather than disruptive shifts in fuels. Since all fossil-fuel-fired powerplants contribute to the production of sulfur-dioxide or nitrogen oxides, and since approximately 75 percent of total sulfur-dioxide emissions and 35 percent of nitrogen-oxide emissions are produced by electric utilities, it is reasonable for a program of emission reductions to focus on this particular source.

The crux of the acid rain cleanup problem has always been the cost of cleanup and who should bear it. I firmly believe that the problem should not be seen as pitting the Midwest against the Northeast or as coal plants versus other fossil fuel plants. The problem of acid rain is shared by all those in the Eastern United States and the benefits to all States of cleanup, whether through preservation of natural resources, better health, or greater crop yields, will likewise be shared by all. Thus, to insure that no State or individual suffers as a result of our decision to solve this broad regional acid rain problem, the CRS report indicates feasibility of the establishment of an acid rain superfund through a small fee of 3 mills per kilowatt hour (1 mill equals one-tenth of 1 cent) on electricity sales from fossil-fuel-fired powerplants in the 31-State area of the Eastern United States to fund the capital costs of sulfur-dioxide and nitrogen-oxide control technologies.

The CRS report, which I am releasing today, is entitled: "Distributing Acid Rain Mitigation Costs: Analysis of a 3-mill User Fee on Fossil Fuel Electricity Generation." The author is Dr. Larry B. Parker, an economist and analyst in energy policy for the Environment and Natural Resources Policy Division of CFS. The CRS analysis indicates that the phased-in 3-mill-per-kilowatt-hour fee will produce an acid rain superfund that will cover the capital costs of a 12-year, 8-million-ton SO2/NOx reduction program using existing commercial technologies, without dependence on the emerging new technologies for the clean burning of coal. However, I am convinced that new technologies, such as Limestone Injection Multi-stage Burners (LIMB) or fluidized bed combustors will be available if the Federal Government will cooperate with industry in moving these technologies more quickly into the marketplace. The CRS study indicates that the availability of the new technologies reduces capital costs sufficiently so that a 12-year, 10-million-ton reduction can also be funded with a 3-mill-kilowatt-hour fee without running a significant risk of an extended payback period.

Mr. President, it is my intention to communicate with all of the interested groups in the acid rain controversy—industry, labor, the enovironmental community, and governmental bodies—to turn this proposal into legislation.

Mr. President, we will all share in the benefits of this program. Our lakes and streams and the fishing and other recreation they support will be protected from further damage. One of the things I have learned is that these damages are not just confined to a few lakes in the Adirondacks and Canada. According to the Congressional Office of Technology Assessment, 23 of the 27 States east of the Mississippi contain lakes and streams sensitive to acid rain.

Not many sensitive lakes and streams are located in my State of Ohio, but Ohio and other Midwestern States are at risk from acid rain damage. Acid rain, and the pollutants that produce it, fall on our buildings, homes, roads, and bridges causing corrosion and other damages. Acid rain falls on our crops. One study calculates a possible 10-percent reduction in soybean yield from current levels of acid rain; such damage alone would amount to a loss of hundreds of millions of dollars each year in the Eastern United States.

There is also evidence of damage to forests.

The West German Government, which until recently had defended the idea that not enough was known about the problem to warrant control actions, has now adopted a new policy of reducing SO2 emissions following disturbing revelations linking acid deposition, including the dry deposition of SO2, to significant damage in forests over widespread areas of West Germany and to the almost complete destruction of large stands of trees in the neighboring high-elevation forests of Eastern Europe.

The pollutants that cause acid rain are ones that are visibly with us in the Midwest. We can reduce our summer haze and smog problems as one of the dividends of an acid rain control program. We all breathe these same pollutants every day in the Eastern United States, regardless of the States we live in. Some respected scientists have concluded these pollutants are the cause of significant health damage that shortens the lives of many of our citizens. Others may argue that these effects have not been proven. But, surely, breathing these pollutants cannot be good for us. Reducing these pollutants under an acid rain control program is an added value as a preventive health insurance measure.

This program could produce real benefits for coal mining and other hard-hit industries. By using technology, the program may help to stop the loss of markets for eastern U.S. coal, especially our abundant reserves of higher sulfur coal. Using our technical knowhow will give this coal a new lease on life. The jobs associated with building this technology will help our depressed steel and heavy manufacturing industries as well, much of them located in the Midwest where our unemployment problems are most acute.

Finding new and less expensive ways to burn American coal cleanly will give us a large boost in the world coal markets. We have to wake up to the fact that other countries won't buy our coal in the future if it cannot be burned cleanly and cheaply. The new technology stimulated by acid rain controls will make American coal the fuel of choice for the 20th and 21st centuries.

There is another path. We could argue for years more that we don't know enough to act on acid rain. I am convinced that this argument is wrong. It is also the worst path to take if we want to promote the use of American coal. Without an acid rain control program, today's consumers of coal will become more and more concerned about new commitments to long term reliance on coal. More years of uncertainty about the shape of an inevitable acid rain control program will hurt today's coal suppliers and users, not help them.

It is time to end the uncertainty. Technology can protect our environment and enable coal resources to be more effectively used. We need only decide to use it. Mr. President, in light of the report, it is my intention to move as rapidly as possible to discussions with all interests concerned with this problem, with a view toward early introduction of legislation.

Mr. President, I ask unanimous consent that the CRS study that I am releasing today be printed in the RECORD in its entirety at the end of my remarks.

I thank the Chair.

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

DISTRIBUTING ACID RAIN MITIGATION COSTS: ANALYSIS OF A THREE-MILL USER FEE ON FOSSIL FUEL ELECTRICITY GENERATION

SUMMARY AND CONCLUSIONS

This paper examines the feasibility of imposing a phased-in fee on electricity generated by fossil fuel-fired power plants within a 31-State area (either east of or bordering on the Mississippi River) to fund the capital costs of sulfur dioxide (SO_2) and oxides of nitrogen (NO_x) control technologies. The fee is imposed on a per kilowatthour (kwh) basis and begins immediately upon passage of acid rain mitigation legislation, continuing for ten or twelve years, depending on the specific program. The monies collected accumulate in an interest-earning fund for several years, and then, toward the end of the program are used to construct the necessary control equipment.

The analysis indicates that the capital costs of a twelve-year, eight million ton SO_2/NO_x reduction program can be funded through a phased-in 3 mill per kwh fee. Indeed, if new technologies are available to reduce capital costs, a twelve-year, ten million ton reduction can also be funded without running a significant risk of an extended payback period. For a twelve-year, ten million ton reduction without the benefit of new control technologies, an additional 1 mill increase in the fee might be necessary in 1991 to endure payback by the start of operations in 1996, although the extended payback period beyond completion of construction might not be considered excessive without it (estimated at three years).

Secondly, the paper suggests that new technologies (Limestone Injection Multistage Burners (LIMB) in this analysis) could reduce capital costs by a sufficient amount to fund removal of an additional two million tons of SO_2 by flue gas desulfurization (FGD). Such savings could also be used to reduce the cost of compliance by eliminating the potential need for the 1 mill increase in 1991. Congress may wish to consider this potential if it opts to enact an acid rain reduction program.

Finally, the maximum increase in residential electricity bills resulting from the 3 mill fee is estimated to be under 7 percent. Typical increases are estimated to be less than 4 percent in the most expensive year. All percentage increases will decline in succeeding years assuming other factors drive up the cost of electricity.

BACKGROUND

In an effort to begin mitigating the acid rain problem, several bills have been introduced in the Congress to reduce SO_2 and NO_x emissions by utilities and industry in the thirty-one States east of or bordering on the Mississippi River. These bills vary both in terms of quantity of SO_2 emissions to be removed (eight, ten, or twelve million tons) and the time given to achieve those reductions (ten or twelve years). They also vary in their treatment of NO_x emissions, with some proposing a NO_x emissions ceiling and others allowing two for one trading of NO_x emissions for SO_2 emissions.

Because midwestern States emit more SO_2 and NO_x per capita than other areas within the region, the cost of such a program would fall primarily on them unless the federal government provides some financial assistance. The cost to the Midwest would be both in terms of increases in electricity rates and unemployment resulting from decreased demand for the region's high-sulfur coal. Those unconcerned with such cost distributions state that this is reasonable: the area that pollutes the most should pay the most. They also point out that the Midwest currently has electricity rates considerably lower than in the Northeast and therefore any electricity rate increases would tend to equalize the cost of electricity between the regions.

People concerned with the impact that such a program would have on the Midwest respond with three arguments: (1) the economically-depressed Midwest is incapable of withstanding the initial price shock of an acid rain program; (2) the region's costs are compounded by unemployment impacts in the region's high-sulphur coal areas; and, (3) acid rain is a national problem and therefore should be dealt with on a national basis.

Drawing upon the analogy between acid rain mitigation and nuclear waste disposal, one proposal to redistribute the cost is to fund the program through a user fee on fossil fuel-fired power plants.[1] The resulting fund would be used to finance the capital cost of various technology-based control methods, actively discouraging the switching of facilities to low-sulfur coal. The fee would prevent the sharp rate increases in the earlier years of operations before significant depreciation of the control equipment has occurred. It would leave the individual utilities or industry to pick up the cost of operations and maintenance for the equipment for the rest of its useful life. The fee would involve some subsidizing of the Midwest by other parts of the country since the emissions rates of midwestern plant are, on average, higher than in other parts of the region. However, assuming the fee was small (3 mills per kwh), the projected benefits to the region as a whole might justify the small additional cost to assist the Midwest in financing the reductions.

This paper examines the potential for funding the capital costs of an eight, ten, and twelve million ton reductions in SO_2 and NO_x emissions over either ten or twelve years through a phased-in 3 mill per kwh user fee on fossil fuel electricity generation.[2] The fee is assumed to be phased-in beginning in 1984 (1 mill in 1984, 1 additional mill in 1985 and an additional mill in 1986) and run for either ten or twelve years (depending on the specific program) when construction of control equipment is mandated to be completed. The paper also assumes that a two-for-one substitution of NO_x emissions reductions for SO_2 emissions reduc-

[1] Utilities are not the only emitters of SO_2 and NO_x. However, there has been no proposals yet to include a fee on fossil fuel burning industrial plants as a part of an acid rain mitigation program, and this paper does not examine this possibility.

[2] Fossil fuels include oil, natural gas, and coal.

tions will be allowed. In addition, the potential of new combustion technologies for reducing the cost of a technology-based implementation strategy is evaluated. Finally, projections of increases in electricity bills are made.

METHODOLOGY

Projecting into the future is a risky business. Various assumptions have to be made about financial conditions, control costs, electricity demands, and the implementation of an acid rain program. To hedge against this uncertainty, conservative assumptions about most of these parameters have been made, and possible revenue enhancement downstream provided for if the need arises. However, the future is uncertain and the actual result could fall outside of the parameters chosen for this analysis.

Fund Administration

Analysis of three SO_2 reduction proposals (eight, ten, and twelve million tons) is conducted using two different time scenarious: (1) a ten-year program, and, (2) a twelve year program. A phased imposition of the user fee is assumed to begin immediately (i.e. 1984) and continue until the program has paid off all its expenses. It is assumed that a dedicated fund will be established within the Treasury Department to collect receipts from the proposed user fee. These receipts are assumed to be invested by the Treasury in short- and mid-term government securities at the beginning of each year after their collection.[3] Such investment and reinvestment is assumed to continue throughout the duration of the program with all interest remaining in the fund for future disbursement.

In order to maximize interest collections, it is assumed that money will nto be disbursed from the fund until four years before the program's implementation deadline. This will provide the fund with six to eight years to accumulate funds and interest before expenditures are made. Of the total amount to be spent, it is assumed that 15 percent will be spent in the first year of construction (seventh or ninth year of program), 30 percent in each of the second and third years, and 25 percent in the last year. During this time, interest is calculated on the previous year's balance after current year expenditures have been made.[4]

Financial parameters

For programs being funded through a flat rate, the three most important financial parameters are inflation, the weighted cost of capital, and the interest rate on funds collected. Inflation is important because while all costs incurred here are assumed to rise with it (and indeed, in excess of it), the flat fee will not increase. Hence, relative to the fee, inflation could make the aggregate fixed fees collected inadequate to do the job. The weighted cost of capital is important because the technology-based strategy is a capital intensive one. The interest rate on funds accrued is important because it acts as a second revenue stream which could, perhaps, offset the effect of inflation on the fund. Indeed, if inflation is minimal, it could reduce the size of the fixed fee required.

1982 is used as the base year for calculations. This assumption results in an historically high weighted cost of capital (6.6% in real terms), high interest rate, and high discount rate. (See Table 1) The use of the short-term treasury bill rate as the rate for invested funds is based on the assumption that the fund will be required to invest its money in short- and mid-term government securities throughout the duration of the program, accumulating and compounding interest. The discount rate represents the government's long-term cost of money, given a 6 percent inflation rate. The 6 percent inflation rate represents both the 1982 rate and that currently projected by DRI for the period in question.

Revenues

Revenues for the acid rain program would come from two sources: (1) a user fee on fossil-fuel electricity generation; and (2) interest on moneys collected. To avoid sudden increases in electricity rates, it is assumed that the fee will be phased-in on the schedule shown in Table 2. A total fee of 3 mills per kilowatthour is assessed as of 1986 and continues until all costs of the program are paid. Electricity generation from fossil fuel sources is assumed to increase at a 1.5 percent annual rate throughout the duration of the program.

TABLE 1.—FINANCIAL PARAMETERS

Parameter	Rate	Source
Inflation	6	Data Resources Incorporated
Discount rate	13	1982 10-yr. Treasury bill rate
Interest rate for funds accrued	12	1982 short-term Treasury bill rate

TABLE 2.—SCHEDULE OF FEES

[In mills per kilowatt hours]

Year	Increase	Cumulative total
1984	1	1
1985	1	2
1986	1	3
1987 through duration of program	0	3
Optional increase in 1989 (10-yr. program) or 1991 (12-yr. program) if necessary	1	4

As an hedge against uncertainty, an optional 1 mill additional increase in the fee is provided for to cover negative contingencies in the availability of emerging technologies to control emissions and where a high tonnage reduction program is pursued. Generally, it provides an alternative to those who would prefer to shorten the payback period of some of the proposals analyzed here.

The second revenue stream is interest on these funds. The assumptions and administration of this source of revenues have been discussed earlier.

Cost

As noted earlier, the purpose of the fund is to pay the capital cost of buying and installing SO_2 and NO_x emission control technologies in fossil fuel-burning plants. The capital cost estimates for this paper are those used by the Environmental Protection Agency and are presented, along with the theoretical maximum reduction of each technology, in Table 3. Where a range of estimates was available, the highest estimates were used. The resulting capital costs are considerably higher than those projected by the Department of Energy in their analysis of SO_2 reduction costs.[5]

For each of the proposed reduction levels (8, 10, and 12 million tons), two cost scenarios were developed. These are shown in Table 4. One is a scenario which assumed a technology such as Limestone Injection Multistage Burners (LIMB) would be available in time to assist in the reduction effort. The scenario assumed that technologies would be employed from least cost (LIMB) to most expensive (FGD) to a limit of about 50 percent of their theoretical maximum reduction capability as estimated by EPA and shown in Table 3. This assumption is similar to the one employed by DOE in their analysis. After seven and one-half million tons of SO_2 equivalent has been removed, all future reductions are assumed to be achieved through FGD.

TABLE 3.—COST OF CONTROL TECHNOLOGIES USED IN STUDY

Technology	Capital cost[1]	Theoretical maximum reduction capability[2] [3]
Limestone injection multistage burner	0.58	6.35
Low NO_x burners	1.00	1.3
Physical coal cleaning	2.00	2.3
Lime spray drying	2.75	6.9
Lime/limestone FGD	3.13	8.3

[1] In billions of dollars per million tons of SO_2 equivalent removed.
[2] Assumes retrofit of SO_2 control technologies to all Eastern U.S. utility boilers whose primary fuel is coal with greater than 1.5 percent sulfur.
[3] In millions of tons of SO_2 equivalents removed annually.

Source: Environmental Protection Agency, LIMB/LOW NO_x Burners—EPA's Program to Develop Low Cost SO_2/NO_x Controls for Coal-fired Boilers. Revised March 1983.

TABLE 4.—REDUCTION SCENARIOS

[In millions of tons of SO_2 equivalent and billions of December 1982 dollars]

Reduction level: Technology	Current technology altnerative		Current technology with LIMB alternative	
	Amount of reduction	Cost	Amount of reduction	Cost
8,000,000-ton reduction:				
LIMB	0.0	0.0	3.0	1.74
Low NO_x burners	.5	1.0	.5	1.0
Physical coal cleaning	1.0	2.0	1.0	2.0
Lime spray drying	3.0	8.25	3.0	8.25
Lime/limestone FGD	3.5	10.96	.5	1.57
Total	8.0	22.21	8.0	14.56
10,000,000-ton reduction (additional amount):				
Lime/limestone FGD	2.0	6.26	2.0	6.26
Total	10.0	28.47	10.0	20.82
12,000,000-ton reduction (additional amount):				
Lime/limestone FGD	2.0	6.26	2.0	6.26
Total	12.0	34.73	12.0	27.08

The second scenario assumed that LIMB would not be available and that reductions would have to be made with current technology. Basically, this resulted in a substitution of emissions reductions by LIMB technology with much costlier reductions through FGD.

Although specific technologies have been chosen, it should not be inferred that these are the only ones available. Other technologies, such as Atmospheric Fluidized Bed Combustion may very well be available in time to assist in the reduction effort. However, the lack of reliable cost estimates excluded them from this analysis.

To reflect inflation and real escalation in construction costs, all capital costs listed earlier are escalated at an 8 percent per year rate beginning in 1983. This escalation represents a general inflation rate of 6 per-

[3] This is done to simplify calculations. In reality, funds would be invested almost immediately upon arrival.

[4] This is done to simplify calculations. In reality, funds would be invested until the last possible moment.

[5] Department of Energy. Cost to Reduce Sulfur Dioxide Emissions. March 1982.

Note.—DOE's numbers are in 1980 dollars.

cent and an additional 2 percent per year for construction cost escalation.

ANALYSIS*

The following discussion analyzes three aspects of the user fee question: (1) payback period, (2) impact of new technologies, and (3) impact on residential electricity bills.

Payback period

Twelve-year program.—A twelve-year user fee program will inherently have a shorter payback period after equipment installation than a ten-year program because of its ability to collect revenues two years longer before expenditures are necessary (all else being equal). Based on the assumptions made earlier, Table 5 presents the balance of the proposed user fee fund as of January 1, 1996, the date when all construction is mandated to be completed and controls in operation. If the fund is running a deficit at this time, the number of additional years the fee would have to be in effect to pay off the balance is estimated.

As indicated, a 3 mill fee is more than sufficient to cover the cost of an eight million ton reduction regardless of the control scenario employed. Indeed, the surplus is so large that the user fee could be halted at least a year early (several years if LIMB is available) and still the balance would remain positive. (See also Tables A-1 and A-2 in the Appendix.)

TABLE 5.—PAYBACK PERIOD FOR 12-YR PROGRAM WITHOUT ADDITIONAL 1-MILL FEE

[In billions of current dollars]

Reduction level	Current technology with LIMB scenario		Current technology with LIMB scenario	
	Balance of fund Jan. 1, 1996	Years to pay off balance	Balance of fund Jan. 1, 1996	Years to pay off balance
8,000,000 tons	+34.91	Surplus	+10.44	Surplus
10,000,000 tons	+14.87	Surplus	−9.74	3
12,000,000 tons	(1)		−30.08	20

[1] Not calculated. Result would be similar to a 10,000,000-ton reduction employing the current technology approach.

For a ten million ton reduction, the control scenario determines whether the program runs a surplus or requires an additional one mill fee to pay the costs by the implementation deadline. If new technology is available, a 3 mill fee appears adequate to fund the cost of reduction. If such technology is not available (and assuming no additional fee is provided), the fund would have to borrow funds and the 3 mill fee would have to be imposed for three additional years beyond the implementation date of the reduction program to recover costs. However, as shown in Table 6, the addition of a fourth mill in 1991 would reduce the extended payback period from three years to less than one for the current technology scenario. (See also Tables A-3, A-4 and A-6 in the Appendix.)

For a twelve million ton reduction, the additional fee prevents the user fee from becoming an almost permanent addition to consumers' utility bills. Even with the additional fee, considerable borrowing is necessary to meet expenditures, the interest on which extends the payback period. (See Tables A-5 and A-7 in the Appendix.)

* Program balance sheets for all calculations are provided in the appendix.

TABLE 6.—PAYBACK PERIOD WITH ADDITIONAL 1-MILL FEE FOR CASES EXCEEDING 12-YR PAYBACK PERIOD

[In billions of current dollars]

Reduction level	Current technology scenario	
	Balance of Funds Jan. 1, 1996	Years to pay off balance
10,000,000 tons	−0.89	1
12,000,000 tons	−21.17	5

In sum, a 3 mill fee can provide, with some confidence, sufficient funds to cover the cost of an eight million ton reduction within twelve years. For a ten million ton reduction, an additional 1 mill fee in 1991 may be necessary to provide sufficient funds to pay off the costs before operations begin of LIMB is not available. For a twelve-million ton reduction, the additional mill will most likely be necessary to fund the program during any circumstances and, unless new technologies are available, that addition may be insufficient for the fund to recover all costs before 1996.

Ten-year program.—As noted, a ten-year program is expected to present a more difficult situation for a user fee than a twelve-year program. As shown in Table 7, this expectation turns out to be correct, with all current technology scenarios showing negative balances at the beginning of 1994. In the case of the eight million ton reduction, the deficit is not serious and would be eliminated in the following year. However, for the ten and twelve million ton reduction, the importance of new technologies to cut costs become very evident, with the prospect of extended payback periods for the current technology scenarios. (See also Tables A-8 through A-12 in the Appendix.)

TABLE 7.—PAYBACK PERIOD FOR 10-YR PROGRAM WITHOUT ADDITIONAL 1-MILL FEE

[In billions of current dollars]

Reduction level	Current technology with LIMB scenario		Current technology scenario	
	Balance of fund Jan. 1, 1994	Years to pay off balance	Balance of fund Jan. 1, 1994	Years to pay off balance
8,000,000 tons	+17.85	Surplus	−3.24	1
10,000,000 tons	+.62	Surplus	−20.64	8
12,000,000 tons	(1)		−37.85	Never

[1] Not calculated. Result would be similar to a 10,000,000-ton reduction employing the current technology approach.

The 1 mill additional fee in 1989 improves the payback situation to some extent, as shown in Table 8. However, both the ten and twelve million ton reductions using current technologies would entail significant borrowing for several years as the 4 mill fee chips away at the deficit. (See also Tables A-13 and A-14 in the Appendix.)

In sum, a 3 mill fee is probably adequate to fund a ten-year, eight million ton reduction. However, the fee does not appear adequate for either a ten-year, ten or twelve million ton acid rain program unless new, more efficient, technologies are available to cut capital costs. An additional 1 mill increase in the fee in 1989 would reduce payback periods, but the fund would have to borrow for several years before the 4 mill fee eliminates the deficit.

TABLE 8.—PAYBACK PERIOD WITH ADDITIONAL 1-MILL FEE FOR CASES EXCEEDING 10-YEAR PAYBACK PERIOD

[In billions of current dollars]

Reduction level	Current technology scenario	
	Balance of fund Jan. 1, 1994	Years of pay-off balance.
10,000,000 tons	−11.99	3
12,000,000 tons	−29.39	9

Impact of new technologies

As suggested by the preceding section, new technologies could have a significant impact on the cost of an acid rain mitigation program, assuming they can remove SO_2 or NO_x less expensively than current technology. For this paper, LIMB technology has been singled out as an illustrative example of such technology, although other significant technologies also exist.

To evaluate the impact of new technology on program costs, the net present values of the twelve-year, eight and ten million ton scenarios have been calculated. The net present value of these scenarios after twelve years is presented in Table 9. As indicated, LIMB offers a significant cost advantage across both reduction levels. Using the cost estimates assumed here, the effect of LIMB is to reduce costs by the equivalent cost of reducing two million tons of SO_2 by FGD. Hence, a ten million ton reduction using LIMB equates roughly to the cost of an eight million ton reduction using more conventional technologies.

Such projected savings could be the basis for increasing research, development, and demonstration of emerging new technologies now in order to promote their availability for an acid rain mitigation program. Savings achieved could be used either to increase the quantity of SO_2/NO_x removed, or to reduce the cost of compliance by eliminating the potential need for the 1 mill fee increase in the middle of the program. Congress may wish to consider this if it opts to enact an acid rain mitigation program.

TABLE 9.—NET PRESENT VALUE OF 8,000,000 AND 10,000,000 TON REDUCTION SCENARIOS

[13-percent discount rate, 1984 1 year, in billions of dollars]

Reduction level	Current technology with LIMB scenario	Current technology scenario	Difference
8,000,000 tons	+19.89	+13.33	6.56
10,000,000 tons	+14.52	+7.92	6.60

Impact of fee on residential electricity bills

The most important factor in estimating the potential proportional (dollar) impact of a 3 mill fee on consumers is inflation. The maximum effect of the fee will occur in 1986, the first year of the full 3 mill fee. To determine the maximum impact of a 3 mill fee imposed in 1986 on a January 1982 electricity bill, the proposed 3 mill fee was discounted to reflect projected inflation for the period from 1982 to 1986 using two different rates. The results are presented in Table 10. The projected increase could be considered a "worst case" situation since it assumes a totally fossil fuel-dependent utility and a complete passthrough of the fee.

TABLE 10.—IMPACT OF 3-MILL INCREASE IMPOSED IN 1986 ON 1982 MONTHLY ELECTRICITY BILLS

[In January 1982 dollars]

Monthly use of electricity	Monthly cost of 3 mill fee in 1986—Annual inflation rate	
	4 percent	6 percent
500 kWh	1.28	1.19
1,000 kWh	2.57	2.38

Estimates of the potential maximum percentage increase in an residential electricity bill within the 31-State region depends on two factors: (1) estimated 1986 electricity bills, and, (2) the percentage of a utility's electricity generated by fossil fuels. To compute the worst-case situation, calculations have been made with the lowest typical electricity bills available in the region, according to the Department of Energy.[6] It is emphasized that the resulting percentages are increases in electricity bills, not rates. Consumers' utility bills may include charges besides kWhs used, such as taxes. These other charges may influence the potential impact of the fee.

The results of this comparison are presented in Table II. As indicated, the maximum impact of a 3 mill fee is under 7 percent, an impact which may decline if other factors drive up the cost of electricity. The typical increase is estimated to be under 4 percent of consumers' 1986 electricity bills.

TABLE 11.—IMPACT OF USER FEE ON SELECTED RESIDENTIAL ELECTRICITY BILLS

[500 kWh consumption per month]

Company	Jan. 1, 1982 electric bill	Maximum percent increase due to user fee (in 1986) [1]
Southwestern Electric Power Co.:		
4-percent inflation	$20.28	6.3
6-percent inflation	20.28	5.9
Union Electric Co.:		
4-percent inflation	25.15	5.1
6-percent inflation	25.15	4.7
National average:		
4-percent inflation	37.26	3.4
6-percent inflation	37.26	3.2

[1] Because DOE includes some taxes, but not others, the resulting percentages may be slight underestimates.

APPENDIX

The following tables are the program balance sheets for the various scenarios examined in this study.

TABLE A-1.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated kWhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25

TABLE A-1.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)—Continued

[Billions of current dollars unless otherwise noted]

	Estimated kWhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	4.12	4.72	42.59
1993	1.39	4.17	3.89	10.18	40.47
1994	1.41	4.23	3.54	11.00	37.24
1995	1.43	4.29	3.28	9.90	34.91

[1] From Fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A-2.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.83	7.19	39.83
1993	1.39	4.17	2.92	15.53	31.39
1994	1.41	4.23	1.75	16.78	20.59
1995	1.43	4.29	.66	15.10	10.44

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A-3.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL COST)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.88	6.74	40.33
1993	1.39	4.17	3.09	14.56	33.03
1994	1.41	4.23	2.08	15.73	23.61
1995	1.43	4.29	1.13	14.76	14.87

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A-4.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.58	9.22	37.55
1993	1.39	4.17	2.12	19.91	23.93
1994	1.41	4.23	.29	21.51	6.94
1995	1.43	4.29	−1.61	19.36	−9.74
1996	1.46	4.38	−1.27		−6.63
1997	1.48	4.44	−.86		−3.05
1998	1.50	4.50	−.40		1.05

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A-5.—PROGRAM BALANCE SHEET OF 12-YEAR, 12-MILLION-TON REDUCTION (NO ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs Generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.34	11.25	35.28
1993	1.39	4.17	1.32	24.30	16.47
1994	1.41	4.23	−1.27	26.24	−6.81
1995	1.43	4.29	−3.95	23.61	−30.08
1996	1.46	4.38	−3.91		−29.61
1997	1.48	4.44	−3.85		−29.02
1998[2]	1.50	4.50	−3.77		−28.29

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institutes data.

[2] Payback period estimated at 20 years.

TABLE A-6.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION (ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs Generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	5.40	3.75		40.43
1992	1.37	5.48	3.50	9.22	40.43
1993	1.39	5.56	2.46	19.91	28.54
1994	1.41	5.64	.84	21.51	13.51
1995	1.43	5.72	−.76	19.36	−.89

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

[6] Department of Energy. Typical Electric Bills, Jan. 1, 1982. Energy Information Administration, October 1982.

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TABLE A–7.—PROGRAM BALANCE SHEET OF 12-YEAR, 12-MILLION-TON REDUCTION (ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	5.40	3.75		40.43
1992	1.37	5.48	3.50	11.25	38.16
1993	1.39	5.56	1.66	24.30	21.08
1994	1.41	5.64	−.67	26.24	−0.19
1995	1.43	5.72	−3.09	23.61	−21.17
1996	1.46	5.84	−2.75		−18.08
1997	1.48	5.92	−2.35		−14.51
1998	1.50	6.00	−1.89		−10.40
1999	1.52	6.08	−1.35		−5.67
2000	1.55	6.20	−.73		−.20

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–8.—PROGRAM BALANCE SHEET OF 10-YEAR, 8-MILLION-TON REDUCTION (NO ADDITIONAL FEE) USING CURRENT AND LIMB TECHNOLOGY

[Billions of current dollars, unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.44	4.04	26.76
1991	1.35	4.05	2.16	8.73	24.24
1992	1.37	4.11	1.78	9.43	20.70
1993	1.39	4.17	1.47	8.49	17.85

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–9.—PROGRAM BALANCE SHEET OF 10-YEAR, 8-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fee	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.18	6.17	24.37
1991	1.35	4.05	1.32	13.32	16.42
1992	1.37	4.11	.24	14.38	6.39
1993	1.39	4.17	−.85	12.95	−3.24
1994	1.41	4.23	−.42		.57

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–10.—PROGRAM BALANCE SHEET OF 10-YEAR 10-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)

[Billions of current dollars, unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fee	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	0.46		8.06
1987	1.27	3.81	0.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.23	5.78	24.81
1991	1.35	4.05	1.48	12.49	17.85
1992	1.37	4.11	0.52	13.48	9.00
1993	1.39	4.17	−0.41	12.14	0.62

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–11.—PROGRAM BALANCE SHEET OF 10-YEAR 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwh generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	1.98	7.90	22.44
1991	1.35	4.05	.64	17.07	10.06
1992	1.37	4.11	−1.09	18.44	−5.36
1993	1.39	4.17	−2.85	16.60	−20.64
1994	1.41	4.23	−2.68		−19.09
1995	1.43	4.29	−2.48		−17.28
1996	1.46	4.38	−2.25		−15.15
1997	1.48	4.44	−1.97		−12.68
1998	1.50	4.50	−1.65		−9.83
1999	1.52	4.56	−1.28		−6.55
2000	1.55	4.65	−.85		−2.75

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–12.—PROGRAM BALANCE SHEET OF 10-YEAR 12-MILLION TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	1.77	9.62	20.51
1991	1.35	4.05	−.04	20.83	3.69
1992	1.37	4.11	−2.26	22.49	−16.95
1993	1.39	4.17	−4.83	20.24	−37.85
1994 [2]	1.41	4.23	−4.92		−38.54

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

[2] Interest payments are greater than revenues collected from user fee. Hence, the fee can never pay off the debt.

TABLE A–13.—PROGRAM BALANCE SHEET OF 10-YEAR, 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	5.24	2.19		15.68
1990	1.33	5.32	2.13	7.90	25.23
1991	1.35	5.40	.98	17.07	14.54
1992	1.37	5.48	−.51	18.44	1.07
1993	1.39	5.56	−2.02	16.60	−11.99
1994	1.41	5.64	−1.56		−7.91
1995	1.43	5.72	−1.03		−3.22
1996	1.46	5.84	−.42		2.20

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–14.—PROGRAM BALANCE SHEET OF 10-YEAR, 12-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	5.24	2.19		25.68
1990	1.33	5.32	1.93	9.62	23.31
1991	1.35	5.40	.30	20.83	8.18
1992	1.37	5.48	− 1.86	22.49	− 10.69
1993	1.39	5.56	− 4.02	20.24	− 29.39
1994	1.41	5.64	− 3.82		− 27.57
1995	1.43	5.72	− 3.58		− 25.43
1996	1.46	5.84	− 3.31		− 22.90
1997	1.48	5.92	− 2.98		− 19.96
1998	1.50	6.00	− 2.59		− 16.55
1999	1.52	6.08	− 2.15		− 12.62
2000	1.55	6.20	− 1.64		− 8.06

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

HOUSE ACTION ON THE NUCLEAR WEAPONS FREEZE

Mr. KENNEDY. Mr. President, yesterday the House of Representatives completed a second full day of debate on the joint resolution for a nuclear weapons freeze and reductions. Despite concerted administration efforts to defeat the freeze initiative, Members of the House once again demonstrated their commitment to an immediate and comprehenisve freeze by decisively rejecting alternative proposals for nuclear reductions and a mutual "builddown" of nuclear warheads, that would also permit a nuclear weapons buildup.

In the course of yesterday's debate, an important new poll by Louis Harris was circulated, which confirmed that a 79 to 16 percent majority of Americans—incuding a 72 to 23 percent majority of Republicans and an 83 to 13 percent majority of Democrats—wants

Congress to pass a nuclear freeze resolution.

In addition, seven Governors, including Michael Dukakis of my State, wrote a letter calling for passage of the nuclear weapons freeze and reductions resolution, in which they stated:

There is no more urgent work facing Congress today; and further delay tactics and parliamentary maneuvers to weaken or amend the freeze will not be tolerated by the millions of Americans who want an end to this nuclear madness.

Finally, five former State Department, Defense Department, Central Intelligence Agency, and Arms Control and Disarmament Agency officials—George Ball, Clark Clifford, William Colby, Averell Harriman, and Paul Warnke—have written to "strongly urge Members of Congress to approve this resolution, and oppose any efforts to dilute and distort it."

Mr. President, I strongly agree with these distinguished Americans and the millions of their fellow citizens who are calling upon the Congress to enact the nuclear weapons freeze and reductions resolution. I request that Mr. Harris' report and the letters from the Governors and former administration officials be printed at this point in the RECORD.

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

AMERICANS FAVOR PASSING NUCLEAR FREEZE RESOLUTION

(By Louis Harris)

A 79-16 percent majority of Americans wants Congress to pass a resolution that "would call upon the United States to negotiate a nuclear freeze agreement with the Soviet Union under which both sides would ban the future production, storage, and use of their nuclear weapons." Despite the controversy that has surrounded the nuclear freeze issue, key groups of the public now would favor passage of such legislation, including a 78-19 percent majority of those who voted for Reagan in 1980 and a 72-23 percent majority of Republicans.

In the latest Harris Survey of 1,254 adults nationwide, taken by telephone between March 17th and 20th, people remain concerned about the threat of a nuclear war, despite assurances by President Reagan that he is trying to negotiate an agreement with the Russians to control and reduce nuclear arms:

By 63-24 percent, a majority of Americans is convinced that a third world war is likely to break out in the next 20 years and that nuclear weapons will be used in such a conflict.

A 69-25 percent majority now favors having "every country that has nuclear weapons banning the production, storage, and use of those nuclear weapons," down slightly from 73-23 percent a year ago.

By 80-17 present, majority now supports the idea of "all countries that have nuclear weapons agreeing to destroy them." This is up from 61-37 percent a year ago.

This anti-nuclear weapons sentiment in the United States should not be taken to mean that the public favors unilateral disarmament for this country. Instead, a 78-19 percent majority would oppose "the United States deciding to gradually dismantle our nuclear weapons before getting agreement from other countries to do the same."

When asked if they throught a limited nuclear war is winnable, an 81-10 percent majority of Americans is convinced it is not and would "inevitably become an all-out nuclear war."

Obviously, what has captured the public's attention is not the nuclear freeze proposal as such, the fear that the United States and the Soviet Union might be headed for a nuclear confrontation. A record 85 percent majority of Americans now feels hostility toward the Soviets, with 51 percent saying categorically that that notion is our enemy. And President Reagan does not instill Americans with a sense of confidence that he is dedicated to avoiding a nuclear confrontation with the Russians. He comes up 64-29 percent negative on the way he has handled the nuclear arms negotiations with the Russians in Geneva over the past year. Close to half of the American population expresses concern that President Reagan will get us into another war.

People feel there's a very real risk that a devastating nuclear war could take place anytime, and that's why the anti-nuclear sentiment has spread so wide and far in America today.

The White House has answered the freeze demands by suggesting that the Reagan proposals call for a reduction in nuclear weaponry. Americans support a nuclear arms reduction every bit as much as they support a freeze. Yet the strongest sentiment is expressed by the better than 4 to 1 majority that wants all nations with nuclear arms to destroy them in a verifiable way. As a result, pressure on both the House and Senate to pass nuclear freeze resolutions has become very intense.

Between March 17th and 20th, the Harris Survey asked a cross section of 1,254 adults nationwide by telephone:

"How likely do you think it is that a third world war using nuclear weapons will break out in the next 20 years—very likely, somewhat likely, or not very likely at all?"

LIKELIHOOD OF NUCLEAR WEAPONS BEING USED IN THIRD WORLD WAR

	Percent
Very likely	29
Somewhat likely	34
Not very likely at all	34
Not sure	3

"Would you favor or oppose every country that has nuclear weapons banning the production, storage, and use of those nuclear weapons?"

FAVOR BANNING PRODUCTION, STORAGE AND USE OF NUCLEAR WEAPONS?

[In percent]

	Favor	Oppose	Not sure
March 1983	69	25	6
May 1982	70	25	5
March 1982	73	23	4

"Would you favor or oppose the United States deciding to gradually dismantle our nuclear weapons before getting agreement from other countries to do the same?"

POSITION ON UNITED STATES DISMANTLING BEFORE GETTING AGREEMENT FROM OTHERS TO DO SAME

[In percent]

	Favor	Oppose	Not sure
March 1983	19	78	3
March 1982	15	82	3

"Do you think it is possible for one side to win a limited nuclear war, or do you think a limited nuclear war would inevitably become in all-out nuclear war?"

POSSIBLE TO WIN A LIMITED NUCLEAR WAR?

[In percent]

	March 1983	December 1981
Possible to win a limited nuclear war	10	9
Would inevitably become on all-out nuclear war	31	86
Not sure	9	5

"Would you favor or oppose all countries that have nuclear weapons agreeing to destroy them?"

FAVOR COUNTRIES WITH NUCLEAR WEAPONS DESTROYING THEM?

[In percent]

	Favor	Oppose	Not sure
March 1983	80	17	3
May 1982	74	22	4
March 1982	61	37	2

"Would you favor or oppose Congress passing a resolution that would call upon the United States to negotiate a nuclear freeze agreement with the Soviet Union under which both sides would ban the production, storage, and use of their nuclear weapons?"

FAVOR CONGRESS PASSING RESOLUTION CALLING UPON THE UNITED STATES TO NEGOTIATE FREEZE AGREEMENT?

[In percent]

	Favor	Oppose	Not sure
Total	79	16	5
Republican	72	23	5
Democrat	83	13	5
Independent	82	14	4
Voted Reagan in 1980	78	19	3
Voted Carter in 1980	84	12	4
East	82	16	2
Midwest	82	15	3
South	76	15	5
West	80	17	3
Conservative	75	20	5
Middle of the Road	84	13	3
Liberal	85	13	2

METHODOLOGY

This Harris Survey was conducted by telephone with a representative cross section of adults 18 and over at 1,254 different sampling points within the United States between March 17th and 20th. Figures for age, sex and race were weighted where necessary to bring them into line with their actual proportions in the population.

In a sample of this size, one can say with 95% certainty that the results are within plus or minus three percentage points of what they would be if the entire adult population had been polled.

This statement conforms to the principles of disclosure of the National Council on Public Polls.

THE COMMONWEALTH OF MASSACHUSETTS,
Boston, Mass.

DEAR REPRESENTATIVE: As Governors of States whose citizens have expressed overwhelming support for a bilateral, verifiable, Nuclear Freeze—either directly through ballot referendum or indirectly through legislative action—we join together to urge your vote in favor of the Bilateral Nuclear Weapons Freeze and Reductions Resolution (H.J. Res. 13) when it comes before the House of Representatives this week.

The Freeze provides simply for an immediate halt to production, testing and deployment of all nuclear weapons and systems both in the United States and the Soviet Union. Adoption of the Freeze at this time would leave the United States in a position of superiority or equality in almost all significant categories. According to Richard DeLauer, Undersecretary of Defense for Research and Engineering, the quality of US weapons is equal or superior to Soviet weapons in 27 out of 32 separate categories, including landbased nuclear missiles, submarines, and bombers. Fiscal year 1984, Department of Defense Program for Research, Development and Acquisition).

The Freeze has won overwhelming national approval. Over 79% of the American public supports a bilateral freeze, according to the March 1983 Harris Poll; and 11.6 million of Americans voted for it in the November 1982 election. Freeze Referenda passed in 9 states where it appeared on the ballot, plus the District of Columbia; and Freeze Resolutions have been approved by 17 state legislative bodies. Finally, more than 500 town meetings, city councils, and county commissions through the country voted for the freeze. The support is enormous and growing. It represents a genuine outflowing of grassroots sentiment. There is no more urgent work facing Congress today; and further delay tactics and parliamentary maneuvers to weaken or amend the freeze will not be tolerated by the millions of Americans who want an end to this nuclear madness.

On March 1, 1983, there was a historic vote by the assembled Governors at the National Governors' Association meeting which put all of us on record for reduction in defense spending, so that our states might better provide for more pressing needs: the social and economic well-being of our citizens.

For these reasons and more, we call upon you, as colleagues and representatives, to heed this most serious concern—not only of your local constituency, but of a country, and a world intent upon peace and the prevention of nuclear devastation.

Sincerely,

Michael S. Dukakis, Governor, State of Massachusetts; Anthony S. Earl, Governor, State of Wisconsin; Joseph Garrahy, Governor, State of Rhode Island; Rudy Perpich, Governor, State of Minnesota; Joseph Brennan, Governor, State of Maine; Harry Hughes, Governor, State of Maryland; George R. Ariyoshi, Governor, State of Hawaii.

APRIL 12, 1983.

Hon. CLEMENT ZABLOCKI,
Chairman,
Committee on Foreign Affairs,
Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our support for H.J. Res. 13, the bilateral nuclear weapons freeze and reductions resolution in the House of Representatives. We strongly urge members of Congress to approve this resolution, and oppose any efforts to dilute and distort it.

We support redcutions in the number of nuclear weapons; that is why we support the nuclear weapons freeze. A mutual and verifiable freeze offers the best hope of halting the nuclear arms race and providing a framework for initiating the complex process of reducing the nuclear arsenals of both superpowers. With a freeze in place, real reductions can be achieved, rather than reductions in some areas that are tacitly used to ratify a re-direction of the arms race to higher levels of danger and instability.

We would strongly oppose any arms control agreement that depended on U.S. trust of Soviet compliance. But our experience in nuclear arms control makes us confident that a nuclear weapons freeze can be verified—in fact, we believe that a freeze may actually be more verifiable than other arms control agreements, including the President's own START proposal. In any event, we agree with the intent of the pending freeze resolution that anything which cannot be verified will not be frozen.

In sum, we believe that America's national security will be enhanced by a nuclear weapons freeze. A bilateral freeze is the most effective way to stop the further development of dangerous and destabilizing new nuclear weapon systems, and to reduce the risk of nuclear war.

Respectfully,

George Ball, Former Under Secretary of State; William Colby, Former Director of the Central Intelligence Agency; Clark Clifford, Former Secretary of Defense; W. Averell Harriman, Former Governor of New York and Under Secretary of State; Paul C. Warnke, Former Arms Control and Disarmament Agency Director and Chief SALT negotiator.

VOTING RIGHTS ACT PROGRESS

Mr. HOLLINGS. Mr. President, I take pleasure in calling attention to an event soon to take place that speaks much about the importance of the Voting Rights Act of 1965 and the extension of this act which Congress enacted last year. The event to which I refer, is the upcoming annual meeting of the Georgia Association of Black Elected Officials to be held April 22 and 23 in Atlanta. And, at this meeting, Mr. President, one of the outstanding members, the Honorable Richmond Daniel Hill, mayor of Greenville, Ga., and, incidentally, the first elected black mayor of Georgia, will be honored upon his retirement from public life.

It was not too many years ago that an annual meeting of elected black officials in Georgia, or any other State in my region, would have been a curiosity. Today it is a respected part of the political process. And, Mr. President, it is because of the outstanding commitment and dedication of public servants like Mayor Richmond Hill that the body of elected black officials is an important and contributing part of the political process.

At age 77, Mayor Hill is retiring from a position he has held since 1973 and a capacity in which he has served with great distinction. Greenville is a small town of 1,200 located southwest of Atlanta near the Georgia-Alabama border. As mayor, Richmond Hill has done much to improve the living conditions of his town and improve the services, services that citizens in larger town routinely expect from city hall, but, in many instances, are unknown in the smaller towns of the Nation. In his term of office, Greenville has seen the water and sewer supply systems expanded to all areas of the town; all the streets are now paved; the fire department is fully equipped; a million dollar housing rehabilitation program for low-income residents has been completed; 50 public housing units have been built; industry has come to Greenville jobs for its residents; the old train depot has been converted to a multipurpose center for elderly residents; and the list could go on. The progress Greenville has made is widely recognized. The town won first place in the Governor's Competition Project in 1981 after a second place finish in 1980. And, Mr. President, Mayor Richmond Hill has done something all of us in this body should respect and value—he has achieved these and many more accomplishments for Greenville without adding any new tax burden, and he has kept the budget in balance and operating in the black. That is a record we should all wish for. The leadership that Mayor Richard Hill has given his community justifies our recognition. He is a fine example for all of us.

Mr. President, let me acquaint my colleagues with a little of the mayor's background. Like so many men of accomplishment, Mayor Hill comes from humble origins. He was born on May 2, 1905, in Harris County, Ga., to Johnny A. and Annie Bell Hill. He is the son of a sharecropper who took his first job in Atlanta as a bellhop at the age of 15. Although his normal educational process was interrupted, it is a tribute to his persistence and the value in which he holds education that he earned his high school degree when he was in his twenties. In his early years he held many jobs, far too numerous to list here, but he finally settled in Greenville in 1940 as a tailor, later to enter the funeral business, which he operates today with his daughter, Ms. Virginia Lee Hill. His wife, Mrs. Hiran Green Hill is deceased.

Richmond Hill has had a long and distinguished career as a leader. In addition to being the first black elected

mayor in Georgia, he was in 1968, the first black elected to the Greenville City Council where he served as vice mayor until his election in 1973. He also served two 4-year terms on the board of education. He has been recognized for his public service by numerous civic and fraternal organizations.

The success of Richmond Hill, and the Georgia Association of Black Elected Officials is not only a tribute to the individual and collective work they have contributed, and achievements they have realized, but to the larger accomplishments we have made as a region and a nation over the last generation. The passage of the Voting Rights Act of 1965 has made a dramatic impact on black voter participation, and in the number of blacks holding elective office. In those States that are fully, or significantly, covered by the Voting Rights Act, the percentage of black voting age population registered to vote in 1965 was 29.3 percent. In 1980 that figure rose to 59.7 percent. In the same States, in 1970, there were 404 black elected officials—Federal, State and local offices. By 1981 that figure rose to 1889, an increase of 468 percent.

Blacks are now routinely making valuable contributions to the political process. It is no longer unusual for a group like the Georgia Association of Black Elected Officials to be in existence. And, it is no longer unusual for a man like Richmond D. Hill to be mayor. It will, however, always be significant that he was the first to hold this important office and that he showed the way to the many others that will come after him, and that he performed his responsibilities in an effective and credible manner. That is what is important, and, Mr. President, that is what I call to the attention of the Senate today. The progress exemplified by Richmond D. Hill is a symbol for all the other Richmond Hills of this Nation who are capable and willing to serve. It is encouragement for all to participate in the political process. That is what Richmond D. Hill stands for and that is why we can all take pride in his lifelong achievements and the outstanding service he has provided to so many.

THE ICBM-CONTROVERSY

Mr. HATCH. Mr. President, with all of the controversy surrounding the MX missile, particularly with the recent release of the report of the President's Commission on Strategic Forces, a great deal of attention has settled upon the use of the small ICBM, known in some circles as the Midgetman. In discussion with some of my colleagues, and reading their statements both in the RECORD and in the media, I have witnessed a trend toward supporting the small ICBM in lieu of the MX.

I want to caution anyone who supposes that this will be a quick and inexpensive venture; nothing could be further from the truth. Development of a small ICBM will take both time and money. In an article appearing in the Washington Post this morning, "Small Missiles Carries Problems of Its Own," by Michael Getler, many of the problems attendant to moving in this direction are identified.

Among the problems listed are: First, military and industry sources indicate development time for the entire system to be up to 10 years; second, the cost of such a system could be as high as $69 billion. "Don't forget," one officer said, "1,000 single warhead missiles means 1,000 guidance systems, 1,000 transporters, 1,000 a lot of things."; third, estimates are that it could take up to 47,000 personnel to operate the system; fourth, questions remain about guidance systems; and fifth, there is currently no vehicle capable of performing the mission being identified for the small missile transfer-launcher.

These problems were further highlighted by comments contributed to former Secretary of Defense Harold Brown. According to Secretary Brown, "This new system still has many uncertainties, particularly in terms of cost and the feasibility of hardening truck-mobile missiles or superhardening of fixed shelters."

Mr. President, these are only a few of the problems that must be resolved before we can say this is the system we will use. What must be understood is that this is not an alternative to the MX. The MX remains a vital part of our national security.

As we go forward with this problem, and as we consider both the President's recommended basing mode and the defense spending bill, it behooves all of us to keep an open mind to the options available to us. One of these is the small ICBM, but is will require a great deal of work. In the meantime, we should proceed with the deployment of MX. I point out to my colleagues that in the Commission's report these options were laid out as a package and not in a manner in which they would pick and choose those options which we seem more attracted to as opposed to others. Mr. President, I ask unanimous consent that the above-mentioned article be printed in the RECORD.

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

[From the Washington Post, Apr. 14, 1983]

SMALL MISSILE CARRIES PROBLEMS OF ITS OWN

(By Michael Getler)

The small, single-warhead nuclear missile that the president's advisory commission on arms recommended this week as a possible successor to the MX would solve some problems the Pentagon faces. But it would create some new ones.

Among other things, it might cost more than twice as much as the MX, some experts estimate. One reason is that it might require as many as 47,000 people just to tend a sizeable small-missile force of the kind now envisioned.

One important advantage of small missiles, supporters say, is that they make less attractive targets than large ones like the multiple-warhead MX. If the United States and Soviet Union shifted to smaller missiles there would be less temptation for either side to strike first in a nuclear war in hopes of knocking out the other's retaliatory power.

Supporters also argue that the small missile—30 tons vs. 100 for the MX—would be relatively easy to move around or otherwise protect. The likelier U.S. missiles are to survive an attack, the more deterrent value they have.

Whether a small missile of the kind envisioned can be built is not in doubt. It is a relatively easy job.

But how it might be transported and protected from the blasts of even distant nuclear explosions, how much it would cost, how many would be needed and how many persons it would take to operate and guard such a system are very big question marks.

In addition, it is not clear that all the important elements of the U.S. Air Force, which would be charged with developing the missile, are unified behind the idea.

Some Air Force estimates submitted to the presidential commission, according to military and industry sources, forecast costs of $69 billion over 10 years to develop, deploy and operate a force of about 1,000 such missiles on mobile transporters specially designed to withstand nuclear blast, heat and radiation.

"Don't forget," one officer said, "1,000 single-warhead missiles means 1,000 guidance systems, 1,000 transporters, 1,000 a lot of things."

The Air Force says its small-missile cost estimate compares with roughly $30 billion over the same period to deploy 100 MX missiles, with a total of 1,000 individual warheads on them, in the Dense Pack basing system that was rejected by Congress but which the Air Force said it believed offered a good chance for survival.

In addition, some estimates indicate that it could take 47,000 personnel to operate, maintain and guard these weapons, with the security requirements especially high if provisions are made to move the mobile launchers off military reservations and onto the nation's road system during exercises or periods of alert or crisis.

Industrial experts, who also asked not to be identified, say they believe the military estimates are far too high. For one thing, they say it is not likely that 1,000 missiles will be needed because they will be more survivable than MXs in fixed silos. One contractor estimated that even if a 1,000-missile force on protective vehicles were needed it could be done for $30 billion to $40 billion over 10 years.

There are also military concerns about whether the small missile would have enough power to carry a big enough warhead to knock out Soviet missile silos and command bunkers if the Soviets increase the strength of such underground installations.

Another question is whether a sufficiently accurate guidance system could be developed to steer the missile to its target after

its transporter had raced from its peacetime base to a new firing point.

The key technical challenge, however, would come in developing vehicles able to carry the missile around at 40 to 55 mph and still protect itself, its crew and its missile cargo from atomic attack. There is considerable interest in new vehicles which supposedly can squat down and "seal themselves" to the earth to protect against blast and shock.

But such vehicles exist only on paper. The Air Force says a normal transporter without special protection would be able to withstand pressure of about 2 pounds per square inch, which means that an atomic blast within eight miles of the vehicles would destroy it.

If vehicles can be built to withstand blast pressures of 20 to 30 psi, then it would take blasts within a half mile to two miles to destroy them, military officers say. That is the kind of protection the commission was told was possible by industry specialists.

One company, General Dynamics, is building a nuclear-hardened transporter for new U.S. cruise missiles being deployed in Europe. But the hardness of these vehicles is said to be well below the goal for the new missile.

In its report to President Reagan this week, the commission recommended that while development goes ahead on the new missile, 100 MX missiles be deployed in silos now used for the existing force of older Minuteman missiles.

While agreeing with the commission's recommendation, former secretary of defense Harold Brown, a respected scientist and an influential counselor to the commission issued a separate statement of caution.

"This new system," Brown said of the small missile, "still has many uncertainties, particularly in terms of cost and of the feasibility of hardening truck-mobile missiles or superhardening of fixed shelters."

"For example," he said, "unless the United States can negotiate severe limits on a level of ICBM warheads, the number of single-warhead missiles needed for a force of reasonable capability and survivability could make the system costs, and the amount of land required, prohibitively great.

"We also do not know whether truck-mobile systems will be able to survive a megaton blast two miles away [a megaton is the equivalent of one million tons of TNT]. Lacking that hardness, the mobile system is easily barraged into destruction or forced into peacetime deployment on highways, which would raise political difficulties."

Those arguments are not unlike others that repeatedly have thwarted attempts by Carter and Reagan to deploy the MX in a more survivable manner.

THE FARM CREDIT CRISIS

Mr. PRYOR. Mr. President, 1 week ago today, the Administrator of the Farmers Home Administration, Charles Shuman, and the Under Secretary of Agriculture for Small Community and Rural Development, Frank Naylor, were testifying before a Senate Appropriations Subcommittee. At that hearing, members of the subcommittee, and later the full Senate, learned that the Farmers Home Administration had stopped making farm operating loans in 17 States. One of the States involved was the State of Arkansas. I could hardly believe it when I learned of this fact because all spring those of us who represent farm States had been assured that there would be sufficient money to make operating loans this spring.

Mr. President, it has now been 1 week since that bomb was dropped, and the farmers of 17 States who depend on FmHA for operating loan money still do not know what is going to happen. They are wondering whether or not the administration is going to do something to resolve this crisis, and they are also wondering whether or not we are going to take steps to correct the problem. I was pleased to learn that the House Agriculture Appropriations Subcommittee tentatively approved a measure yesterday that will provide an additional $600 million in funds. It is my understanding, however, that this measure is not going to be considered again until next Tuesday because many Members of the other Chamber are attending the funeral of the very distinguished member from California, Mr. Burton. I would hope, Mr. President, that before that date, the Secretary of Agriculture and other officials of this administration would take steps to begin making operating loans again. Even if we get a supplemental appropriation through the Congress and the President signs it, we are still talking about several days, and then we will be faced with the normal processing of the loans.

Mr. President, I cannot stress to my colleagues, and to the Secretary of Agriculture, how urgent this situation is. Time is of the essence. Our failure to act will bring financial ruin to many hardworking men and women, and will create serious problems in many parts of rural America. It is terribly ironic, Mr. President, that just when the farmers of this country have so overwhelmingly endorsed the PIK program and showed their willingness to get farming back to profitability, that this administration would allow operating loans to be stopped dead in their tracks. We have got to get this reversed and I urge all of my colleagues to consider this matter and what will occur in many parts of our country if it is not corrected.

AMBASSADOR TONY MOTLEY

Mr. STEVENS. Mr. President, recently an article appeared in the March 1983 issue of Manchete magazine featuring the U.S. Ambassador to Brazil, Tony Motley. Ambassador Motley and his family have been quite successful in representing our country in Brazil. I must say that I and my colleague from Alaska, Senator FRANK MURKOWSKI are proud of the leadership he has given in the area of United States-Brazil relations.

As the article points out, Tony was born in Rio de Janiero and lived there for the first 17 years of his life until his entrance into the Citadel for college education in the United States. After the Citadel, Tony began a career in the U.S. Air Force during which time he was taken to Alaska. It was in Alaska that Tony and I began to know one another on a professional and personal basis.

Over the years Tony and I have experienced times, good and bad, through which mutual admiration has developed. He was instrumental in working out the Alaska lands issue. His ability and organizational talents were exhibited time after time.

I know that Senator MURKOWSKI has a great deal of respect and admiration for Tony Motley. They spent many years in Alaska working on issues ranging from banking to foreign affairs.

President Reagan made an excellent choice in asking Tony Motley to serve as the U.S. Ambassador to Brazil. As he has in the past, Tony continues to perform effectively and with purpose, not by being aloof or callous, but by listening, participating, and acting with care.

Mr. President, Senator MURKOWSKI and I congratulate Ambassador Motley for his good service and ask unanimous consent that the text of the article be printed in the RECORD in its translated form from Portuguese to English.

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

ANTHONY MOTLEY—AN AMBASSADOR WITH A BRAZILIAN KNACK

"Carioca" and "Tricolor", the U.S. Diplomatic Representative in Brazil talks about current relations between the two countries.

Tony Motley is a 44-year old "Carioca" (native of Rio) who represents the United States Government in Brazil. The son of an Atlantic official, the American Ambassador not only was born in Brazil: The formative years of childhood and youth took place in the "Carioca" atmosphere. A fanatic "sufferer", in his words, pulling for the Fluminense (sports club), he was an athlete-member of the club as a young basketball player. Today, when he returns from a sophisticated diplomatic reception, many times he can be surprised in the kitchen of his house eating two fried eggs, rice, and . . . manioc flour. He loves "feijoada". The other day, he was playing tennis at the Embassy tennis-court when a pick-up soccer game began nearby, played by janitorial employees. He let loose of his racket and went to play center forward.

"It is not only the fact that I was born in Rio," he says with a Carioca accent. "The more positive emotional influence is the fact that I lived here the first 17 years of my life. For an Ambassador this is very advantageous, because it is conducive to the creation of a favorable atmosphere and facilitates understanding of Brazilian characteristics."

Besides soccer, Anthony Motley plays golf and tennis on weekends. But he does not

have time for regular physical exercise as he would like to make. Among his habits is to frequent regularly the Embassy Club on Friday, where he fraternizes with employees around a table with Brazilian beer.

His Brazilian style has diffused throughout the Embassy. Instead of a special lunch. "Ambassador service," he prefers the rice and beans of cordial—a services' company which prepares the food for the employees in general. At the cafeteria he picks up a tray, enters the line where he waits about 20 to 30 minutes chatting with whoever is closer to him. He sits down at any table and converses with his table companion, be it a driver, a guard, or a diplomat. Sometimes he asks a high-level diplomat: "When was the last time you had a conversation with your driver?" and when he notes that a section chief is eating the traditional American noontime meal, he advises: "Aren't you going to take the cordial rice and beans?"

He may not know it. But we has turned into a charismatic figure in the Embassy as well as on the outside. His driver gave him a tape with jokes by Chico Anisio, which he sometimes listens to on his car's cassette-player. "During my twenty years with the Embassy, I have never seen anyone more sympathetic nor more open to resolve the employees' problems," testifies a Brazilian (employee).

If he asked for any extra effort, everyone is ready to help him, not because he is the Ambassador, but because of his personal appeal. After Reagan's visit, he wrote a letter thanking each employee for the work done. At Christmas and New Year he greeted every single one, and participated in the parties given by every single section of the Embassy. On Independence Day, 4th of July, he invited all employees to his house, Brazilians included, for a big barbecue. The low-ranked personnel of the Embassy live in an apartment building at superblock 113 South. Well, Motley built a recreation area for their families, and on weekends he goes there to socialize with them.

Tony Motley has a lot to do with the present good understanding between Brazil and the United States. He attributes that to the personal friendship between Reagan and Figueiredo. But the truth is that Motley was the one who was the catalyst for such friendship. "Part of his charisma is the fact that he is not a career diplomat"—states an American diplomat.

After leaving Brazil, at 17 years of age, he studied political science at the Citadel, in Charleston, South Carolina. Then he served as an officer in the United States Air Force for 10 years. He was the first foreign military officer under the rank of colonel to receive the Brazilian Government Decoration "Order of Santos Dumont" for his efforts on behalf of Brazil. Following his Air Force service he entered business, founding Crescent Realty Inc., in Anchorage, Alaska, which subsequently merged with Area Inc. Realtors, now the largest real estate firm in Alaska. During the same period, he was Commissioner of the Department of Commerce and Economic Development of the State of Alaska, where his responsibilities include public housing and finance, the state bond and loan program, economic development, tourism, energy and fisheries, and regulatory practices involving banking and insurance. As chief executive officer for the Citizens for the Management of Alaska Lands, Inc., he coordinated the lobbying and grassroots efforts of various industries and recreational groups interested in the balanced use of Alaska lands. A personal friend of vice-president George Bush, when he was nominated Ambassador of the United States to Brazil, inevitably someone had to carp: "a real estate agent to represent Reagan in Brazil."

Anyone who was critical must be biting his tongue now. Just as those who criticize him today must be chewing on the cud of their bureaucratic envy. For Tony from Leblon, son of Dona Faith from Teresopolis, is proving to be a great Ambassador.

When he served in the USAF, he automatically lost his Brazilian citizenship. But, in any case, a Presidential decree formally cancelled his Brazilian citizenship on August 9th, 1981, 40 days before he returned to Brazil as Ambassador.

A good part of the credit Brazil has with the bankers in the United States is due to Motley. He traveled to his country and talked with the bankers: Above all, he gained, for Brazil, the sympathy of the Treasury of the United States. Also in the case of the Bandeirante airplane, Motley's support was important in solving the matter in favor of Brazil. On the occasion of the floods in Belo Horizonte, he provided 2 million cruzeiros to help the victims. But he had to face an impenetrable bureaucratic web to make such help reach those who needed it.

The bureaucracy, in fact, envies him. Because he acts as a good businessman: He is objective, clear, simple and right to the point. If he can say "Mae" he doesn't say "Genitora". And he understands Brazil's problems and difficulties as few people do. Not only because he is acquainted with them, but because he has intellectual capacity, is sensible and maintains good contacts in both countries. He is a model of a new style of diplomacy, a modern style. He speaks not only with Formin Saraiva Guerreiro. He is a personal friend of President Figueiredo, with whom he talks directly and is also close to the Treasury Minister, Ernane Galveas. His relationship with Brazilian Ministers, both civilian and military, is excellent. Recently he had a luncheon with Delfim Hetto. But not one, he least of all, could think about the idea of interfering in Brazil's internal affairs. A unique and able man. When asked why he behaves that way, he says: "people seem not to understand that I do this because I like Brazil".

Manchete interviewed U.S. Ambassador in his residence, in the Park Way mansions sector, in Brasilia. He was there with his family: his wife Judith, and daughters Allison, 14, Valerie, 12, and his mother-in-law Betty Jones, who was visiting with them. Also Missy, a cat from Alaska, and a dog, likewise born in Alaska, at 40 degrees below zero. Because of the color of his fur, he was named Terra in Portuguese. In Motley's house, where he promotes Brazilian and American confraternization, one can see autographed photos of Ronald and Nancy Reagan, Joao Figueiredo and George Bush, in addition to photos showing them together. When I requested the interview, this man who practices diplomacy without bureaucracy, answered: "Oh, come to my house on such and such a day".

How does an Ambassador feel who is not a career diplomat?

Although I have not received specific training as a diplomat, I am lucky because I can count on a first class team and this makes up for any gap I may have. On the other hand, Brazil-U.S. relations are basically commercial (trade) and I have experience in this. I was a bank director and chairman of a corporation. I was born and grew up here and I can understand the challenges and problems of Brazilian businessman better than most Americans. But I was involved also in politics in U.S., and I can understand the political game which is similar here.

Do preconceived ideas still exist between the two countries?

I am in a position to understand both sides. And this is even hereditary. My father was an employee of Atlantic, in Brazil, and also a member of the board of the Brazil-U.S. Chamber of Commerce. I remember when we traveled to the U.S. in 1948, riding through the country by car. My father stopped everywhere and talked favorably about Brazil. I would like my daughters to be given an opportunity to continue this habit of showing Brazil to Americans. But there are also Brazilian who do not know the U.S. They know the things shown in movies and on TV, which are not typical. There is an evolution, though. Many Brazilians studied in the U.S. and brought back their impressions. Unfortunately, for many, there is a lack of better mutual understanding, to eliminate prejudice.

Do you accept the statement that during your mandate Brazil-U.S. relations have reached one of the highest levels in their history?

If is difficult to be objective in answering such question. But I do think that all agree that the lowest relationship level occurred in 1977–78. One newspaper even illustrated this with a graph. I think we enjoy today a high level of relationship, and I think that the major contribution to that was the personal understand between the two Presidents. This understanding was spread through other echelons. In the White House, for example, Bill Clark and George Shultz have an understanding about Brazil totally different from their predecessors. Before, this understanding was limited to a East-West vision of the world. Both have this understanding with a more broader perspective. At the beginning of the Reagan administration, because there was a great emphasis on defense, some newsmen thought that we were exclusively concerned about the Soviet Union, with East-West comfrontation. But they forgot that the U.S. Armed Forces had been losing a high percentage of appropriations for a long time, and what we did was merely to restore the level. There were Presidents concentrated only with Camp David, SALT II, China, all at East-West level. Now the south is also included.

Did the Malvinas crisis damage the understanding between Brazil and the United States, which adopted opposing positions?

I do not believe that it caused any damage. Besides, the first encounter between Reagan and Figueiredo occurred during the war, and in the midst of the crisis both of them acted without compromising themselves. They talked openly and displayed great class as statesmen. I can say this because I was the interpreter in that conversation.

You were always with Reagan and Figueiredo during the formal and informal meetings. During the official meetings, what did they talk about?

Both of them discussed the large world issues. For me, it was an interesting revelation to perceive the ability of President Figueiredo to talk about the Middle East and the South of Africa, which are not areas close to Brazilian interests. But, during the first encounter, held in Washington, the Malvinas crisis was the dominant issue.

You said that the basis of the relationship between the two countries is trade. In this area, what seems to be the problem, nowadays?

I would say that the points of irritation are the issues of shoes, juices, planes, steel. But this is only happening because Brazil, today, has changed its list of exports. During the period when coffee was the main export product, the only problem was the price of coffee. Brazil has become industrialized and today has problems that are common in European countries. It is just that in Europe the problems are so common that they don't make headlines. Here in Brazil, this is still a novelty and therefore it still makes the headlines. Twenty years ago, 77 percent of Brazilian exports were made up of coffee. Today, Brazil sells the same volume of coffee, but it represents only 8 percent of the value of its exports. This is the evolution of Brazil. Thus, when the steel industry in the United States is only operating at 56 percent of its capacity, the steel producers try to defend themselves, accusing imports of giving them competition. This is not directed against Brazil. It is also directed at Japan, and at Europe. And it will continue, inasmuch as Brazil continues to increase its exports, because this happens to all large suppliers to the United States. The United States is not a protectionist country. So much so that 50 percent of Brazilian exports to the U.S. enter the country with zero duty on them. But those who suffer, scream. The squeaky wheel gets the grease. Even so, I do not think that Brazil has another partner with the same percentage of zero duty. And the United States, today, does not consider Brazil as a "developing country". But as a country which is reaching the levels of an industrialized country. Brazil is in no way like Chad, or Bangladesh. It is not like Western Germany, but it is getting there. Therefore, it cannot complain like Bangladesh, because it is not like it. The problem is that our rules and those of international organizations, established 20 years ago, only describe two types of countries. But nowadays there are others half way down the road, such as Brazil and South Korea, for example. It is therefore necessary to change the rules. Actually, the rules are changing and industrialized countries have to understand this. And so does Brazil.

How was the issue of the Bandeirante airplane?

One must understand that, when an American manufacturer feels damaged by external competition, he sends his complaint to the International Trade Commission which is an independent Federal agency not subordinated to the Executive. Therefore, it is difficult to get into this. I made a guess saying that Embraer would win and this came out in the Wall Street Journal. Then, I got a call from the White House saying that I couldn't talk about things that are not within the Executive's province. But I was right in my guess.

Having a profound knowledge of Brazil and being a personal friend of the highest Brazilian authorities, including the President, by what miracle do you face to give the slightest impression of meddling in our internal affairs?

Because I really don't meddle. When I came here, I told myself that I should always be careful in not interfering in Brazil's internal affairs. And I know I have been able to do this. I like politics, but I don't interfere, I don't discuss them, and I don't make statements about them. This is not my rule. As to the friends I have, I guess I wouldn't have them, if I tried to meddle into Brazil's internal affairs.

Has the friction from the time of the nuclear agreement with West Germany been eliminated?

That was the worst time in the relations between the two countries. The intent of the United States was that of attaining nonproliferation, but one must see how things are done. One country cannot push the other one. Carter and Mondale were ill-advised about the Brazilian program and the agreement with Germany. It was a bad time. Today, there is a better understanding about the rights and obligations between sovereign countries.

Brazil and the U.S. were allies in the last World War. How does the U.S. view Brazil today?

As a friendly, independent, and powerful country. There is a historical friendship: Both countries follow parallel but independent courses. Brazil's political and economic power shows that it is a powerful country. A country which has (business enterprises like) Mendes Junior, Engesa, Embraer, the automobile industry, is a country with remarkable presence in the world. This economic power gives weight to Brazil before the international organs.

How about the old idea of dividing responsibilities in the Defense of the South Atlantic?

Any responsibility that Brazil may have in the South Atlantic originate in Brazil. Today it is difficult to convince a partner to do something which is not in its national interest. If the country wants to, it does, jointly or alone. The South Atlantic has a very great strategic importance. Looking at the map one sees that navigation in the North Atlantic is surrounded by defenses. In the south there is a vacuum. In the eyes of military strategists, this means a lot.

Another old idea is the division of tasks. The U.S. would take care of the north of the Americas, and Brazil the south. This still persists?

AMS: I have access to secret papers and have never read, talked, or heard about the possibility of Brazil having to render some service to the United States in Latin America. The United States knows that there already are sufficient problems in the area, and would do nothing to augment them. Brazil has a tradition in foreign policy of not creating problems with its neighbors. Rio Branco ceded territory in order not to have problems. This policy has continued up to the present, with figueiredo, and deserves an "a-plus."

RECLASSIFICATION OF CERTAIN ALASKA LANDS AS PARK PRESERVES

Mr. STEVENS. Mr. President, my colleague from Alaska, Senator MURKOWSKI, and I have introduced a bill to transfer 12 million acres of land currently classified as national parks, to national park preserves. We have introduced this measure along with 18 cosponsors in the Senate because of our strong belief in multiple-use land management.

When the Alaska lands bill was passed in December of 1980, 25 million acres of land in Alaska were closed to hunting. These lands were classified as national parks wherein hunting was prohibited even though, for generations, many of these acres were considered prime hunting grounds and were used for such purposes. The decision to close off these lands was not one based upon sound wildlife management techniques, it was one based upon a romantic nonscientific notion that closing off the lands would eternally preserve the land and wildlife. While the land designation prohibits mining, oil drilling, and timber-cutting activities, the prohibition unfortunately covers sports hunting even though no strong case for disallowing this activity can be made.

The bill the Alaska delegation has sponsored seeks to rectify this problem and reclassify a portion of the lands presently designated as national park to a new designation of park preserve. The State of Alaska has an excellent record in the management of fish and game and I am certain would monitor these lands carefully under the land designation of park preserve. Should the proposed transfer take place, the Alaska Department of Fish and Game would assume the responsibility for monitoring these lands.

Sports hunting would be allowed in the newly created park preserves under our bill. Hunting is not antithetical to nature. It is, in fact, a very natural activity. The multiple-use concept is one which Alaskans have supported since the days prior to statehood.

I am hopeful that wisdom and proper public policy will prevail and that the Senate will pass S. 49, the Alaska National Hunting bill, in the very near future. Hunting and preservation are not incompatible.

Mr. President, across the Nation, numerous newspaper editorials have been written in support of our bill. Careful study of the situation in Alaska will, I am certain, lead the Senate to the same conclusion that the reclassification of these lands in Alaska is the proper and prudent course to take.

I ask unanimous consent that editorials appearing in the Friday, April 8, 1983, edition of the Fairbanks Daily News-Miner, and the Saturday, March 26, 1983, edition of the Los Angeles Times be printed in the RECORD at this point.

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

[From the Daily News-Miner, Fairbanks, Alaska, Apr. 8, 1983]

A GOOD MOVE

A proposal to transfer 12 million acres of Alaska land from national park status to park preserve status will be up for its first hearings in Congress next week.

The bill is good move, consistent with multiple use land management and equal treatment of Alaskans, and deserves the backing of Alaskans.

Sponsored by Sen. Ted Stevens last year, the package of amendments to the Alaska

Lands Act didn't get anywhere in the 1982 congressional session. Reintroduced this year as S. 49 and introduced in the House as HR 1493, the bill has been gathering support since last year. Around the nation, sportsmen's groups are hailing the amendment package—the Alaska National Hunting Bill—as a measure which will "determine the status of hunters in Congress for at least the next decade and will be a factor in every hunting-related bill that comes before Congress and state legislatures therefore."

The bill would open to sport hunting 12 million acres now included in national parks, where sport hunting is prohibited but subsistance hunting is permitted.

The Alaska Lands Act, passed in December 1980, closed to hunting and trapping nearly 25 million acres of Alaska lands, by designating them as national parks and monuments. The bill would open to sport hunting about 5 million acres in the Gates of the Arctic National Park; about 1.5 million acres in the additions to Denall National Park; about 1 million acres in Lake Clark National Park; about 1 million acres in Katmai National Park; about 88,000 acres in Aniakchak National Monument; about 667,000 acres in Kenai Fjords National Park; about 3.2 million acres in Wrangell-St. Elias National Park; and about 214,000 acres in Glacier Bay National Park.

The Alaska Department of Fish and Game has a pretty good track record of managing Alaska's big game species, even within the many constraints that exist today. By transferring this land to park preserve status, state fish and game regulations would be in effect there.

In a recent letter to sport hunters, Sen. Frank Murkowski, a co-sponsor of S 49, pointed out that the state Department of Fish and Game employs 93 full-time biologists and had a budget of more than $10 million. The Department of Public Safety employed more than 100 people for wildlife enforcement activities and budgeted more than $13 million for that responsibility. In contrast, the National Park Service has only one full-time biologist and five others with wildlife biology responsibilities in Alaska; less than 1 percent of park service employees are stationed here even though over 50 percent of the nation's park land is in Alaska.

"These figures clearly indicate the major contribution the state of Alaska can make in the wise management and use of a major Alaskan renewable natural resource," Murkowski wrote.

Multiple use of Alaska's resources is a concept recognized in our state Constitution; so are equal treatment of residents and equal access to natural resources. It makes sense for Alaskans to support this change in federal law to make it more consistent with the principles we already recognize and support within state law.

MINORITY BUSINESS AID CONTRACT LET

WASHINGTON.—The Commerce Department has awarded a $200,000 contract to Community Enterprise Development Corporation in Anchorage to provide business and marketing aid to minority-owned businesses and individuals in Alaska.

The funds are made available under a new minority business development project which is aimed at helping minority firms to improve their profitability and performance, according to Rep. Don Young, R-Alaska, who announced the award.

The corporation is a non-profit economic development company owned by community-based organizations from throughout Alaska. The funds will be used to give technical assistance to minority firms in business management, loan packaging, venture capital, marketing, financial analysis, accounting and business expansion. All Alaska businesses that are at least 51 percent minority owned are eligible for the assistance.

Francis Gallela, an Alaska business consultant, directs the project.

[From the Los Angeles Times, Mar. 26, 1983]

VIEWPOINT: HUNTERS DESERVE ANOTHER SHOT AT IT

Environmentalists and resource developers were the principal antagonists three years ago in a battle over the appropriate uses of vast federal holdings in the Alaskan wilderness.

The environmentalists won when Congress classified 25 million acres as National Parks and Monuments, placing them permanently off limits to mining, oil drilling and timber cutting.

But the designation also had the effect of evicting hunters and trappers from areas that had been open to them for many years.

We agreed at the time that Congress was right in protecting the wilderness from irreparable damage that would result from commercial exploitation, yet no case could be made that hunters were also a danger to the physicial environment.

Alaska's two Republican senators—Ted Stevens and Frank Murkowski—are pushing an amendment to the 1983 legislation that would reclassify 12 of the 25 million acres from park status to park reserve status. That designation would continue the current protections against oil, timber and mineral development, but would permit hunting under the control of the Alaskan Department of Fish and Game.

The game population are in no danger of extinction in the areas that would reopen to hunting, and Alaska's strict enforcement of bag limits would protect them from the possibility of future depletion.

The fact is that hunters were caught in the middle three years ago in the crossfire between lobbyists for conservationists and developers. The Stevens/Murkowski amendment to the Alaska lands act simply acknowledges that hunting and preservation of scenic resources are not incompatible.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983 through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

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

At 12:14 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bills, without amendment:

S. 89. An act to amend the Saccharin Study and Labeling Act; and

S. 126. An act to remedy alcohol and drug abuse.

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

H.R. 1035. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes;

H.R. 1071. An act for the acquisition by the United States by exchange of certain native owned lands or interests in lands in Alaska;

H.R. 1437. An act entitled the "California Wilderness Act of 1983; and

H.J. Res. 80. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

HOUSE MEASURES REFERRED

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

H.R. 1035. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 1071. An act for the acquisition by the United States by exchange of certain native owned lands or interests in lands in Alaska; to the Committee on Energy and Natural Resources.

H.R. 1437. An act entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, April 14, 1983, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983 through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month".

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-69. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry:

"H.R. 433

"Whereas, the General Assembly of Georgia has become aware of the possible termination of the Farmers Home Administration's interest credit programs; and

"Whereas, these interest credit programs are the primary rural housing programs that offer assistance to the rural home buyer according to his ability to repay such assistance; and

"Whereas, the State of Georgia is restricted by the state Constitution from using state funds for housing development and the homeownership programs of the Georgia Residential Finance Authority cannot reach the income levels of many low income rural home buyers: Now, therefore, be it

"Resolved by the House of Representatives, That this body does call upon the United States Congress to consider the impact and damage that will be done to rural communities if the Farmers Home Administration's interest credit programs are terminated: Be it further

"Resolved, That this body does call upon the United States Congress to continue the Farmers Home Administration's interest credit programs or to take whatever other action is necessary to provide for the support of housing programs which are adequate to meet the needs of residents of rural areas: Be it further

"Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States and to all members of the Georgia Congressional Delegation."

POM-70. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, the Congress has authorized the Secretary of Agriculture to deduct 50 cents per hundredweight from payments to milk producers; and

"Whereas, this deduction is costing Minnesota dairy farmers $50,000,000 per year at the present level; and

"Whereas, the cost to Minnesota milk producers will rise to $100,000,000 per year or $4,000 per dairy farm if the assessment is doubled in April; and

"Whereas, the deduction is increasing the level of milk production rather than causing a reduction in output as was intended: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That Congress should speedily enact legislation to repeal the deduction and create a fair dairy program that serves the needs of farmers and consumers alike: Be it further

"Resolved, That the Secretary of State of the State of Minnesota is instructed to transmit certified copies of this resolution to the President of the United States, the President and Secretary of the Senate of the United States, the Speaker and Chief Clerk of the House of Representatives of the United States and to Minnesota's Senators and Representatives in Congress."

POM-71. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION NO. 3017

"Whereas, the production and marketing of grain by farmers in this state and throughout the nation provides a commodity vital to the health, safety, and welfare of the nation; and

"Whereas, the recent grain embargo and international trade restrictions have placed in jeopardy the efficient marketing of this grain and future foreign markets for it; and

"Whereas, as an alternative to placing their total production yields of grain into the market, farmers have privately built storage facilities and are participating in the federal grain reserve program authorized by 7 U.S.C. 1445(e), designed to establish orderly marketing and which provides an emergency source of food supplies to the nation; and

"Whereas, farmers receiving loans pursuant to the federal grain reserve program, and using their grain placed in the federal grain reserve program as security, and currently charged nine percent interest on the loan principal; and

"Whereas, current grain prices are inadequate to sustain a continued strong and independent agricultural industry: Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the President and the Congress of the United States are urged to repeal the authority to charge any interest to farmers participating in the grain reserve program who receive loans through the Commodity Credit Corporation; and be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Speaker and Clerk of the United States House of Representatives, and the President and Secretary of the United States Senate."

POM-72. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Appropriations:

"Whereas, the Legislative Assembly recognizes the existence of a state obligation to provide education and rehabilitative services to disabled and handicapped citizens; and

"Whereas, the Legislative Assembly further recognizes that education and rehabilitative services to disabled and handicapped citizens must be accomplished on an individual basis, and that great deference should be given to the professional judgment of qualified professionals as to which types of treatment and education should be afforded each individual; and

"Whereas, Congress has considered the needs of handicapped and disabled persons and has enacted Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142, the Education for All Handicapped Children Act of 1975; and

"Whereas, Congress has never provided sufficient funding to the states to bring their practices and facilities into compliance with Section 504 of the Rehabilitation Act of 1973, and P.L. 94-142; and

"Whereas, state and local governments have been made subject to civil suits and often the payment of plaintiffs' attorneys fees by persons alleging deprivation of their constitutional or statutory rights; and

"Whereas, the state of North Dakota and its political subdivisions have been confronted with significant expenditures mandated by federal courts following decisions based in part upon these federal laws; and

"Whereas, federal statutes and federal court decisions are mandating requirements for states in terms of numerical ratios and macroscopic statistics and are setting timetables for implementation: Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the Forty-eighth Legislative Assembly urges the Congress to provide sufficient funding to the states to enable such states and their political subdivisions to fairly undertake the fiscal responsibility for providing facilities and services that are reflective of the rights granted under these federal Acts; and be it further

"Resolved, That the Forty-eighth Legislative Assembly urges the Congress to amend 42 U.S.C. 1983 et seq. to limit the payment of attorneys fees to reasonable and prevailing rates in the states, and to remove the unreasonable provisions of the law including the doubling of attorneys fees at the courts' discretion; and be it further

"Resolved, That the Forty-eighth Legislative Assembly urges the Congress of the United States to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons rather than legislation based upon general assumptions of educational and rehabilitative needs of handicapped and disabled persons; and be it further

"Resolved, That the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation."

POM-73. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Banking, Housing, and Urban Affairs:

"Whereas, in recent years there has been a steady erosion of the national currency resulting in high interest rates paradoxically accompanied by unemployment rates not seen since the Great Depression of the 1930's; and

"Whereas, while protecting the economy from the ravages of inflation is vital, it is of equal and vital importance that there not be further repetition of the cycles of boom and bust that in the past two decades have characterized American business, whether on Main Street or on the farm; and

"Whereas, recent years have seen unprecedented interest rates that have made it extraordinarily difficult for farmers and other businesses of North Dakota to obtain the capital necessary for the continued operation of their businesses; and

"Whereas, the volatility of interest rates, as evidenced by the prime rate recently hitting levels that just a few years ago would

have been unheard of, makes it nearly impossible for the operator of a farm or other business to plan sensibly for future operations: Now, therefore, be it

"Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein, That the Forty-eighth Legislative Assembly urges the Federal Reserve Board to consider carefully the impact of its decisions about money supply and interest rates on the economic good health of America, especially as those decisions affect agricultural states such as North Dakota, and to adopt a monetary policy that will protect this nation not only from the ravages of inflation, but also from the volatility of interest rates and high unemployment; and be it further

"Resolved, That the Secretary of State send copies of this resolution to the chairman and each member of the Federal Reserve Board, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of the North Dakota Congressional Delegation."

POM-74. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 10

"Whereas, The Administrator of the Environmental Protection Agency has announced that the Clean Air Act (42 U.S.C. Sec. 7401 et seq.) requires the agency to invoke the construction ban sanction and, in some cases, to cut off all air grant and highway construction funds by January 31, 1983, for nonattainment areas; and

"Whereas, The proposed reimposition of federal highway construction funding sanctions by the agency would be a breach of faith with the motoring public in California who are required to pay increased federal gasoline taxes; and

"Whereas, The proposed reimposition of a highway construction funding sanction upon California, under the enforcement program recently announced by the agency, would jeopardize many highway projects within California which are vital to public safety; and

"Whereas, The California Legislature passed Senate Bill No. 33 (Chapter 892 of the Statutes of 1982) establishing vehicle inspection and maintenance only after repeated assurances from the Environmental Protection Agency that the legislation would be sufficient to remove highway construction funding sanctions and other sanctions imposed upon California; and

"Whereas, California's recently enacted vehicle inspection and maintenance program contained in Senate Bill No. 33 may be jeopardized if the agency breaches good faith and reimposes a highway construction funding sanction upon California on or after January 31, 1983; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, without any intention to address the basic framework of the Clean Air Act, respectfully memorializes the Congress of the United States to take appropriate action to ensure that the Environmental Protection Agency does not reimpose sanctions against highway construction funding or sewer construction funding, or continue the imposition of a ban on construction or modification of major stationary sources; 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-75. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 3019

"Whereas, the State of North Dakota through its tax system has adopted a program of tax incentives for landowners to sell or rent farmland to beginning farmers; and

"Whereas, this program has been in effect since 1979 and has proven to be a positive method of encouraging landowners to consider beginning farmers when they decide to transfer their land; and

"Whereas, such a program to assist beginning farmers is one which does not require the establishment of new agencies or additional bureaucracy; and

"Whereas, the federal tax policy has been shown by United States Department of Agriculture studies to have a significant impact on American agriculture; and

"Whereas, federal tax policy has in general led to upward pressure on farmland prices, larger farm sizes, incentives for farm incorporation, altered management practices, and increased use of farmland as a tax shelter by both farmers and non-farmers; and

"Whereas, these impacts of federal tax policy have generally negative effects on beginning farmers and therefore contribute to the continued decline of farm numbers in the United States;

"Now, therefore be it *Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:*

"That the Forty-eighth Legislative Assembly urges the United States Congress to adopt a system of tax incentives for those who sell or rent land to beginning farmers, similar to that presently used in North Dakota.

"Be it further *Resolved,* that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Secretary of the Treasury, the Secretary of Agriculture, and the President of the United States.

POM-76. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Foreign Relations:

"SENATE JOINT MEMORIAL No. 106

"Whereas, The unleashing of nuclear weapons would cause death, injury, and destruction on a scale unprecedented in human experience, and a major nuclear war would end civilized human existence throughout the world; and

"Whereas, Both the United States and the Soviet Union now have enough nuclear weapons in their arsenals to destroy every population center in both nations and in all nations with which they are allied; and

"Whereas, The technology of nuclear weaponry is rapidly being disseminated, and more countries have or will soon gain the technical proficiency to develop nuclear weapons; and

"Whereas, The history of the nuclear arms race demonstrates that the continued and unrestrained development of new weapons will overtake arms control agreements before the agreements have been negotiated; and

"Whereas, The enormous cost of nuclear weapons has caused the reallocation of funds from programs that improve the quality of life for people in many countries, has contributed in our own country to continued high budget deficits and borrowing costs, and has caused the redeployment of technical resources, scientists, engineers, and the capital investment necessary for the improved productivity of our civilian economy;

"Now, therefore, Your Memorialists respectfully pray that the President and Congress of the United States immediately propose to the Soviet Union a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weapons and of the systems designed primarily to deliver nuclear weapons, and upon agreement, to jointly seek negotiation of a permanent, international, and multilateral nuclear weapons ban subject to rigid verification; and

"Be it *Resolved,* That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Honorable John Spellman, Governor of the State of Washington, and each member of Congress from the State of Washington."

POM-77. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Select Committee on Indian Affairs:

"SENATE CONCURRENT RESOLUTION No. 4029

"Whereas, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other acts of the United States government; and

"Whereas, the various governmental relationships among tribal, local, state, and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by our federal system; and

"Whereas, the existence of extensive adverse title claims, and claims for money damages against current land owners, pursuant to 28 U.S.C. 2415 appear to be imminent; and

"Whereas, such claims also constitute a clear and present threat of a permanent, significant erosion of state and local tax bases which are already jeopardized by the constant conversion of deeded land to trust land; and

"Whereas, the fundamental question of the definition of boundaries of the reservations is still unresolved after years of litigation in the federal courts; and

"Whereas, in addition to the land claims and boundary questions, there are further questions surrounding the relative authority of tribal, local, state, and federal governments to exercise normal governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries, and particularly within incorporated cities such as Parshall and New Town; and

"Whereas, the uncertainties and complexities of these land claims and jurisdictional disputes raise substantial questions concerning the availability of full constitutional guarantees to American citizens residing

within the reservation boundaries, and further that these conditions tend to have the undesirable effect of establishing various classes of citizenship with attendant differences in the rights and obligations of these classes of individuals in such important areas as taxation; and

"Whereas, the application of governmental authority is further complicated by property ownership patterns intermingling privately owned and deeded lands with tribal and trust lands within a given reservation; and

"Whereas, the administration of justice and protection of personal safety and property of both Indian and non-Indian people alike remains in question in such matters as extradition, application of tribal law to non-Indian persons and application of state law to Indian persons residing or located within reservation areas; and

"Whereas, legal uncertainties extend beyond personal rights to the management of natural resources and environmental protection, including but not limited to oil, gas, coal, and other mineral rights, conflicts involving hunting and fishing regulation, water management and individual water rights; and

"Whereas, free and orderly commerce on the reservations and within disputed areas is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, other financial transactions, the Federal Traders Act, liquor control, and other aspects of commerce; and

"Whereas, consumer protection in such matters as professional licensing and others is in question in reservation areas as a result of apparent and growing limitations placed on the application of state law within the several Indian reservations; and

"Whereas, questions are being raised relative to what services state and local governments should and must provide reservation residents in view of growing assertions that state law and authority do not extend to reservation areas; and

"Whereas, the cost and time involved in seeking a resolution to these and other problems through litigation is undesirable and only serves to prolong uncertainties and encourage increased tensions; and

"Whereas, the availability of quality and clearly defined governmental services is critical to the solution of these problems and is not readily possible under current conditions; and

"Whereas, these undesirable conditions are largely a result of acts of the United States government and the State of North Dakota is virtually powerless to achieve their fundamental solutions;

"Now, therefore, be it *Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:*

"That the Congress of the United States and the President of the United States and subordinates are urged, petitioned, and memorialized to fulfill their respective responsibilities in providing leadership in the solution of these and other problems which are equally destructive to the progress and quality of life and preservation of peace of both Indian and non-Indian residents of the State of North Dakota; and

"Be it further *Resolved,* That copies of the resolution be forwarded by the Secretary of the Senate of the State of North Dakota to the presiding officers of the United States House of Representatives and the United States Senate, the North Dakota Congressional Delegation, and the President of the United States, the Secretary of the Interior, the Attorney General of the United States and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming. The director of Indian affairs commission shall send a copy of this resolution to all Indian tribes and affiliated organizations across the state of North Dakota."

POM-78. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA STATE SENATE—RESOLUTION 196

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations: Now, therefore, be it

"Resolved by the Senate, That the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-79. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA HOUSE OF REPRESENTATIVES—H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations: Now, therefore, be it

"Resolved by the House of Representatives, That the members of this body ex-

press our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-80. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA HOUSE OF REPRESENTATIVES—H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations; Now, therefore, be it

"Resolved by the House of Representatives, That the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-81. A joint resolution adopted by the General Assembly of the State of Arkansas; to the Committee on the Judiciary:

"H.J.R. 9

"Whereas, Arkansas, like many other sister states, must carefully spend taxpayers money on vital public services; and

"Whereas, Arkansas, like many other sister states is financially strapped and many public services are required to be cut back and others eliminated altogether; and

"Whereas, Arkansas taxpayers, acting through their duly elected Representatives and Senators, resent being told by the Federal Courts to spend vast sums of money on the State penal facilities which means, in effect, that the Federal Courts put a heavier priority on prison inmates than they do on delivering essential services to law abiding taxpayers; and

"Whereas, under Article 5 of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds (⅔) of both Houses deem it necessary. We believe such action vital: Now, therefore, be it

"Resolved by the Seventy-Fourth General Assembly of the State of Arkanas, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the General Assembly of the State of Arkansas requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States forbidding Federal Courts exercising jurisdiction over the State penal facilities of the United States: Be it further

"Resolved, That copies of this Resolution by sent by the Secretary of State to the Arkansas Congressional Delegation; and be it further

"Resolved, That the Secretary of State of the State of Arkansas is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C."

POM-82. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA STATE SENATE—RESOLUTION 86

"Whereas, in 1973, the Georgia General Assembly, responding to and reflecting the overwhelming public sentiment present within this state, enacted legislation providing for the imposition of the death sentence for persons convicted of the commission of certain heinous crimes; and

"Whereas, since 1973, more than 100 persons have been convicted and sentenced to death for the commission of various horrible and violent crimes; and

"Whereas, if citizens of the State of Georgia are to maintain confidence in the judicial and criminal justice systems and if capital punishment is to serve as an effective deterrent, there must be a certainty that the sentence of death will be imposed and carried out expeditiously for persons found guilty of the commission of these abhorrent acts; and

"Whereas, in 1980, the Georgia General Assembly, responding to the sense of frustration of the public in the matter of the imposition of the death sentence, took appropriate and needed steps to streamline the review processes of the death sentence in the state judiciary; and

"Whereas, this body, while recognizing the appropriateness of each defendant's constitutional right to pursue all legal remedies available to test the legality of his conviction and sentence in criminal cases, recognizes that it is nevertheless not in the public interest that such challenges be pursued in any manner other than timely, with the courts resolving in an expeditious manner all such proceedings: Now, therefore, be it

"Resolved by the Senate, That this body does urge the United States Congress to enact appropriate federal legislation establishing in the federal judiciary an efficient and expeditious unified appeals process regarding all challenges to the imposition of the death penalty so that in all death penalty cases the people of the State of Georgia may be assured that there will be swift and sure punishment for persons convicted of those horrible and violent crimes within this state for which the death penalty may be imposed: Be it further

"Resolved, That the Secretary of the Senate mail a copy of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, to the chairmen of the United States Senate and United States House Judiciary Committees, to the members of the Georgia Congressional Delegation, and to each appellate and district court judge of the 11th U.S. Judicial Circuit."

POM-83. A resolution adopted by the Lambda Rho Chapter of Phi Beta Sigma Fraternity urging Congress to pass the proper legislation to declare Martin Luther King, Jr.'s birthday, January 15th, as a national legal holiday and urging Congress to freeze gas prices for the next two years; to the committee on the Judiciary.

POM-84. A resolution adopted by the International Association of Chiefs of Police urging the commitment of public resources toward improving public understanding of our Constitution, Bill of Rights, and the system of governmental laws established by our Constitution through law-related education; to the committee on the Judiciary.

POM-85. A memorial adopted by the House of Representatives of the State of Arizona; to the Committee on Veterans' Affairs:

"HOUSE MEMORIAL 2001

"Whereas, thousands of members of the United States armed forces and service personnel who served in Vietnam and elsewhere in Indochina were exposed to herbicides used by the United States military to defoliate jungle growth and destroy food crops; and

"Whereas, these herbicides, one of which is commonly known as "agent orange", contained as a contaminant the substance known as dioxin, which is one of the most toxic substances in existence; and

"Whereas, many veterans exposed to these herbicides have suffered severe health problems including cancer, nervous disorders and birth defects in their offspring.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the Congress of the United States provide information services, health care and psychological counseling to veterans exposed to herbicides contaminated with dioxin.

"2. That the Congress of the United States mandate an investigation into the health history of service personnel who were exposed to these herbicides or who may be afflicted with delayed stress syndrome, so that it may be established whether these personnel are entitled to service-related benefits.

"3. That the Congress of the United States instruct the United States Veterans Administration to cooperate in these efforts.

"4. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COHEN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years (with additional views) (Rept. No. 98-59).

● Mr. COHEN. Mr. President, I rise to file the report of the Committee on Governmental Affairs to accompany S. 461, a bill to reauthorize the Office of Government Ethics for 5 years. I am pleased that the Senate passed S. 461 on April 6, and I want to take this opportunity to comment on the provisions of this bill.

This legislation preserves the Office of Government Ethics, an important reform of the Ethics in Government Act of 1978. In creating the OGE, the Congress recognized the need for a central office to oversee, monitor and enforce compliance by executive branch agencies and officials with financial disclosure and other conflict-of-interest requirements. The present authorization of the OGE, however, expires on September 30, 1983. In anticipation of this sunset date, the Subcommittee on Oversight of Government Management conducted an extensive investigation and held a hearing to evaluate the performance of the OGE. The subcommittee found that the OGE has performed its duties admirably, carried out its statutory mandate, and deserves to be reauthorized. S. 461 extends the authorization of the OGE for 5 more years.

Despite the commendable record of the OGE, the committee concluded that structural changes are necessary to strengthen the Office by insuring its independence. The Director of the OGE rules on many sensitive ethical issues involving top-level officials. Yet, the OGE could be vulnerable to political pressure or undue influence from the administration because of the structure of the present law. I want to emphasize that the committee found no evidence that the present administration has ever attempted to influence an OGE decision. However, the independence of the OGE should not be dependent on the attitude or support of any one administration. Rather, statutory safeguards should exist to insure that the OGE is insulated from actual or perceived political pressure.

Under the present law, few such safeguards exist. All regulations proposed by the OGE are subject to approval of the Office of Personnel Management; the Office's budget and staff levels are determined solely by the OPM, and the Director serves at the pleasure of the President.

S. 461 corrects these problems by making the following changes in title IV of the Ethics Act:

First, the bill gives the Director of the OGE a set term of 5 years, makes him or her removable for only "good cause," and upgrades the position of the Director from level V to level III of the executive schedule. These changes strike the appropriate balance between the need to guarantee independence and the need to safeguard against an overzealous or abusive Director, and would also provide continuity in the management of the Office. Upgrading the position of the Director gives him or her more symbolic enforcement power to insure compliance with conflict-of-interest requirements.

Second, the bill authorizes the Director to issue regulations in his or her own name, rather than simply recommending regulations for approval by the OPM. This amendment affirms the primacy of the OGE is establishing conflict-of-interest policies of the executive branch.

Third, the bill gives the OGE a separate line item in the Office of Personnel Management's budget. By providing congressional review of the OGE's budget, this amendment safeguards against administratively imposed budget reductions that could seriously harm the effectiveness of the Office.

S. 461 remedies other problems of the present law that impede the effectiveness of the ethics system or create inequities in the financial disclosure system. The legislation facilitates a stronger, more coordinated ethics program throughout the executive branch by authorizing the Director of the OGE to recommend the replacement of an agency's ethics official and to request assistance from the inspectors general to investigate possible conflicts of interest. Similarly, by requiring the Director of the OGE to conduct an independent review of financial disclosure statements of top-level White House officials, the bill provides an additional check against conflicts of interest by these officials who are closely involved in broad policy decisions of the executive branch.

Finally, to address inequities in the present law, S. 461 makes three changes in the executive branch financial disclosure provisions. First, it extends the restriction on outside earned income, which currently applies to only Senate-confirmed officials, to top-level White House officials. Because these officials are also in policy-making positions, the purposes underlying the restrictions—to prevent the use of these offices for private gain—are equally applicable to these White House personnel. Also, the bill amends the blind trust rules established by title II of the Ethics Act by extending qualified diversified blind trusts to all executive branch officials and by allowing "old family trusts" to be blinded. These changes are designed to make the blind trust rules more uniform and to provide officials with more options on how to resolve conflicts of interest. The bill maintains important safeguards to prevent abuses of the blind trust provisions.

I am pleased that the Senate has passed S. 461. In doing so, it has once again signaled its strong commitment to a unified, effective ethics system in the executive branch, which is crucial to public confidence in Government. I am confident that the changes made by S. 461 will better promote and protect such a system.

I urge the House of Representatives to act swiftly to reauthorize the Office of Government Ethics and to adopt the important reforms in S. 461.●

● Mr. LEVIN. Mr. President, I am pleased to have had the opportunity to join with Senator COHEN in supporting the reauthorization of the Office of Government Ethics and in making several improvements in the current governing statute.

While I was impressed with the job that is presently being done by the Office of Government Ethics, I was troubled by the extent to which the Office could be subject to political influence and pressure from the President. I emphasize "could be." The record at the hearing on the reauthorization bill was clear—the current acting director for the Office of Government Ethics stated unequivocally that he had not been subject to any kind of pressure from the White House. That is the way it should be. However, so long as the Director of the Office serves, like political appointees, at the pleasure of the President, there will always be the appearance of possible influence, particularly

where the issues involved have the potential to be so damaging politically.

By establishing a 5-year term of office for the Director of the Office of Government Ethics and permitting removal only for good cause, I think we have significantly addressed the appearance problem. And, by lessening the administrative authority of the Office of Personnel Management over the Office of Government Ethics, we have further increased the independence of the Office.

I support this reauthorization because the Office of Government Ethics serves an important function in helping to maintain the integrity of the Federal Government and the public's confidence in it.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board for the remainder of the term expiring August 27, 1986; and

Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation for a term of 6 years.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WEICKER, from the Committee on Small Business:

Mary F. Wieseman, of Maryland, to be Inspector General, Small Business Administration; pursuant to the order of March 16, 1983, referred to the Committee on Governmental Affairs for not to exceed 20 days.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON and Mr. PROXMIRE):

S. 1050. A bill to amend the Arms Export Control Act to provide increased control by the Congress over the making of arms sales; to the Committee on Foreign Relations.

By Mr. TOWER (for himself, Mr. HELMS, Mr. EAST, Mr. GARN, Mr. INOUYE, Mr. WARNER, Mr. BURDICK, Mr. HEFLIN, Mr. STEVENS, Mr. LUGAR, Mr. ZORINSKY, Mr. D'AMATO, Mr. SYMMS, Mr. JEPSEN, Mr. THURMOND, Mr. HUDDLESTON, Mr. BUMPERS and Mr. NUNN):

S. 1051. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. DURENBERGER, Mr. PERCY, Mr. SASSER, Mr. MOYNIHAN, Mr. EXON, Mr. CHILES, Mr. LEVIN and Mr. ABDNOR):

S. 1052. A bill to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1053. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to use surplus agricultural commodities to make supplemental payments-in-kind to producers who divert acreage from the production of agricultural commodities under a basic payment-in-kind program and devote such acreage to long-term conservation uses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURDICK:

S. 1054. A bill for the relief of Albert Korgel; to the Committee on the Judiciary.

By Mr. QUAYLE:

S. 1055. A bill to provide a Block Grant for the improvement of instruction in the fields of mathematics and science, for the improvement of achievement levels of students in the fields of mathematics and science, and for the establishment of a secondary school industry partnership exchange program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1056. A bill to authorize the National Science Foundation to provide assistance for a program for visiting faculty exchanges and institutional development in the fields of mathematics, science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 1057. A bill to amend the Internal Revenue Code of 1954 to place a cap on the reduction in individual income tax rates, and for other purposes; to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. D'AMATO and Mr. DODD):

S. 1058. A bill providing for the resolution of the current rail labor dispute in Connecticut and New York, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. ROTH, Mr. HOLLINGS, Mr. COHEN, Mr. GLENN, Mr. TSONGAS, Mr. BENTSEN, Mr. SARBANES, Mr. CHILES, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BURDICK, Mr. BAUCUS, Mr. COCHRAN and Mr. BUMPERS):

S.J. Res. 83. A bill to recognize Senior Center Week during Senior Citizen Month as proclaimed by the President; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 112. Resolution expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the armed conflict on the border between Thailand and Kampuchea; to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. Con. Res. 24. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1983 as Older Americans Month; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON, and Mr. PROXMIRE):

S. 1050. A bill to amend the Arms Export Control Act to provide increased control by the Congress over the making or arms sales; to the Committee on Foreign Relations.

(The remarks of Mr. BYRD on this legislation appear earlier in today's RECORD.)

By Mr. TOWER (for himself, Mr. HELMS, Mr. EAST, Mr. GARN, Mr. INOUYE, Mr. WARNER, Mr. BURDICK, Mr. HEFLIN, Mr. STEVENS, Mr. LUGAR, Mr. ZORINSKY, Mr. D'AMATO, Mr. SYMMS, Mr. JEPSEN, Mr. THURMOND, Mr. HUDDLESTON, Mr. BUMPERS, and Mr. NUNN):

S. 1051. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such an account to purchase a principal residence, and for other purposes; to the Committee on Finance.

MORTGAGE RETIREMENT ACCOUNT ACT OF 1983

Mr. TOWER. Mr. President, I am pleased today to introduce the Mortgage Retirement Account Act of 1983, along with 17 of my distinguished colleagues from both sides of the aisle. Additionally, the bill is being introduced today in the House by the distinguished chairman of the House Banking Committee, Mr. FERNAND ST GERMAIN.

I believe this legislation will stimulate savings and make home ownership a reality for a greater number of American taxpayers.

Let me explain briefly how the mortgage retirement account, or MRA, works. It, quite simply, uses the existing individual retirement account, or IRA, mechanism to allow taxpayers to accumulate tax-deferred savings to use as a downpayment on a personal residence and/or to prepay mortgage principal, and receive a deduction up to current IRA limits. In the most basic sense, it simply adds one more option for Americans wishing to save for retirement in response to the incentives

provided by Congress through traditional IRA's.

The MRA does not expand or duplicate current limitations on IRA deductions. It merely includes the personal residence as a qualifying IRA investment asset. In other words, an individual or couple could contribute to an IRA, an MRA, or both. In any case, however, the maximum deduction allowed for all contributions would be $2,000 for a working individual, $2,250 for a couple with one working spouse, or $4,000 for a couple with both spouses working. These limits now exist under IRA law.

The rules and regulations concerning taxation upon distribution of MRA tax-deferred funds would be virtually identical to current IRA rules and regulations. There is only one exception to that statement. The bill exempts owner-occupiers of personal residences with MRA equity from the requirement of "drawing down" their MRA balance at age 70½. Instead, taxation of MRA equity would occur when the home is sold after age 70½ without a qualifying rollover into another personal residence, or upon the death of the surviving spouse who continues to own and occupy the residence.

The benefits of this proposal are considerable. Americans planning for retirement now have two choices for their $2,000 annual IRA deduction—to invest $2,000 in a traditional IRA or to use the $2,000 to reduce the home mortgage principal debt with a goal of having their home free and clear at retirement. Americans who now rent have a means to accumulate, through the IRA mechanism already in place, the funds needed to make a downpayment on a personal residence. The MRA program gives renters a way to build equity for their retirement, while adding the advantages and pride of owning their own home, the dream of all Americans.

Individuals and couples in their early twenties, for example, who might have a hard time visualizing the need to save for retirement 40 to 45 years off, would have the incentive to start saving tax-deferred MRA funds as soon as possible if they could use those funds as a downpayment on a home. The retirement security advantages of owning a home free and clear are certainly substantial.

Mortgage lenders will also benefit. Their mortgage loans will be repaid in less time, reducing the average maturity of their assets and increasing their interest sensitivity. This industry has demanded more interest sensitivity. Further, funds attracted under the MRA option will not be deposits on which interest must be paid, and which would be subject to disintermediation. They would be debt repayment, and as you know, repayment of debt is saving.

The revenue effect of this bill has not yet been calculated. All indications are, however, that the revenue effects should be neutral in the short term and positive in the long term. Even though the tax revenues associated with mandatory withdrawals of traditional IRA balances would be eliminated in the case of owner-occupied housing, MRA designated equity would be taxed as ordinary income upon the death of the owner or surviving spouse, or upon sale without the requisite rollover. On the other hand, the tax revenues generated from the reduction of interest payments (and therefore interest deductions) because of MRA mortgage prepayments are rather astounding. For example, consider a $50,000, 30 year mortgage at 12 percent. If the taxpayer were to prepay this mortgage by $1,000 per year (or an increase of $83.33 in the monthly mortgage payment), the mortgage would be paid off in 15 years and 3 months, and the taxpayer would save over $91,000 in interest expense. The total MRA investment is approximately $15,300; however, the reduction in interest expense leaves the Treasury ahead by almost $76,000 in net deductions. A $2,000 annual MRA mortgage prepayment results in interest savings of $116,000 from an MRA investment of slightly over $22,000—a savings of $94,000 in net deductions to the Treasury.

In addition, revenue collections will be enhanced by increased employment in the homebuilding industry and the many industries closely related to, and dependent upon, homebuilding. According to recent estimates, an increase of 100,000 housing starts results in the creation of 142,000 jobs. It has also been estimated that each 1 percent rise in unemployment costs the Treasury $25 to $30 billion in lost tax revenues and increased unemployment compensation and other entitlement benefits. I would respectfully submit to my colleagues that no industry has a broader effect of the economy than the housing industry. The Mortgage Retirement Account Act of 1983 will privide a permanent stimulus to that vital industry—the favorable effects upon employment and economic growth should not be discounted.

I have deliberately kept this bill relatively simple and basic. I welcome the suggestions of my fellow Senators as to additional issues to be considered. In short, I offer this bill in the hope that my colleagues on the Finance and Banking Committees will consider the bill and raise additional questions in working with me to arrive at final legislation.

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. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mortgage Retirement Account Act of 1983".

SEC. 2. (a) Section 219 of the Internal Revenue Code of 1954 (relating to retirement savings) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULES FOR PREPAYMENT OF PRINCIPAL AND INTEREST ON MORTGAGE ON PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—A taxpayer may elect, at such time and in such manner as the Secretary may prescribe, to treat any qualified home mortgage prepayment for any taxable year as a qualified retirement contribution.

"(2) QUALIFIED HOME MORTGAGE PREPAYMENT.—For purposes of this subsection, the term 'qualified home mortgage prepayment' means, with respect to any taxable year, an amount equal to the amount paid by the taxpayer during such taxable year as a prepayment of principal or interest on indebtedness which was used to acquire, and which is secured by, the principal residence (within the meaning of section 1034) of the taxpayer.

"(3) SPECIAL RULES FOR TAX-TREATMENT.—For special rules for the tax treatment of qualified home mortgage payments, see section 408 (o).".

(b) Section 408 of the Internal Revenue Code of 1954 (relating to individual retirement accounts) is amended by redesignating subsection (o) as (p) and by inserting after subsection (n) the following new subsection:

"(o) SPECIAL RULES FOR ACQUISITION OF, AND PREPAYMENT OF FIRST MORTGAGE ON, A PRINCIPAL RESIDENCE.—

"(1) AMOUNTS MAY BE DISTRIBUTED TO ACQUIRE PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—Notwithstanding subsection (d) and subject to the provisions of this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall not be included in the gross income of the payee or distributee if such amount is used to acquire a principal residence (within the meaning of section 1034) of the payee or distributee.

"(B) LIMITATION ON AMOUNT.—The amount which may be excluded from gross income under subparagraph (A) with respect to any account or annuity shall not exceed the sum of—

"(i) the qualified retirement contributions to such account or annuity for any taxable year beginning after December 31, 1983, and

"(ii) the amount of any income of the account or annuity allocable to the contributions described in clause. (i).

"(2) SPECIAL RULES FOR TAX TREATMENT OF QUALIFIED AMOUNTS.—In the case of a principal residence with respect to which there is a qualified amount, the following rules shall apply:

"(A) That portion of the gain from the sale or exchange of the principal residence—

"(i) which does not exceed the qualified amount, and

"(ii) with respect to which this subparagraph has not previously applied,

shall be treated as ordinary income.

"(B) Section 121 shall not apply with respect to that portion of gain from the sale or exchange of a principal residence described in subparagraph (A).

"(C) That portion of the gain described in subparagraph (A) shall be treated as a rollover contribution under subsection (d)(3) if all of such gain—

"(i) meets the requirements of subparagraphs (A) and (B) of subsection (d)(3), or

"(ii) is used to acquire another principal residence of the taxpayer.

"(D) Notwithstanding subsection (a)(6) or (7) or (b)(3) or (4), a qualified amount with respect to any individual shall not be required to be distributed (or used to purchase an immediate annuity) before the time prescribed in subsection (a)(7) or (b)(4), respectively.

"(F) Under regulations prescribed by the Secretary, if at any time during any taxable year, the sum of—

"(i) the qualified amount with respect to any principal residence, and

"(ii) the amount of indebtedness secured by such principal residence,

exceeds the fair market value of such principal residence, then, for purposes of subsection (e)(4), the taxpayer shall be treated as using an account as security for a loan in an amount equal to such excess.

"(3) QUALIFIED AMOUNT.—For purposes of this subsection, the term 'qualified amount' means, with respect to any principal residence, the sum of—

"(A) any qualified home mortgage prepayment (within the meaning of section 219(g) with respect to which a deduction was allowed under section 219(a) for any taxable year, and

"(B) any amount which was excluded from gross income under paragraph (1) for any taxable year.".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 3. No person may impose any prepayment penalty, charge, fee or other cost with respect to any qualified home mortgage prepayment (within the meaning of section 219(g)(2) of the Internal Revenue Code of 1954.

Mr. SYMMS. Mr. President, I am pleased to be a cosponsor of the legislation that is being introduced by Senator TOWER today to establish mortgage retirement accounts.

Housing holds a priority in the United States, and it is a priority that should be maintained. Individual homeownership is an American dream that has been fulfilled for many individuals until recent years. In my opinion, the fulfillment of that dream—homeownership—has been extremely beneficial to our economy and society.

Individual homeownership has engendered stability within every community in the United States. The fact of the matter is that if people own their homes, they generally tend to be positively involved in the communities in which they live. The results of that positive involvement are reflected in the general domestic stability within our Nation.

The American dream of owning a home, which once was a reality for many individuals, is becoming an unreachable dream in today's financial environment. Dramatic changes have taken place in the financial system of this country in recent years. The system of housing finance in the United States, driven by economic and market pressures, is in transition. Further change is inevitable. Within this shifting environment, a more broadly based and revitalized system of housing finance is essential if the Nation is to meet the considerable demands for housing during this decade.

The legislation that is being introduced today is an important ingredient in shaping a well-rounded national housing policy that will help develop a new framework for the accumulation of funds necessary to help finance the housing needs of the 1980's.

I look forward to working with my colleague from Texas, Senator TOWER, in helping him gain the necessary support to achieve enactment of this legislation.

● Mr. D'AMATO. Mr. President, I rise in support of this most creative legislative initiative introduced by my good friend and colleague, the distinguished senior Senator from Texas. If efforts such as this are indicative of what is to come in the area of housing legislation under the tenure of Mr. TOWER as the Senate's new Housing Subcommittee chairman, it most certainly will be a productive period.

Perhaps no other industry has been hurt more in these hard economic times than the housing industry: An industry so dependent for its well-being on interest rates, it has come to a virtual standstill in recent years. Unfortunately, with the demise of this industry we have also witnessed the concurrent shattering of the American dream of homeownership for countless citizens.

Senator TOWER's innovative proposal would utilize the existing mechanism of the IRA account to permit taxpayers to accumulate the financial resources necessary for homeownership. The result is an instrument which will encourage homeownership, increase capital formation necessary for economic recovery, and provide a needed stimulus to the now nearly dormant housing industry. Thus, with minimal administrative effort, a boost will be given to an industry which may very possibly spearhead our economic recovery.

Mr. President, I urge the speedy consideraton of the Mortgage Retirement Account Act of 1983 by the Congress and I commend Senator TOWER for its introduction.●

By Mr. ROTH (for himself, Mr. DURENBERGER, Mr. PERCY, Mr. SASSER, Mr. MOYNIHAN, Mr. EXON, Mr. CHILES, Mr. LEVIN, and Mr. ABDNOR):

S. 1052. A bill to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

CHANGES IN MEMBERSHIP AND OPERATION OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

● Mr. ROTH. Mr. President, today I am introducing legislation to expand the membership of the Advisory Commission on Intergovernmental Relations.

Since its creation by the Congress in 1959, the ACIR has provided a forum for members of the Federal, State, and local governments to meet, discuss, and seek solutions to problems in intergovernmental relations. The recommendations of the Commission, based upon its own research, have had a profoundly positive effect on Federal-State-local relations in our country. The development of the general revenue sharing program, the renewal of which we are debating this year, is one shining example of ACIR's role in crystallizing the debate and encouraging consensus on an important public policy issue.

The ability of this small Commission to have a measurable policy impact is rooted in the objectivity and high quality of its research work. The studies carried out by the ACIR represent an invaluable resoure for those in government and for the academicians who monitor the evolution of our Federal system.

It is to this changing nature of our government relations that the bill I am introducing today speaks. Since the creation of the ACIR, smaller communities and school districts have come to play an increasingly important servicing role in our intergovernmental system. Yet, historically, small communities have not achieved adequate representation on the ACIR and school districts have had no representation at all.

This legislation will remedy both of these concerns by adding one elected member of township government and one elected school board member to the ACIR. The elected township official would be nominated by the National Association of Towns and Townships and selected by the President. The elected school board member would be nominated by the National School Boards Association and selected by the President. Thus the total size of the Commission would be increased from 26 to 28 members.

Mr. President, I strongly support the addition of a single member of a local school board to the ACIR. As I have said in the past, the provision of educational opportunity to all of our people is one the most fundamentally important responsibilities of government. Education is a means of improving the quality of life of our people today and it will help to insure that we have an informed and participative citizenry in the future.

Local governments, and elected school boards in particular, bear the

primary responsibility for the development and administration of quality education curricula. The major intergovernmental role played by school boards is evidenced today by the total amount of their expenditures, the number of people they employ, and the range of services they provide. Nationwide school boards expend nearly $111 billion on education and education-related activities. This figure represents nearly 39 percent of total State and local expenditures. School boards today employ over 5 million people nationwide, which is over 48 percent of the State and local total. Additionally, school board activities have a significant impact on several industries, including agriculture and food processing, transportation, construction, and building maintenance and repair.

Yet, despite these factors, in our increasingly interdependent governmental system these local governments frequently are not adequately represented in the policy discussions that affect their role as public educators. The absence of a school board voice at the ACIR table is an example of this problem. Directly or indirectly the work of the Commission touches upon the interests and responsibilities of school board members. Placement of a single school board member on the ACIR will insure that his important governmental point of view is incorporated directly in the research and recommendations of the panel.

Mr. President, in developing this legislation I am mindful of the concerns about maintaining a workable size for the Commission and preserving the carefully crafted balance among the levels of government represented. This bill, I believe, takes the appropriate cautious approach while correcting the two deficiencies in Commission membership that I cited earlier.

Senator DURENBERGER has held 2 days of hearings on this membership issue in his Subcommittee on Intergovernmental Relations, and a bill similar to the one I introduce today was considered last year. My hope is that this version of the proposal will be moved out of the Governmental Affairs Committee expeditiously and considered promptly by the full Senate.

In closing, Mr. President, I want to thank each of the Senators who have joined me in introducing this bill. In particular Senator DURENBERGER, Senator PERCY, and Senator SASSER have shown sustained interest in and support for the proposal. Their leadership on the issue was critical for today's introduction of this legislation.●

● Mr. DURENBERGER. Mr. President, I am pleased to join Senator ROTH and others to introduce this legislation, which would add two new members to the Advisory Commission on Intergovernmental Relations, one representing towns and township governments and one representing local elected school boards.

Although a bill is just being introduced today, this issue has already generated considerable legislative history. In the 97th Congress my Subcommittee on Intergovernmental Relations held 2 days of hearings on the structure and activities of the Commission. We came close to passing legislation which would have added members at the end of the last Congress.

I believe that the legislation being introduced by Senator ROTH reflects the principles that were developed in the hearings and debate last year. Many organizations have understandably sought membership on ACIR. In judging those claims we must keep three principles in mind. First, we should seek balance in the membership across all three levels of government. The current membership includes nine Federal officials, seven State officials, seven local officials, and three private citizens. Senator ROTH's bill would add two local officials, which I do not think would greatly disturb the balance which we seek.

Second, ACIR is designed to represent the views of elected officials of general purpose governments. I have in the past expressed concern about adding school board members because it moves away from this principle. I agree to one additional member representing school boards because education is such a large and important element of local government. I can see the advantage of this addition, if it brings school boards into the circle of public interest groups representing elected officials who work actively to strengthen our Federal partnership.

Third, we should seek to maintain a relatively small Commission representing the principal general purpose elected officials at the State and local level. The personal interaction between Commissioners at the quarterly ACIR meetings is an important factor in developing the understanding that has made the Commission so successful in the past. Congressman L. H. Fountain, father of ACIR, who only retired from Congress last year, often mentioned the importance of keeping the Commission to a size that promoted effective interaction among the members. His observation on this point, developed over 20 years as a member of the Commission, should carry great weight in our decisions on the future of the Commission.

One final note, Mr. President. I am particularly pleased that the legislation introduced by Senator ROTH will add one full member representing towns and townships. In the past, the voice of small governments has not been well-represented on the Commission. The concerns of small communities are very different from those of our large and urban cities and counties. In the last Congress, I sponsored legislation to add three town and township officials to correct this imbalance. I know that the town and township officials of this Nation will be pleased that Senator ROTH's bill moves in this direction.

As the chairman has indicated, we expect early action in the Governmental Affairs Committee on this bill. And once again, I would like to thank the chairman, Senator ROTH, for his leadership on a knotty and difficult issue.●

● Mr. PERCY. Mr. President, I am pleased to join Senators ROTH and DURENBERGER and others in reintroducing legislation to expand the membership of the prestigious Advisory Commission on Intergovernmental Relations (ACIR) for the first time since its creation in 1959. This bill brings the ACIR into the present by modifying its composition to more adequately reflect the federal system of today.

Our bill expands the ACIR from 26 to 28 members by adding one elected school board member and one township official. I am particularly pleased at the inclusion of the school board official because it reflects the intent of the bill I introduced in the last Congress, S. 2338, to add three elected school board members to the ACIR.

Mr. President, the ACIR was established to bring together representatives of the Federal, State, and local governments to consider common problems and work out solutions that are agreeable to all levels of government. The Congress also charged the ACIR with providing a forum for discussing the administration and coordination of Federal grant programs requiring intergovernmental cooperation. The ACIR is also responsible for recommending the most desirable allocation of governmental functions, duties, and revenues among the several levels of government. This function is central to today's ongoing debate over the New Federalism.

As a former member of the ACIR, I have been concerned that the Commission's membership has not changed over the years to reflect the growing federal system. School boards, for example, have enjoyed dramatic growth in their role as a governmental unit since the late 1950's. Yet the ACIR has never had school board representation even though school boards today control more public dollars and more employees than any other unit of local government. Towns and townships have also greatly expanded their role as local units of government and deserve ACIR recognition.

A very similar bill passed the Senate late last year. Unfortunately, last minute differences in the House and Senate versions of the bill could not be worked out and the bill was not enacted. But both Houses are on record in support of ACIR expansion. For

these reasons, I urge my colleagues to support our bill and its expeditious adoption.●

● Mr. SASSER. Mr. President, I am a cosponsor of S. 1052, legislation to add representation on the Advisory Commission on Intergovernmental Relations for elected school board members.

Education is the shared responsibility of the Federal, State, and local governments. If there is a truly intergovernmental function, this is it. The ACIR is the perfect forum for the exchange of ideas about education between levels of government.

Forty percent of the total local funding was spent by school boards in 1980. The employees of school boards represented almost 50 percent of all local government workers. Indeed, school boards are the largest unit of local government. That is why I believe that it is time these local government policymakers take a seat alongside the mayors and county officials who are already represented on the ACIR.

School boards have a great stake in the recommendations of ACIR on such issues as block grants, State and local taxation, labor-management policies for State and local governments and State and Federal mandating of local expenditures. We need to give them a voice in the discussion of these and other issues studied by the Commission.

It is unfortunate that legislation similar to S. 1052 that was introduced in the last Congress was not finally enacted. In the course of the Senate hearings on that predecessor bill, on June 24, 1982, Merlin L. Cohen, the president of the Tennessee School Boards Association spoke in behalf of the National School Boards Association. I would like permission to enter Mr. Cohen's remarks in the RECORD at this point.

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

TESTIMONY OF MERLIN L. COHEN

The inclusion of school board members on the Advisory Commission on Intergovernmental Relations (ACIR) is by no means a new issue. In fact, almost from the time of its inception, there has been discussion concerning the seating of school board members on the ACIR and the relationship of school boards to other units of government that are represented. You have seen many times, as have others before you, facts and figures that can aid you in making a sound decision in the best interest of fulfilling the objectives of the Commission. However, in the final analysis, a conceptual and philosophical judgment will determine whether or not local school board members are to be seated on this most influential and effective organization.

The single, most isolated reason for the prosperity and growth of the United States has always been the education of its citizens including the mechanism by which they received that education. For the past several years, unfortunately and for whatever reasons, criticism of this unique system has increased to a point that it could endanger the very foundation on which our great country was built. The response to the concerns we are hearing must not only be decisive but must also be well coordinated to mesh with the future directions of society and substantiated by reliable and credible sources. It would seem that the scope and purpose of the ACIR fulfills the needs necessary to restore the confidence of the population and to promote the sense of security that is so sadly lacking at this time. In the performance of its tasks of studying, recommending, drafting, and promoting legislation for government agencies at all levels, it is essential that the ACIR incorporate the future directions of education into the process and not let the education of our citizens become a byproduct.

If education is to continue, or to regain, its previous status in the continued development and progress of our nation, it must be allowed to communicate on an equal basis with other agencies responsible for broad spectrum planning. The ACIR will afford that opportunity. The present commissioners bring with them an overview of all phases of government, at least through direct working relationships with suboridnate specialized staff, except in the area of education. To provide the educational opportunities that will continue to keep Americans in tune with the rapidly changing world, elected public school board officials need to be considered for inclusion as members of an advisory commission that potentially can have so much influence on the future directions of our country.

For the purpose of testimony before this subcommittee and with the intent of becoming members of the ACIR, school boards find themselves in a unique situation. However, this uniqueness is the very reason they should be represented rather than the basis for their exclusion. Until the time of separation of church and state, government influence on schools as nonexistent. Since that time, there has been an ever increasing erosion of the jurisdiction of local education agencies. Combining this with the ever decreasing confidence of the people and the reactionary solutions to criticisms by sometimes uninformed government officials at all levels, schools dedicated to producing knowledgeable and productive citizens are in jeopardy. Government agencies must have a reliable and established source of information readily available to thoroughly comprehend the far reaching effects of legislation. In all too many cases, solutions to problems hastily conceived and based on an incomplete understanding of the total situation have created multiple problems of often a greater magnitude than the original.

Representation on the ACIR has also been denied because school boards do not qualify as a general form of government. Philosphically this is questionable. As duly elected officials, school boards must set policy and provide services as required by the populace they represent. Although these services may differ in some respects from those provided by other forms of general government—municipal, county, state, and federal, they are essential to the inhabitants of the governed locale. On the other hand, school boards do not necessarily qualify as a special form of government agency because of the varied and general interests they must serve. They are not representative of any vested interest group and are concerned primarily with the well being of their constituency.

The introduction of "New Federalism" by President Reagan will stand as a landmark in the rapidly changing status of the United States. Modification to the basic program and compromise within its parameters will be coming fast and furiously. Much of the research, planning, and proposed legislation necessary to guide our nation into, and along, this new era will be formulated within the confines of the ACIR or at least by many of its members and staff. For the government bodies of our educational systems to be omitted from these ground level sessions is almost unthinkable.

Just as government is changing to meet the needs of the future so is public education. To help keep abreast of the educational scene now requires a commitment of local school officials to the welfare of their constitutents and to the other levels of government. They must be considered as a source of information and as a sounding board for any plans or ideas conserved with the governance of the future direction of our nation. As members of the ACIR, this significant source of information would be readily and continuously available, assuring coordination of efforts and effects from the beginning, rather than as an afterthought.

In conclusion, I ask for your endorsement to amend P.L. 86-380 to include elected school board officials on The Advisory Commission on Intergovernmental Relations. I am proud that Senator Sasser, from my state of Tennessee, has chosen to be an original co-sponsor of Senate Bill S. 2338. He is to be commended for his foresight into the management of the affairs of our government by trying to ensure that the necessary coordination of effort occurs at the proper time and place. Thank you for the opportunity to present my views.

Mr. SASSER. Mr. President, I commend Senators ROTH, DURENBERGER, and PERCY for the work that they have done in shaping this legislation. As a member, now serving my second term, of the Advisory Commission on Intergovernmental Relations and as the ranking Democrat on the Senate Intergovernmental Relations Subcommittee, I endorse this bill.

I urge my Senate colleagues to speedily pass S. 1052, so that we can have the invaluable perspective of the Nation's school boards represented on the Advisory Commission on Intergovernmental Relations.●

● Mr. MOYNIHAN. Mr. President, today I rise in support of the bill being introduced by my distinguished colleague from Delaware, that will expand the membership of the Advisory Commission on Intergovernmental Relations (ACIR) to include a member of an elected school board and an elected officer of a township.

The ACIR is a federally supported organization that brings together representatives of Federal, State and local government to come to grips with mutual problems. The ACIR, created in 1959, has met this challenge with vigor, successfully addressing many areas of concern that involve different levels of government. This bill will enhance the capability of ACIR to confront the intergovernmental issues of the future.

Local government's role in ACIR is critical. Local government has always been at the foundation of our democracy. The Federal Government has been remiss in not including local school board and township officials on the ACIR; their inclusion will add unique and needed perspectives to the work of the ACIR.

Consideration of a few salient facts concerning local school districts and school boards bears this out. Of the $287 billion in total State and local government expenditures made in fiscal year 1981, $111 billion went toward education. Of the 10.9 million State and local government employees—full time equivalents—5.3 million worked in education. School districts spent between $12 and $14 billion on food. School districts operate a $3.8 billion transit system. Schools and school districts also operate services that are not directly education related: health services, recreation and park facilities, libraries and emergency shelters to name just a few.

The same is true for townships. We need only mention a few of the primary responsibilities of townships to understand the scope of their duties and their central importance in the American intergovernmental system. Townships have the responsibility for such things as police and fire protection, road maintenance, water supply, and recreation areas.

It is essential that ACIR's membership include a representative of both school boards and townships. I urge my colleagues to support this worthwhile measure.●

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1053. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to use surplus agricultural commodities to make supplemental payments-in-kind to producers who divert acreage from the production of agricultural commodities under a basic payment-in-kind program and devote such acreage to long-term conservation uses; to the Committee on Agriculture, Nutrition, and Forestry.

SUPPLEMENTAL CONSERVATION PAYMENT-IN-KIND PROGRAM

Mr. BUMPERS. Mr. President, today I am introducing a bill to enact a supplemental conservation payment-in-kind program that would aid our farmers with their age-old struggle against soil erosion. With the setting aside of over 82 million acres in the regular payment-in-kind program, we have a golden opportunity to encourage and to assist our farmers in establishing long-term conservation uses on much of this set-aside acreage, thereby helping to control erosion and removing marginal acreage from production.

According to the Soil Conservation Service, wind and water causes over 5 billion tons of topsoil to erode from our cropland every year. Of the 413 million acres classified as cropland, over 100 million suffer from serious soil erosion. In Arkansas, out of 8 million acres of cropland, 3.755 million, almost half, are suffering severe erosion rates—that rate which is above the level of erosion that can be allowed for the soil still to maintain its productivity in perpetuity. Arkansas is losing 50 million tons of topsoil every year, an average loss of 6.5 tons per acre. Between one-third and one-half of this amount enters Arkansas lakes, rivers, and streams and is the major contributor to our water pollution. If all the topsoil that eroded in 1 year from our Arkansas cropland alone could be stacked on 1 acre, it would form a column of soil 5½-miles high.

Nationally, the problem of erosion on cropland is just as severe. The Pacific States average 1.5 tons of topsoil lost per acre per year, the Mountain States 1.8 tons, the Lake States 3 tons, and Northern and Southern Plains States 3.5 tons, the Northeastern States 5 tons, the Southeastern States 6.3 tons, the Delta States 7.2 tons, the Corn Belt 7.5 tons, and the Appalachian States 9 tons. One of our most critical resources is literally being washed away, and with it the ability of our farmers to feed this Nation and the hungry people of the world.

To help farmers combat the ravages of soil erosion, the agricultural conservation program was established under the auspices of the Agricultural Stabilization and Conservation Service. The agricultural conservation program offers funding and technical assistance, with the cooperation of the Soil Conservation Service, on a cost-share basis to farmers struggling with conservation problems. However, just when the conservation task before us is reaching a crisis proportion, the administration is proposing to slash our cost-share conservation programs by $161.1 million and to combine the objectives of the agricultural conservation program, the emergency conservation program, forestry incentives, and water bank programs at the greatly reduced funding level of $56 million. The Secretary of Agriculture says that this tremendous reduction can be justified because the payment-in-kind program requires set-aside acreage to be put into conservation use. Yet, the requirement under the current PIK program that set-aside acreage be placed temporarily in conservation use is not addressing the massive and long-term soil loss problem threatening our greatest resource. I think that farmers should be given additional incentives to place land in long term, rather than just temporary, conservation uses, and that is the intent of my bill.

My bill will take advantage of the recently established payment-in-kind program to reestablish our conservation priorities by offering additional in-kind commodities to producers who entered the PIK program and who agree to put their set-aside acreage into long-term conservation use. The conservation use must have a lifespan of at least 5 years and the Secretary has the flexibility to designate eligible uses, although the establishment of permanent vegetative growth would be preferable. Under my bill, the Secretary would be authorized to make available to producers in-kind commodities up to the cash value equivalent of $25,000, with this payment satisfying cost-share requirements of the producer and the Government. The type of commodities made available will depend on which surplus crops are most plentiful and can practically be offered to participating producers.

Although $25,000 is intended to be the maximum payment under normal circumstances, the Secretary would be authorized to make a payment exceeding $25,000 when, for example, the land dedicated by a producer has severe erosion problems that would be expensive to correct, or when a producer dedicates a large number of acres to long-term conservation use. For example, estimates for placing and maintaining an acre of land in conservation use for 5 years range from about $350 to $500, depending on the type of grasses and other materials used. Thus, for $25,000, a farmer could dedicate from 50 to 70 acres. But if a farmer chose to dedicate, say, 150 acres, or if he had severe erosion problems on the dedicated land, my bill would give the Secretary the authority to make a payment to that farmer in excess of $25,000.

We have an ideal opportunity to begin widespread conservation work with the 82 million acres that will be set aside under the PIK program. Most of this will be marginal and highly erodable land, and a long-term conservation program aimed at this acreage can encourage producers to keep it out of production or to work cooperatively to help maintain its future productivity.

My bill creates four incentives for farmers to set-aside land into long-term conservation uses. First, producers who participate in the conservation program my bill establishes will have the technical assistance of the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, and the Forest Service. Second, the additional commodity payment the bill authorizes is intended to be sufficient to cover the cost both to establish the use and to maintain that use over its minimum lifespan. Third, producers may dedicate all or some of the set-aside acreage to long-term conservation uses under my bill, and the dedicated land will be considered part of the eligible base for any future re-

quired or voluntary set-asides for as long as the acreage is in the long-term conservation use. And fourth, except in the year in which the PIK program is in effect, the producer will have the freedom under my bill to cut hay and graze livestock on the participating conservation acreage if this is compatible with the long-term conservation objective.

Without a doubt, the severe problem of soil erosion must be addressed if we are to maintain our agricultural productivity into the 21st centruy. A long-term conservation program not only will aid in the battle against erosion, it also will allow us to remove marginal land that should not be in crop production and, thereby, lessen the threat of yearly massive surpluses being acquired by the Government.

I urge the Agriculture Committee to give prompt and favorable consideration to this measure. I delayed introducing it until after the Easter recess in order to consult further with farmers and conservationists in my State, and I know that the Department of Agriculture is considering a similar concept. I am also aware that other Senators are keenly interested in the PIK conservation concept, and I appreciate in particular the leadership that Senators COCHRAN and BOREN have shown in this area.

I ask unanimous consent that the text of my bill be printed in full following my statement.

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

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new section:

"SUPPLEMENTAL CONSERVATION PAYMENT-IN-KIND PROGRAM

"SEC. 423. (a) As used in this section—

"(1) the term 'agricultural conservation program' means the program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590(g) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510);

"(2) the term 'basic payment-in-kind program' means a program under which the Secretary pays a producer with a quantity of an agricultural commodity to divert farm acreage from the production of an agricultural commodity and devote the acreage to conservation uses; and

"(3) the term 'surplus commodities' means agricultural commodities owned and held by the Commodity Credit Corporation that are not obligated for use under any othe provision of law.

"(b) If the Secretary establishes a basic payment-in-kind program, or if such a program is established by legislation, the Secretary shall establish a supplemental conservation payment-in-kind, program under which the Secretary shall, in accordance with this section, use surplus commodities to make payments-in-kind, in addition to payments made under the basic payment-in-kind program, to producers who—

"(1) participate in the basic payment-in-kind program;

"(2) devote all or part of farm acreage diverted under the basic payment-in-kind program from the production of one or more agricultural commodities to long-term conservation uses which—

"(A) are conservation uses approved by the Secretary under the agricultural conservation program; and

"(E) have a minimum life span of at least five years, as determined by the Secretary; and

"(3) devote such acreage to the approved conservation uses for the duration of the minmum life span of the uses.

"(c)(1) To be eligible for payments under this section, a producer must—

"(A) file with the Secretary, in accordance with subsection (b), an application for payments and a plan to devote to conservation uses specified acreage on the farm; and

"(B) have the application and plan of the producer approved by the Secretary.

"(2) The Secretary shall provide technical assistance to an applicant for payments under this section to assist the applicant in preparing a plan referred to in paragraph (1)(A).

"(d) After the date of the termination of the basic payment-in-kind program referred to in subsection (b), a producer may devote acreage referred to in subsection (b)(2) to hay and grazing without terminating the eligibility of the producer for payments under this section.

"(e) Except as provided in subsection (f), the Secretary shall make payments to eligible producers under this section to share the costs incurred by the producers in establishing and maintaining long-term conservation uses on acreage on the farm in accordance with this section.

"(f) The aggregate fair market value of commodities provided to a producer under this section (as of the date on which commodities are provided) may not exceed $25,000, except that the Secretary may provide an in-kind payment in excess of $25,000 when he determines—

"(1) that such additional payment is necessary to correct severe erosion or extraordinary circumstances on participating acreage; or

"(2) that $25,000 would be a clearly inadequate payment in a case where a producer dedicates a large acreage base under this section.

"(g) If a producer receives payments under this section and fails to devote acreage on the farm to long-term conservation uses in accordance with this section, the producer shall repay to the Secretary an amount equal to the aggregate fair market value of the commodities provided to the producer under this section (as of the date or dates on which the commodities were provided or the date on which the Secretary makes the determination of such failure, whichever would result in the higher amount).

"(h)(1) If a producer receives payments for devoting acreage to long-term conservation uses under the program provided for in this section, the producer shall be ineligible during the minimum life span of the conservation uses for any cost-sharing assistance under any other program administered by the Secretary on the acreage on which such payments are received.

"(2) Acreage devoted to long-term conservation uses in accordance with this section shall be considered during the minimum life span of the uses as acreage devoted to conservation uses under any acreage set-aside program established for an agricultural commodity under any other provision of law.".

By Mr. QUAYLE:

S. 1055. A bill to provide a block grant for the improvement of instruction in the fields of mathematics and science, for the improvement of achievement levels of students in the fields of mathematics and science, and for the establishment of a secondary school industry partnership exchange program, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE BLOCK GRANT ACT

● Mr. QUAYLE. Mr. President, I am today putting forth a proposal for improving the quality of math, science, and computer science instruction in the elementary and secondary schools around our country. I introduce my bill at this time to coincide with the work of the Education Subcommittee, of which I am a member, so that we might bring a compromise of all these proposals to the full Senate very quickly.

Mr. President, as my colleagues know, I have been active in the issues of job training, worker retraining, and vocational training for the disadvantaged and displaced workers during the past 2 years. I continue to be concerned about the problems of the unemployed, the displaced workers, and the plight of poorly trained people looking for work in America today.

We have before us today a problem which is just as big, and just as important for the long-run economic recovery and growth of this Nation. Those of us in the industrial Midwest and Northeast know we have a problem with our supply of skilled workers. We know that we need a more "scientifically literate" labor force. More importantly, we are concerned that our reserve of well-trained and educated scientists, engineers and thinkers—the men and women of our society who create the jobs—may be falling behind.

A lack of trained and up-to-date teachers in our high schools, declining enrollments in rigorous math courses, and generally declining test scores are well known to all of us. I would just like to highlight my own State's situation for the RECORD:

In 1982, Indiana's four major universities graduated a total of three people in chemistry, four in earth science, four in general science, and two in physics who were qualified to teach the subjects in Indiana secondary schools. This is double the number of physics teachers graduated in 1981.

Since 1977, there has been a steady decline in math scores for entering Purdue University students. More than one-third of Purdue students are unprepared for college calculus and must take remedial math courses.

In 1982, Indiana's major State universities graduated sufficient mathematics teachers to fill only 58 percent of the vacancies listed in Indiana schools.

Indiana, at a time of critical need for training, retraining, and preparation for industries of the future, requires only 1 year of high school science and 1 year of mathematics for graduation.

The statistics for our Nation as a whole, and particularly our standing internationally, are just as dismal:

In the U.S.S.R., East Germany, the People's Republic of China, and Japan, the school year averages 240 days compared with 180 days in the United States.

The secondary school system in these same countries is a balance of science and math together with social science, language, and humanities. Students must carry seven to nine courses a semester to accommodate the demanding curriculum.

English is the "language of science" around the world. Today, there are more adults learning English in China than there are English-speaking people in the United States.

I am certainly not one who believes the Federal Government must try to solve every crisis in America's classrooms. Education, and more particularly, the classroom teaching of our Nation's youth, is the responsibility of State and locally elected officials. But there is a Federal role here, and if properly narrowed and focused, the Federal Government can provide the resources needed for equal opportunity and access to excellence. My proposal therefore provides a block grant similar to the block grant which the Congress adopted in 1981, with the maximum flexibility and discretion left to local officials.

I believe we must explore incentives for our best teachers in the sciences to continue in teaching. For this reason, my bill includes training and retraining funds for current, as well as new teachers of math and science. If we are seeking excellence, then we must recognize it in our schools, and we must pay for it.

Training new teachers, together with a commitment from them to actually teach in the fields of science and mathematics, must be a highest priority. For this reason my bill provides scholarships and stipends to college juniors and seniors who have agreed to teach for at least 3 years.

I believe the time has come to recognize our best and brightest students—gifted and talented students—and to provide programs which will enable them to compete on a world scale. Thus, my bill will provide moneys for local and State educational agencies to identify these gifted and talented students, to provide special instruction during summer institutes, and to train and retrain teachers in providing special instruction for our best students.

Finally, and most importantly, I believe the time has come for the business community, including local small enterprises, large business, and national concerns, to participate in the preparation of our young people for work in the world today. Thus, I have included a new effort on the part of the Federal Government to support those local and State educators who undertake cooperative programs with business, industry and institutions of higher education. These industry-school partnerships will provide teacher training and development, exchange programs for teachers and employees of private business, and participation of the business community in our schools.

I am hopeful that these proposals together with some of those put forward by my colleagues, can be brought together in a compromise form for the full Senate's consideration very soon.

Mr. President, I ask that a copy of my bill and its accompanying summary be printed in the RECORD.

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

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mathematics and Science Block Grant Act".

SEC. 2. The Education Consolidation and Improvement Act of 1981 is amended by redesignating chapter 3, relating to general provisions, and all references thereto, as chapter 4; and by inserting immediately after chapter 2 the following new chapter:

CHAPTER 3—BLOCK GRANT FOR THE IMPROVEMENT OF EDUCATION IN MATHEMATICS AND SCIENCE

SEC. 590. It is the purpose of this chapter to provide assistance to States to permit State and local educational agencies and institutions of higher education in the State to supplement State and local resources with Federal funds in order to—

"(1) improve the quality of instruction in the field of mathematics and science in the State;

"(2) furnish additional resources and support teacher training and retraining in the fields of mathematics and science;

"(3) encourage secondary school industry partnership programs between the business community and secondary schools in the community; and

"(4) establish demonstration centers for the improvement of education in mathematics and science at institutions of higher education within the State.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 590A. There are authorized to be appropriated $250,000,000 for the fiscal year 1984 and for each of the fiscal years ending prior to October 1, 1987.

"ALLOTMENT TO STATES

"SEC. 590B. (a)(1) From the sums appropriated to carry out this chapter in any fiscal year the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands to be allotted in accordance with their respective needs.

"(2) From the remainder of such sums in each fiscal year the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to school-age population of all States, except that no State shall receive less than an amount equal to 0.5 per centum of such remainder.

"(b) For the purpose of this section:

"(1) The term 'school-age population' means the population aged five through seventeen.

"(2) The term 'States' includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

"IN-STATE ALLOCATIONS

"SEC. 590C. (a) Not to exceed 50 per centum of each State's allotment shall be available to the State agency for higher education for activities described in section 590D(c).

"(b)(1) The State educational agency shall reserve from the remainder not less than 15 per centum of each State's allotment to be available to the State educational agencies for programs and activities described in section 590(b) to be conducted at the State level.

"(2) The State educational agency shall distribute the remainder of each State's allotment to local educational agencies within the State according to the relative enrollments in public and nonpublic schools within the school districts of such agencies, adjusted in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(A) children from low-income families,

"(B) children living in economically depressed urban and rural areas, and

"(C) children living in sparsely populated areas.

"(3) The Secretary shall approve criteria suggested by the State educational agency for adjusting allocations under subsection (a) if such criteria are reasonably calculated to produce an equitable distribution of funds with reference to the factors set forth in paragraph (1).

"(4) To the extent practicable, each State educational agency shall use the same criteria established under section 565 of this Act.

"(c)(1) From the allotment of the State under section 590B during each fiscal year, the State educational agency shall distribute to each local educational agency which has submitted an application as required in section 590E the amount of its allocation as determined under subsection (b).

"(2) From the amount reserved under subsection (a) from the allotment of the State for each fiscal year, the State agency on higher education shall make payments to students awarded scholarships and to institutions of higher education awarded grants for centers in accordance with the provisions of this chapter.

"AUTHORIZED ACTIVITIES

"SEC. 590D. (a) Each State educational agency and local educational agency shall use funds under this chapter to develop and implement one or more of the programs and activities described in subsection (b).

"(b)(1) Each State and local educational agency, in cooperation with institutions of higher education and business concerns in the community, may conduct special projects for—

"(A) in-service training and retraining of elementary and secondary school teachers of mathematics, science, and computer science;

"(B) summer institutes for elementary and secondary school students of mathematics, science, and computer science; and

"(C) projects designed to make science an integral part of the curricula in the elementary and secondary schools within the State or school district, as the case may be.

"(2) Each State and local educational agency may carry out a secondary school industry partnership exchange program under which—

"(A) secondary school teachers in the schools of State and local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

"(B) personnel of local business concerns and business concerns with establishments located in the community serve as teachers of mathematics, science, or computer science in the secondary schools within the State; and

"(C) training and retraining is furnished to secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns.

"(3) Each State and local educational agency may carry out projects designed to—

"(1) identify students with high potential and above average academic achievement in the fields of mathematics, science, and computer science;

"(2) provide special instruction in summer institutes in the fields of mathematics, science, and computer science to such students;

"(3) train and retrain teachers to provide instruction to gifted and talented secondary school students in the fields of mathematics, science, and computer science; and

"(4) encourage, motivate, and assist gifted and talented secondary school students to pursue a career in the field of mathematics, science, or computer science.

"(c)(1) Each State agency for higher education may carry out a State program for awarding scholarships to students for the third and fourth years of undergraduate study at institutions of higher education within the State in order to enable such students to qualify to teach in the fields of mathematics or science in the secondary schools within the State in accordance with the provisions of section 590E(a)(5).

"(2) Each State agency for higher education may make grants to institutions of higher education within the State to assist such institutions in developing and operating demonstration centers for mathematics and science education at such institutions. Each such center shall be designed to—

"(A) furnish State and local educational agencies with technical assistance and training in the fields of mathematics, science, and computer science;

"(B) conduct training and retraining projects for elementary and secondary school teachers of mathematics and science, including instruction in the use and the development of computer-aided instruction; and

"(C) develop tests and disseminate curriculum materials to be used in the elementary and secondary schools within the State and continuing education programs conducted within the State.

STATE, LOCAL, AND INSTITUTIONAL APPLICATIONS

"SEC. 590E. (a) Any State which desires to receive grants under this chapter shall file a supplement to the application filed under section 564 of this Act. Each such supplement shall—

"(1) designate (A) the State educational agency as the State agency responsible for the administration and supervision of programs described in section 590D(b) assisted under this chapter, and (B) the State agency for higher education as the State agency responsible for the administration and supervision of programs and activities described in section 590D(c) assisted under this chapter;

"(2) describe the activities for which assistance under this chapter is sought;

"(3) provide assurances that not more than 5 per centum of the allotment of the State in any fiscal year may be expended on administrative expenses at the State level or at the local level by State and local educational agencies;

"(4) with respect to the secondary school industry partnership exchange program provide assurances that—

"(A) 25 per centum of the funds for each such project will be furnished by business concerns within the community;

"(B) 25 per centum of the funds will be supplied by State and local educational agencies participating in the program;

"(C) no stipend will be paid directly to employees of a profitmaking business concern; and

"(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

"(5) provdes assurances that the State program for awarding scholarships to third and fourth year undergraduate students at institutions within the State who wish to pursue a course of study at institutions of higher education in mathematics or science, or both, leading to a degree to qualify as a teacher of mathematics or science, or both, under which—

"(A) each student awarded a scholarship under this chapter will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

"(B) the State will establish procedures for an equitable distribution of awarding scholarships throughout the State;

"(C) the State will provide assurances that each student receiving a scholarship under the program assisted under this chapter will enter into an agreement with the State under which the student, will, within one year after completing the degree for which assistance is furnished under this chapter, teach for a period of not less than three years in an elementary or secondary school in the State as a mathematics or science teacher; and

"(D) the State will provide procedures designed to assure that the State will require the student to repay promptly the amount of the scholarship made in the case of any student who fails to comply with the agreement entered into pursuant to clause (C) or any portion thereof which is subject to the failure to comply; and

"(6) provide such additional assurances as the Secretary determines essential to ensure compliance with the requirements of this chapter.

"(b) A local educational agency may receive its allocation of funds under this chapter for any year in which it has on file with State educational agency a supplement to the application submitted under section 566 which—

"(1) describes the activities for which the local educational agency seeks assistance under this chapter;

"(2) provides assurances, with respect to the secondary school industry partnership exchange program, that—

"(A) 25 per centum of the funds for each such project will be furnished by business concerns within the community;

"(B) 25 per centum of the funds will be supplied by State and local educational agencies participating in the program;

"(C) no stipend will be paid directly to employees of a profitmaking business concern; and

"(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

"(3) contains such other assurances and agreements as the State educational agency determines essential to assure compliance with the provisions of this chapter.

"(c) Any institution of higher education within the State which desires to receive a grant under this chapter shall file an application with the State agency on higher education which—

"(1) describes the demonstration center for science and mathematics education to be established and operated at the institution together with the activities which the center will conduct; and

"(2) contains such other assurances and agreements as the State agency on higher education deems essential to assure compliance with the provisions of this chapter.

"(d)(1) The provisions of section 564 and of subsections (b) and (c) of section 566 of this Act shall apply to the supplements required by this section.

"(2) Each application filed by an institution of higher education under subsection (c) shall be for a period not to exceed three fiscal years, and may be amended annually as may be necessary to reflect changes without filing a new application.".

SEC. 3. Section 595(a) of the Education and Consolidation Act of 1981 is amended by striking out "and" at the end of clause (9), by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following:

"(11) the term 'institution of higher education' has the same meaning given that

term by section 1201(a) of the Higher Education Act of 1965; and

"(12) the term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.".

SECTION-BY-SECTION ANALYSIS

Section 1. The purpose of this bill is to establish a new block grant, entitled "Mathematics and Science Block Grant Act," to follow the ECIA Chapter 2 block grant created in 1981.

Section 2. The current ECIA chapter 3, dealing with administrative application, is redesignated as chapter 4.

Section 590. The purpose of the block grant is to improve the quality of instruction in the field of mathematics and science; to furnish resources, teacher training and retraining; to establish partnership programs with the business community, and; to establish demonstration centers at institutions of higher education.

Section 590A. The appropriation for this bill is $250,000,000.

Section 590B. The distribution formula applied is that of the Chapter 2 Block Grant. Allotments are made by the Secretary of Education based upon a state's population of school age children, with a small state minimum of 0.5 percent.

Section 590C. 50 percent of the funds alloted shall go toward higher education activities; a minimum of 15 percent of state funds are reserved for the state educational agency; the remainder of funds are distributed to local educational agencies. Adjustments in distribution are allowed for children with special needs above the average cost per child.

Section 590D (a). State and local educational agencies may use funds for the following purposes:

1. Special projects in cooperation with the business community and institutions of higher education to provide: * * * and secondary teachers of math, science and computer science; summer institutes for elementary and secondary students in math, science and computer science; projects making science an integral part of the curricula in elementary and secondary schools.

2. Secondary school-industry partnership programs designed to: Provide exchanges for teachers of math and science to participate in the business community; encourage local business concerns to become involved with secondary schools; provide training and retraining of teachers of math and science under a cooperative arrangement between the local educational agency and appropriate business concerns;

3. Projects for the gifted and talented designed to: Identify students with high potential and above average academic work; provide special instruction in summer institutes; train and retrain teachers to provide instructions to gifted and talented students; assist gifted and talented students in pursuing careers in mathematics, science and computer science.

Section 590C (c). State agencies for higher education, or their equivalent, may use funds for the following purposes:

1. To award scholarships to college students during their third and fourth year to enable them to qualify to teach math or science.

2. To establish demonstration centers for mathematics and science education designed to: Furnish technical assistance; train and retrain teachers of math and science, particularly in the use of computer-aided instruction; develop testing and curricula materials.

Section 590E. State and local educational agency applications for funds under this block grant must: Assure that not more than 5 percent of funds will be used for administrative purposes; provide a 25 percent matching grant from business concerns for school-industry partnership programs; provide a 25 percent matching grant from the state and local education agencies for school-industry partnership programs; provide that no stipend will be paid directly to employees of a profit making business concern; provide that teachers participating in an industry-school-industry exchange program may not be employed by the participating business concern within 3 years; assure that college students receiving grants to prepare them to teach math and science will agree to teach for a three year period, or be required to repay the scholarship.●

By Mr. INOUYE:

S. 1056. A bill to authorize the National Science Foundation to provide assistance for a program for visiting faculty exchanges and institutional development in the fields of mathematics, science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

SCIENCE AND TECHNOLOGY FACULTY EXCHANGE AND INSTITUTIONAL DEVELOPMENT ACT

● Mr. INOUYE. Mr. President, today I am introducing a bill which is aimed at a critical national problem and which also offers a solution based on a very noble American tradition. The problem is the need for improvement in our mathematics, science, and engineering education, particularly for students at schools below the top rank of technical institutions and for minority students. The American tradition which I have in mind is offering assistance to those who are willing to help themselves.

The problem is, by now, well known to everybody. We have a severe shortage of qualified teachers in mathematics, science, and engineering, at all levels, in elementary schools, as well as colleges and universities. Only a small percentage of students in high schools take more than 2 years' courses in mathematics and sciences. Even fewer then enter colleges and universities to study mathematics, sciences, and engineering. More Ph. D. degrees in these fields are earned by graduate students from foreign countries than by American citizens. Research facilities at many educational institutions are out of date. In contrast, the Germans, Japanese, Russians, and Chinese are paying a great deal of attention to science and technical education.

In 1958, after the launching of Sputnik Congress passed the National Defense Education Act, as part of an effort to compete more successfully with the Soviet Union's advancements in technology. Large sums of money were spent in educating our young at all levels—from elementary schools through graduate institutions. We succeeded so well in promoting science teaching that we were able to land an astronaut on the Moon in 1969. Yet by the 1970's, many of our highly educated scientists and engineers could not find employment in industry or in our schools because of declining opportunities in business, social indifference to science, shrinking school enrollments, and reduced interest by many firms in high-technology products and services.

Today, our problem is significantly different from that which faced us in the mid-1950's. Not only do we still face the Soviet threat, which has not abated, but our technological leadership is being successfully challenged by other industrial powers. While our national research and development budget has stagnated, other countries have increased their research and development funds close to our rate of spending. Japan, with one-half of our population, produces the same number of electrical engineers. The solutions to all these problems will not be easy.

Several pieces of legislation addressed to different aspects of our diminishing scientific leadership have already been introduced. Our colleagues in the House of Representatives have passed legislation to address these problems, and several of my Senate colleagues have also introduced bills. I look forward to working with them to develop omnibus legislation that will be adequate in both scope and funding and will provide the kind of support that will not result in short-term over-supply of technical and scientifically trained people, followed again by shortages of educators and workers in highly technical fields.

The bill that I am introducing today is both unique and modest in cost. It authorizes $12 million a year to benefit directly between 100 to 200 institutions of higher education. My bill works in two ways. First, it will help those who are willing to help themselves and are eager to improve their own abilities and qualifications to teach others and thus increase the quality of their institutions. The following examples will make clear what I have in mind. There are many colleges and universities that are interested in improving the quality of their science teaching. They may be in a remote area not within commuting distance to a major educational institution and hence have no easy access to most recent developments in mathematics, science, and engineering. They may be in financially disadvantageous situations, with poor research facilities and heavy teaching loads for the faculty members. Or they may have an unusually large percentage of minorities whose needs and backgrounds may

be quite different from students in major technical universities.

Under this bill, faculty members at these institutions may apply for a fellowship to spend a year at another institution where the fellowship holder can take new courses and work on a research project to improve their professional qualifications. These grantees would then return to their original institutions better qualified to improve the general level of instruction and to stimulate student involvement. This bill would provide funds for equipment purchase and reduced teaching loads, so that the fellowship recipient can have time to work on new curricula and have money to purchase new research and teaching tools.

Second, my bill also provides opportunities for scientists and technicians to help others. In the United States there are many first rate researchers and educators who are ranked among the top in the world in their specialties. This bill will offer these skilled educators and researchers an opportunity to go to institutions where their services would be most welcome and especially needed. They can offer new courses which may be of interest and importance to the students and faculty members at the institutions where the visitors will spend a year in residence. These visitors can also share ideas and methods of teaching and methods of research, can further conduct and supervise selected research projects, either as demonstrations or original research. They may also work with people in the college community, give lectures to popularize mathematics, science, and engineering, or conduct other community-related activities. This bill, therefore, provides opportunities for educators, researchers, and the communities to get acquainted with each other and to exchange ideas and possible solutions to scientific, technological, and educational problems.

Today, we are being challenged and tested as we have rarely been before. Not only should our top technical institutions be strengthened, but the quality of teaching throughout the educational system should be enhanced. We shall be much stronger as a nation and a much better competitor in the international high-technology race if the benefits of good teaching are distributed evenly. Our success cannot depend on only a shallow elite but rather must provide all our students with a good basic education with the prospect for advancement. This attempt to deal with less well-to-do schools and students is a unique feature of this measure, and I urge that it be given favorable consideration as the Committee on Labor and Human Resources marks up an omnibus science education bill.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Science and Technology Faculty Exchange and Institutional Development Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) scientific literacy of the general public and the existence of a sufficient number of personnel with the knowledge and qualifications to pursue careers in science and technology are essential for the military and economic strength of the Nation, and for efficient decisionmaking and management at the personal, local, and national level;

(2) at present there are not enough adequately trained applicants to fill advanced scientific and technological positions in private industry, the Government and the Armed Forces, and there is a shortage of qualified teachers of mathematics, science, and engineering at every level from grade school through graduate school;

(3) in contrast, other industrialized nations, especially Japan and West Germany, strongly support mathematics, science, and engineering education, and as a result have modernized old industries and are creating new industries and products, competing with the United States;

(4) the successful Fulbright-Hays Fellowship Program is an excellent example of an exchange program to help promote mutual understanding and aid in the solution of the educational problems of the Nation;

(5) most of our people are not exposed to the high quality of mathematics, science, and engineering education offered at the first class institutions of higher education in this country; and

(6) many attend small colleges in remote areas or institutions serving a large percentage of minority students or economically disadvantaged students, and the faculty at these colleges and institutions are interested in improving their qualifications and in upgrading the educational level at eligible institutions.

(b) It is the purpose of this Act to—

(1) overcome the shortage of qualified teachers in the fields of mathematics, science, and engineering and to improve the quality of teachers in such fields by—

(A) emphasizing the continuing need for excellence in science and technology skills for use in defense industries and international competition;

(B) promoting an increased interest and a better understanding of the fields of mathematics, science, and engineering; and

(C) increasing the quality of teaching and research in the fields of mathematics, science, and engineering at institutions of higher education where such improved quality is needed; and

(2) establish an exchange of accomplished faculty and researchers from institutions of higher education to eligible institutions where institutional development is very much in need and thereby—

(A) promote better communication, mutual understanding, and cooperation between accomplished mathematicians, scientists, and engineers from institutions of higher education at which they are serving the faculty and students at eligible institutions in which visiting faculty and researchers will serve under the program established by this Act;

(B) demonstrate an improved strength and quality of education in the United States by the sharing of knowledge and experience and by a mutual improvement in institution and research at eligible institutions and other institutions of higher education; and

(C) provide opportunities for professional development of faculty members that enable faculty members to return to the eligible institutions of higher education from which they came to develop and improve educational programs at such institutions.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "eligible institution" means an institution of higher education in any State which—

(A)(i) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantage; or

(ii) is located in a community that is not within commuting distance of a major institution of higher education; and

(B) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given such term under section 1201(a) of the Higher Education Act of 1965; and

(5) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

PROGRAM AUTHORIZED

SEC. 4. (a) The Foundation is authorized, in accordance with the provisions of this Act, to carry out a visiting faculty program for mathematicians, scientists, and engineers with experience in teaching and research who desire to share knowledge or experience in the fields of mathematics, science, or engineering.

(b) The Foundation is authorized, in accordance with the provisions of this Act, to award fellowships to individuals who have demonstrated an interest in teaching and research in the fields of mathematics, science, or engineering and are prepared to return to the institution of higher education which sponsors the individual.

(c)(1) There are authorized to be appropriated $12,000,000 for the fiscal year 1984 and for each succeeding fiscal year ending prior to October 1, 1988, to carry out the provisions of this Act.

(2) There are authorized to be appropriated such sums as may be necessary for administrative expenses for the fiscal year 1984 and for each succeeding fiscal year prior to October 1, 1988.

SELECTION OF VISITING FACULTY SCHOLARS

SEC. 5. (a)(1) The Foundation is authorized, in accordance with the provisions of this section, to select visiting faculty scholars to participate in the program authorized by this section from among scholars who

desire to share their knowledge and experience at eligible institutions and who submit an application in accordance with subsection (b).

(2) Any individual who—

(A)(1) is an active or retired faculty member at an institution of higher education with a Doctor of Philosophy or equivalent degree and who has had at least three years experience in teaching in the field of mathematics, science, or engineering;

(ii) is a professional staff member associated with a research facility or is a professional staff member employed in private industry in a research capacity and has a Doctor of Philosophy or equivalent degree and has had at least three years experience in the field of research related to mathematics, science, or engineering; or

(iii) is an individual with unusual talent or accomplishment in the fields of mathematics, science, or engineering determined in accordance with criteria established by the Director; and

(B) wishes to participate in the visiting faculty program authorized by this section; shall submit an application in accordance with paragraph (3) to the Director at such time, in such manner, and containing or accompanied by such information as the Director may require.

(3) Each such application shall contain—

(A) a resumé of the individual making application together with a list of publications, if any, of which the individual is an author;

(B) a plan of the proposed activities to be conducted at the eligible institution selected by the applicant including an outline of courses to be taught, the type of research project or seminar to be conducted, and community services related to the teaching of mathematics, science, and engineering to be offered to the community served by the eligible institution; and

(C) such other information as the Director may reasonably require.

Each application shall be accompanied by a letter of acceptance from the eligible institution selected by the applicant.

FACULTY FELLOWSHIP PROGRAM

SEC. 6. (a) The Foundation is authorized, in accordance with the provisions of this section, to award fellowships to individuals who demonstrate an interest in teaching and research in the fields of mathematics, science, or engineering and who agree to return to the sponsoring eligible institution after the completion of the period for which the fellowship is awarded.

(b) Any eligible institution desiring to participate in the program under this section shall submit an application to the Director at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each such application shall—

(1) be made on behalf of a full time faculty member of the eligible institution who—

(A) has demonstrated an interest in teaching and research in the field of mathematics, science, or engineering; and

(B) has agreed to return to the sponsoring eligible institution at the conclusion of the period of study and research for which the fellowship is awarded; and

(2) describe the fellowship program for which assistance is sought, including the institution of higher education selected by the faculty member for the first year of study under the program, together with a description of the course of study, research, and teaching activities which the faculty member will undertake for the first year of fellowship; and

(3) contain a description of the courses of study, research projects, and plans for institutional development which the faculty member will undertake upon returning to the sponsoring eligible institution.

SUPPORT FOR VISITING SCHOLARS AND FELLOWS; CONDITIONS

SEC. 7. (a)(1) Each individual selected under section 5 may participate in the visiting faculty program for a period not to exceed two years and must participate for a period of at least one semester in each of the two years.

(2) Each visiting faculty member who is selected in accordance with section 5 shall receive a stipend for the period of the visiting faculty program at the eligible institution which shall not exceed the compensation paid to the faculty member in the year prior to the year the faculty member participates in the program under this Act (in the case of a retired member, the amount of retired compensation) together with such adjustments for moving expenses and other necessary expenses associated with visiting the eligible institution as the Director may establish.

(3) In addition each faculty member participating in the visiting faculty program under sections may receive a support payment not to exceed $5,000 for equipment, material, and supplies necessary for projects to be carried out at the eligible institution.

(b)(1) Each individual selected under section 6 shall participate in the fellowship program for a period of three years.

(2)(A) A faculty member who is awarded a fellowship under the provision of section 6 shall receive for the first year of the fellowship period, a stipend which may not exceed the compensation paid to the faculty member in the year prior to the year the faculty member participates in the program under this Act (in the case of a retired member, the amount of retired compensation) together with such adjustments for moving expenses and other necessary expenses associated in visiting the eligible institution as the Director may establish.

(B) Each faculty member shall for the second and third years of the program for which the fellowship was awarded under the provisions of section 6 receive payments not to exceed $15,000 for each such year determined in accordance with criteria established by the Director for the costs associated with research and curriculum development by the faculty member at the eligible institution to which the faculty member returns.

(3) In addition a faculty member participating in the fellowship program authorized by section 6 may receive a support payment for the first year of such program not to exceed $5,000 for equipment, materials, and supplies necessary to carry out the projects at the institution of higher education at which research and courses of study are taken.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary with respect to any individual serving as a visiting scholar or awarded a faculty fellowship under the provisions of this Act. Such report shall be accompanied by such certifications as the Director determines to be necessary to carry out the functions of the Foundation under this Act.

ADMINISTRATIVE PROVISIONS; REPORTS

SEC. 8. (a) In order to carry out the provisions of this Act, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Foundation deems necessary under this Act without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Director at the end of each fiscal year shall prepare and submit a report to the President and to the Congress. Each such report shall contain a description of the activities assisted under this Act, an analysis of the programs supported with such assistance together with such recommendations, including recommendations for legislation, as the Foundation deems appropriate.●

By Mr. BAUCUS:

S. 1057. A bill to amend the Internal Revenue Code of 1954 to place a cap on the reduction in individual income tax rates, and for other purposes; to the Committee on Finance.

TAX RATE EQUITY ACT

● Mr. BAUCUS. Mr. President, earlier this week I outlined several actions that I believe are needed to insure economic recovery. There are no quick fixes that will produce an economic recovery.

But there are several actions that Congress can take that will make sure the economy does not slip back into recession. One of the most critical steps is to reduce the Federal budget deficit. I outlined several ways to cut the deficit through steady, year-by-

year reductions. The legislation I am introducing today is a key part of that strategy. This legislation would cut the deficit by some $6 billion, while also making sure that middle-income taxpayers will receive the income tax cut scheduled for July 1.

BACKGROUND

The tax cut enacted in the Economic Recovery Tax Act of 1981, or "ERTA," actually consists of three cuts.

First, in 1981, the maximum tax rate was reduced from 70 to 50 percent and overall tax rates were reduced by 5 percent. Second, in 1982, overall tax rates were further reduced by 10 percent. Third, in July 1983, overall rates are scheduled to be reduced by another 10 percent. The cumulative effect of these cuts will be to reduce overall tax rates by about 23 percent.

When President Reagan proposed this 3-year tax cut, he predicted that it would not create larger deficits, because "the economy will be rapidly growing in response to [the] tax changes and the other parts of [my] program * * *."

Unfortunately, the President's prediction was wrong. The collision between his supply-side fiscal policy and the Federal Reserve Board's tight monetary policy caused interest rates to soar. This, in turn, caused a devastating recession that pushed unemployment and bankruptcies to record levels.

The recession also created a fiscal deficit so huge that it threatens to rekindle high interest rates and choke off any potential for a healthy recovery, especially in the "out" years.

CAPPING THE TAX CUT

It is not pleasant to propose this legislation. Everybody loves a tax cut. But we must face facts. The ERTA tax cut did not increase Federal revenues, as the supply-siders predicted it would. And now, with the deficit at $200 billion and rising, we simply cannot afford to make the full third-year cut. It increases the deficit too much.

There are, however, two competing considerations.

The first competing consideration is fairness. The way the overall 3-year tax cut works out, upper income taxpayers receive most of their tax cut in the first year—in the form of the reduction of the maximum tax rate from 70 to 50 percent—but middle and lower income taxpayers receive most of theirs in the later 2 years. This means that a complete repeal of the third-year tax cut would leave upper income taxpayers with more of their originally planned tax cut than middle and lower income taxpayers. That would be unfair.

The second competing consideration is stimulating economic recovery. This third-year tax cut happens to come at a time when it can provide a needed kick to stimulate economic recovery. This means that a complete repeal of the third-year tax cut might dampen the recovery. That would be unwise.

Therefore, we must balance these competing considerations. We must limit the third-year tax cut, but not so much that middle and low income taxpayers are treated unfairly or that economic recovery is significantly dampened.

This balance can be achieved by capping the tax cut. That is what the Tax Rate Equity Act I am introducing today does. It limits the amount of the third-year tax cut to $700. Such a limit would reduce the Federal deficit by $6 billion in fiscal year 1984, $7 billion in fiscal year 1985, $7 billion in fiscal year 1986, $8 billion in fiscal year 1987, and $9 billion in fiscal year 1988. At the same time, such a limit would permit a couple earning about $35,000 and filing a joint return to receive their full 10-percent tax cut. Above that, the effective percentage of the cut would diminish.

Mr. President, I offer this legislation not only as a balance between competing policy considerations, but also as a potential compromise—between those who want to reduce deficits at any cost and those who refuse to admit that the ERTA tax cut did not live up to expectations. I hope that my colleagues will endorse the compromise and help me enact this legislation into law.●

By Mr. WEICKER (for himself, Mr. D'AMATO, and Mr. DODD):

S. 1058. A bill providing for the resolution of the current rail labor dispute in Connecticut and New York, and for other purposes; to the Committee on Labor and Human Resources.

RESOLUTION OF METRO NORTH RAIL DISPUTE

● Mr. WEICKER. Mr. President, I rise today to introduce legislation to provide for a resolution to the current labor dispute between two commuter authorities—the Connecticut Department of Transportation (ConnDOT) and the Metropolitan Transportation Authority (MTA)—and certain employees of the United Transportation Union (UTU).

The reason I am introducing legislation at this time is that nearly 90,000 commuters in the New York/Connecticut area have been without rail service for more than 5 weeks. The continued interruption of rail service to the region poses a severe threat to its economic viability and to the health, safety, and welfare of the commuters who depend on this service.

I would prefer to see a resolution of this labor dispute through the collective-bargaining process. This process has long been the mainstay of labor-management contract proceedings in this country, and I believe that it should continue to prevail as the means by which such contracts are negotiated. Last week, I joined my good friend Senator D'AMATO in supporting Gov. Mario Cuomo's call for round-the-clock negotiations.

However, as of midnight on Sunday, April 10, those negotiations had broken down, with the parties firmly entrenched in their respective positions. They had reached an impasse on the major outstanding issue—management's prerogative to set crew size versus the principle of "crew consist"—labor's term for a guaranteed number of trainmen per number of cars. It now appears that all channels for resolution of this dispute through the collective-bargaining process have been exhausted. Therefore, Senator D'AMATO—who joins me in introducing this legislation—and I urge our colleagues to recognize the intractibility of this situation and to support this legislation.

The strike stems from the transfer of rail service operations from Conrail to a newly formed subsidiary of the MTA, the Metro-North Corp. Pursuant to the Northeast Rail Services Act (NERSA), Congress directed that Conrail be relieved of its commuter rail obligations by January 1, 1983, in an effort to make Conrail a more efficient freight rail system. The legislation established a process for transferring commuter rail service operations to either a subsidiary of Amtrak—the Amtrak Commuter Service Corporation—or the commuter authorities. The MTA and ConnDOT chose to take over the service themselves and entered into negotiations with the various unions, successfully securing contracts with all but the UTU by the transfer date.

Pursuant to section 510 of NERSA, the commuter authorities and the UTU exhausted all mean of resolving the outstanding issues of rules, pay, and working condition, including submitting the dispute to a Presidential emergency board convened at the request of the States of New York and Connecticut on October 1. Although the emergency board recommendations were rejected by the UTU, service did begin on January 1 when Metro-North took over from Conrail. Continued efforts to achieve a resolution through collective bargaining failed to yield a solution, and the UTU went on strike on March 7, 1983.

I have met with the parties and kept in close communication with the States of Connecticut and New York for 5½ weeks. With no end in sight, it is now my responsibility, and the responsibility of the Congress, to question the cost borne by groups not party to the negotiations—the commuters and businesses of the two States.

For my constituents in Connecticut, the strike has been an unmitigated hardship over which they have had no control. The State of Connecticut is to be strongly commended for its efforts

to provide alternative transportation service by bus. Some have chosen the bus and subway route. Others have formed carpools, and some large companies have resorted to van pools. However, the New Haven rail line is an essential service for which there is no real substitute. The existing highways to and from New York City and New Haven are already badly congested and the additional traffic forced onto these limited arteries threatens public safety. At best, traveling time has doubled during the strike.

Costs have also skyrocketed. A monthly rail commuter ticket from Greenwich, Conn., the closest in town to New York, costs just over $100. The cost for bus and subway for 4 weeks is at least $190. From points farther north and east, the costs are significantly greater.

Mr. President, while we do not yet have all the supporting documentation, it is clear that the strike also has had a serious impact on businesses throughout the region, which is, of course, a major metropolitan center. Should the strike continue, the economic viability of the area could be threatened. With these various facts in mind, we feel we have no choice but to seek action on the Federal level.

The bill I am introducing today is similar to legislation introduced by Congressman STEWART MCKINNEY on April 12, 1983. It provides for immediate restoration of commuter rail service on the New Haven and Harlem and Hudson lines and submits outstanding issues to binding arbitration. The conductors would return to work under contract provisions already agreed to by the parties at midnight of April 10, the last formal bargaining session called by the Federal mediator. I believe this provision preserves compromises and agreements achieved to date by the two parties. Until outstanding issues are resolved, the UTU would operate under rules which were in effect before the takeover from Conrail, prior to January 1, 1983.

A tripartite arbitration board, consisting of a member chosen by each side and a third member jointly agreed to by the union and transit authority, would then determine the crew size and any other undecided issues.

If the two parties fail to agree on a third member within 45 days, the Governors of New York and Connecticut will jointly make the appointment within 10 days.

The two parties would then have 10 more days to present their arguments, and the arbitrators then would have 30 days to issue a decision, which would be binding on the parties. Under the process envisioned in the legislation, a final decision would be handed down by the arbitrator with 95 days of enactment of the legislation.

Mr. President, this bill would achieve two desirable courses of action—the resumption of commuter rail service for the States of Connecticut and New York and the resolution of a very difficult issue, which the unions and commuter authorities seem unable to reach agreement on. I believe the people of Connecticut and New York have suffered long enough. It is my intention to hold hearings on this matter as soon as possible. I urge my colleagues to join me in resolving this difficult impasse.●

● Mr. D'AMATO. Mr. President, today I join my friend from Connecticut, Mr. WEICKER, in introducing legislation which will end the labor dispute between Metro-North, a subsidiary corporation of the Metropolitan Transportation Authority, and the employees of the United Transportation Union (UTU).

On March 7, after exhausting all of the labor provisions of the Northeast Rail Service Act of 1981, the UTU commenced a strike against Metro-North, a strike which is well into its sixth week. For 6 weeks now, 90,000 commuters from Westchester and Connecticut have suffered a tremendous hardship as a result of this job action on Metro-North. Thousands of our commuters are wasting hours and hours getting to and from work each day and spending additional dollars on alternate means of transportation.

Over the last several weeks, I have heard from constituents who arrive late to work. This has a detrimental impact on the economy of the metropolitan area. I have also been contacted by working mothers and fathers who, as a result of this strike, come home late to their families each night.

A dispute between the 622 members of the UTU and Metro-North has completely halted operations on these rail lines. The one unresolved issue at the bargaining table deals with the determination of crew sizes—also known as crew consists. It is time to settle this issue, and this strike and resume service for the 90,000 commuters. Moreover, it is high time to get the balance of the over 4,000 employees who work on the lines and have reached agreements with the company back to work. I know these men and women would certainly prefer to be working.

My decision to enter this dispute did not come easy. The labor law of this country is founded on the principle of private collective bargaining. I am committed to the principle of collective bargaining and could support legislative intervention in these matters only under compelling circumstances. Such circumstances exist here.

Mr. President, during my tenure as Senator from New York, I have been an ardent supporter of mass transportation and believe it is vital to our economic vitality as a nation. I was one of the principal authors of the mass transit reauthorization legislation signed by the President in January. I fear that this prolonged strike might result in commuters turning from the trains and back to the highways. The New York metropolitan area simply cannot tolerate this increased congestion of the roads entering New York City. Moreover, decreased ridership will ultimately lead to service cutbacks which in turn will hurt the employees on the lines.

Mr. President, this legislation is really quite simple. It would call for the employees to return to work immediately so that service may resume on the Harlem, Hudson and New Haven lines. All issues which have been agreed to between Metro-North and the union prior to April 11 will take effect, and those issues on which there is no agreement will be submitted to binding arbitration. The bill provides a mechanism for the selection of the arbitrating panel. As I have stated, it is my understanding that only one issue remains to be resolved—the crew consist issue.

Mr. President, in closing, I do want to reiterate my commitment to collective bargaining. But this situation is unique. A vital transportation network has been crippled. The parties have engaged in exhaustive collective bargaining. A real impasse has been reached. In the final analysis, this legislation represents an attempt to build a consensus around a solution which will bring about a fair settlement for the parties and an end to this strike.

Mr. President, I urge the adoption of this measure.●

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. ROTH, Mr. HOLLINGS, Mr. COHEN, Mr. GLENN, Mr. TSONGAS, Mr. BENTSEN, Mr. SARBANES, Mr. CHILES, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BURDICK, Mr. BAUCUS, Mr. COCHRAN, and Mr. BUMPERS):

S.J. Res. 83. Joint resolution to recognize Senior Center Week during Senior Citizen Month as proclaimed by the President; to the Committee on the Judiciary.

SENIOR CENTER WEEK

● Mr. HEINZ. Mr. President, I am proud to offer today, along with my distinguished colleague and ranking member of the Senate Special Committee on Aging, Senator GLENN, and 19 cosponsors a Senate joint resolution designating the week of May 8 to be "Senior Center Week."

Mr. President, traditionally, May of each year is designated as Older Americans Month. It is a month set aside to acknowledge and honor older persons for their valuable contributions to our Nation. Older Americans Month is celebrated across the country by senior citizen organizations, local gov-

ernments, and other community groups. Senior Center Week will illustrate that communities and older citizens are increasingly accepting senior centers as the primary source in the community for social as well as service needs of the older person.

Senior centers are an integral part of our Nation's policy for older people. Today, local communities support over 8,000 centers operating in all parts of our Nation. Senior center programs serve over 5 million older persons and range from small programs in church halls to extensive multipurpose centers offering services from nutrition to counseling. Wherever they are, they have one thing in common—these programs provide services and activities which enhance and, in many cases, extend the quality of life of older persons.

Congress recognized the value of senior centers when it established a separate program under the Older Americans Act to develop multipurpose senior centers where older persons could go for a variety of services such as health and legal services under one roof. This program continues today under the auspices of title III-B of the Older Americans Act, and as chairman of the Senate Special Committee on Aging I will work to insure that senior centers remain a visible part of the Older Americans Act.

Senior Center Week will give attention to centers across the country that are responding in creative ways to older individuals who are at risk, those who are more frail and more dependent than their able bodied counterparts. The work senior centers do complements, in a very real sense, our efforts to promote alternatives to institutionalization for older persons. They supply the types of preventive services which are so critical to older persons who need a small amount of help in order to remain independent.

Mr. President, I am proud to sponsor this resolution on senior centers to promote the recognition they so richly deserve.●

● Mr. GLENN. Mr. President, I am pleased to join my distinguished colleagues in introducing this joint resolution to designate the week of May 8 as "Senior Center Week."

During the month of May, senior citizen organizations, State and local governments, and community groups will celebrate "Older Americans Month." This special month gives us an opportunity to recognize and honor older persons for their valuable contributions to our Nation. One place in the community where older persons gather on a daily basis is the senior center—a facility that has become firmly established in the fabric of American social agencies.

Since 1943, when the first senior center was established in New York City, the senior center concept has grown into a nationwide service system utilized by over 8,000 communities. Hardly a city or town is without one. Communities and older citizens are increasingly accepting senior centers as the primary source in the community for the social as well as the service needs of older adults. With Federal assistance and State and local resources, senior centers provide nutrition programs, counseling, health and legal services, social activities, and employment opportunities for older Americans. Senior centers have become the focal point on the local level for senior citizen activities.

When we study the growth of senior centers, we realize that their proliferation is closely related to the flow of Federal dollars made available by passage of the Older Americans Act of 1965. Today, senior centers are provided for through title III-B of the Older Americans Act. The recognition of Senior Center Week reaffirms our support for senior centers as a prominent part of the Older Americans Act.

I am pleased to sponsor this resolution which highlights senior centers and honors their dedicated personnel for the important work they do on behalf of our seniors. Through the neighborhood senior center, a senior citizen can remain active, associate with friends, and obtain necessary services. I urge my colleagues to support this resolution for Senior Center Week.●

● Mr. DOMENICI. Mr. President, I am honored to be joining my colleagues in sponsoring this resolution to designate the week of May 8 as "Senior Center Week." It is very appropriate. May has already been designated as the month in which all of us recognize the contributions of older Americans.

In recent years, senior centers have become a strong link between retired citizens and the communities in which they live. Many networks have been formed at these sites. The network of support is highly publicized. It includes nutrition programs and transportation services which benefit senior citizens. There is also the educational network which provides opportunities for participants to explore new areas from ceramics to Spanish. Finally, there is the important network of friendship, encouraged by social activities such as field trips, and Saturday night dances.

Senior centers offer a way to reach our goal of economic and social independence for Americans at all ages. Therefore, it gives me pleasure to call upon the President to proclaim a special week during the month of May to acknowledge the role that senior centers play in our society.●

● Mr. GRASSLEY. Mr. President, today I enthusiastically join my colleagues on the Senate Special Committee on Aging in the resolution declaring the week of May 8 as "Senior Center Week."

All of us in this Chamber have supped at the tables of these warm and friendly havens of our States' elderly citizens. During these visits we have been privileged to discuss national and local issues with those whose experience and counsel have come to count on—rich and poor alike.

I urge all Members of the Senate that during May, they remember the senior centers and the Older Americans Act that created them.●

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DOLE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 57

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 159

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 159, a bill to amend section 1086(c) of title 10, United States Code, to provide for payment under the CHAMPUS program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare.

S. 209

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 272

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 272, a bill to improve small business access to Federal procurement information.

S. 427

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. LUGAR), the Senator from Missouri (Mr. DANFORTH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mrs. HAW-

KINS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 427, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions.

S. 474

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 474, a bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Indiana (Mr. LUGAR), the Senator from Iowa (Mr. JEPSEN), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 572

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. MOYNIHAN), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 572, a bill to provide emergency assistance for children.

S. 602

At the request of Mrs. HAWKINS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. GORTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Nevada (Mr. LAXALT), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 629

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to increase the per diem rate payable by the Veterans' Administration to States providing domiciliary, nursing home, and hospital care to veterans in State homes.

S. 668

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 668, a bill to reform Federal criminal sentencing procedures.

S. 691

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 691, a bill to amend title 38, United States Code, to establish a new veterans' educational assistance program and a veterans' supplemental educational assistance program, and for other purposes.

S. 760

At the request of Mr. CRANSTON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 760, a bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts.

S. 911

At the request of Mr. CHILES, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 986

At the request of Mr. PRESSLER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 986, a bill to repeal employer reporting requirements with respect to tips.

SENATE JOINT RESOLUTION 19

At the request of Mr. INOUYE, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 41

At the request of Mr. STAFFORD, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. JEPSEN), the Senator from Washington (Mr. GORTON), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Michigan (Mr. LEVIN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 41, a joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education For Business Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. ANDREWS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. GLENN), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. STENNIS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. DIXON), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. BURDICK), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. INOUYE, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Ohio (Mr. GLENN), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Indiana (Mr. LUGAR), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 66, a joint resolution to authorize and request the President to designate May 6, 1983, as "National Nurse Recognition Day."

SENATE JOINT RESOLUTION 68

At the request of Mr. SPECTER, the names of the Senator from Maine (Mr. MITCHELL), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of Senate Joint Resolution 68, a joint resolution to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. GORTON, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1983, as "National Organ Donation Awareness Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE RESOLUTION 90

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 90, a resolution expressing the sense of the Senate that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate.

SENATE CONCURRENT RESOLUTION 24—RELATING TO THE OBSERVATION OF OLDER AMERICANS MONTH

Mrs. HAWKINS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 24

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas acknowledgment should be given to older Americans for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities provide such acknowledgment of older Americans during the month of May: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That in recognition of—

(1) the traditional designation of the month of May as "Older Americans Month" by the President of the United States, and

(2) the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation,

it is the sense of the Congress that the people of the United States should observe Older Americans Month with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 112—RELATING TO PROTECTION OF CIVILIANS IN THE CONFLICT BETWEEN THAILAND AND KAMPUCHEA

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 112

Whereas the people of Kampuchea have long endured war, bitter civil strife, and atrocities;

Whereas since January 1979, a new agony has been imposed on these long-suffering people by the occupation of their homeland by a foreign power, Vietnam, which, after four years, has not won the support of the Kampuchean people, and has attempted to exert its control with more than 170,000 troops;

Whereas the pain of foreign occupation has been increased for the Kampuchean people by the occupying power's use of chemical and biological weapons in areas of resistance;

Whereas in recent days a tragic by-product of an intense Vietnamese offensive against anti-Vietnamese Khmer resistance forces was an outpouring into Thailand of tens of thousands of civilians, many wounded, who were displaced from their positions of temporary refuge;

Whereas the attacks on the border have spilled over into Thailand bringing death and destruction of Thai villagers;

Whereas the hundreds of thousands of refugees and displaced persons on Thai soil constitute a serious humanitarian problem;

Whereas the United States' commitment to the security of Thailand under the Southeast Asia Collective Defense Treaty, done at Manila on September 8, 1954 (also known as the "Manila Pact") was reaffirmed by President Reagan in his 1981 meetings with Thai Prime Minister Prem;

Whereas the United States Government supports the Association of Southeast Asian Nations (ASEAN) goals regarding a political settlement for Kampuchea within the framework of the United Nations International Conference on Kampuchea, which calls for withdrawal of all foreign forces from Kampuchea; and

Whereas the United States Government has consistently been committed to alleviating the burden to Thailand presented by the large outflow of refugees from Kampuchea and to providing humanitarian assistance to the Kampucheans through an international program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) all parties to the armed conflict near the border between Thailand and Kampuchea should refrain from actions which may endanger refugees and extend protection to all refugee camps in such areas; and

(2) the Government of Vietnam should immediately halt armed attacks on civilians and respect their right to safe haven.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a hearing on the District of Columbia school system's career oriented curriculum.

The hearing will be held on Wednesday, May 11, from 10 a.m. to 12 noon in room SD-124 of the Dirksen Senate Office Building.

Anyone needing further information is invited to contact Bill Leonard at 224-4161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources. On Monday, April 25, beginning at 10 a.m., the committee will hold a hearing on the nomination of Theodore J. Garrish, of Virginia, to be General Counsel, Department of Energy. Staff contact: David Doane—224-7144.

On Thursday, May 19, beginning at 10:30 a.m., the committee will hold an oversight hearing on the geopolitics of strategic and critical minerals. Staff contact: Bob Terrell—224-5205.

Both hearings will be held in room SD-366. Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20510.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Agriculture Committee has scheduled a hearing on S. 663 on Tuesday, April 19. S. 663 would prohibit participation by farmers in certain farm programs if the crops were produced on highly erodible lands. Senator ARMSTRONG is the sponsor of this legislation.

The hearing will begin at 9:30 a.m. in room 328-A Russell Senate Office Building.

Anyone wishing further information should contact Mary Ferebee of the Agriculture Committee staff at 224-6901.

ADDITIONAL STATEMENT

HOLOCAUST COMMEMORATION

● Mr. DOLE. Mr. President, there is an extraordinary congregation in Washington this week of survivors of the Nazi attempt to eradicate an entire people. It has been called the Holocaust, a word evoking total destruction, the burning of a nation, and genocide. The murder of a people is so staggering that it is hard even to embrace the idea, and so we must sometimes focus on the real tragedies of individuals. The sole survivor of a large family, the survivor whose haunted dreams of torture and sacrifice torment him 40 years later, the homes that no longer exist, the families destroyed, and the mind-numbing numbers that overwhelm us.

It takes a special kind of courage for the survivors to meet, Mr. President, and the Senator from Kansas would like to salute them for doing so. At the same time, the Holocaust Museum should give all Americans some notion of what the Yad Vashem Museum in Israel has presented, for we must make absolutely certain that the memories of the Holocaust remain strong. In that way, we make the best answer to those who tried to destroy a people and a way of life. We will remember and continue to remember, as we honor those survivors who have sought a belated freedom in the United States and who have become productive citizens of our country.

Mr. President, I found it particularly appropriate that on the very steps of this Capitol, Vice President BUSH presented keys to the Holocaust Museum to these survivors. It has not always

been so. Throughout their tragic history, keys have more often been used to keep the Jewish people out of an area or a city, and to lock them into a quarter or a ghetto. How appropriate that in this home of American democracy the doors are open. Let them always remain so.

What can one say, Mr. President, to those who survived the Holocaust? The very names of the death camps are emblazoned into our souls: Auschwitz, Majdenek, Treblinka, Bergen/Belsen. We seem to hear again the sad keening of a people for its lost towns and its lost children, and its lost familiar treasures of home and family. That the Holocaust came at the end of centuries of persecution adds further poignancy to the plight that the Jewish people have endured in so many places and for so long. And that is another reason why we doubly value the rich contributions that immigrants of the Jewish faith have made for three centuries to the life of this country. But we must also, in the light of the barbarism of the Holocaust, rededicate ourselves to a new understanding of what happened within our own lifetimes.

And so, Mr. President, let us take this occasion and this week of commemoration to rededicate ourselves to the witness of those victims that were murdered, and to those who have survived to bear witness with us this week. We must be very sure that the lessons of the Holocaust and what preceded it are well learned. For many, the wounds will never heal. But for many more to come, let the promise of America be renewed. And let us all rededicate ourselves also to the famous pledge of George Washington to the members of the Newport Synagogue, that America would extend "to bigotry no sanction." For by our own humanity, we fulfill our deepest identify as American citizens. And by the sufferings of the Holocaust survivors, we will always remember what never should have happened, and what must never be forgotten. Shalom.●

BECAUSE WE CARE DAY

● Mr. MITCHELL. Mr. President, on April 6 in many of the 172 Veterans' Administration hospitals across this country the American veterans of World War Two, Korea and Vietnam sponsored "Because We Care Day." The purpose of this program was to salute the thousands of hospitalized veterans who are daily facing personal battles against illness, pain and loneliness.

"Because We Care Day" ceremonies were held during the morning of April 6 at the VA Medical and Regional Office Center at Togus, Maine. There was a wreath laying ceremony to honor America's deceased veterans, a round of visitations with patients in the wards and a short lunch.

Among those participating in the day's activities were AMVETS Maine Department Commander Dale Andrews, AMVETS Maine Auxiliary President Janet St. Michael, representatives from the cities of Bangor and Augusta, and Maine's National Guard Adjutant General Paul Day. Coordinating the day's activities was Merrill Morris, Maine AMVETS national service officer.

Mr. President, I believe AMVETS deserves our praise for their efforts April 6, on behalf of those veterans hospitalized in VA facilities across this country who are sometimes forgotten. Hospitalized veterans are receiving treatment as a result of their service to this country. They deserve our attention and respect. But more than that, hospitalized veterans deserve our gratitude. "Because We Care Day" was one small way to honor and recognize men and women who gave all they could give to this country in times of need.●

JEWISH HOLOCAUST SURVIVORS

● Mrs. HAWKINS. Mr. President, I rise today to join my colleagues in commemorating the 40th anniversary of the Warsaw ghetto uprising and the beginning of a new tradition: The first American gathering of the Jewish Holocaust survivors. It is important that we remember and honor those whose indomitable spirit remains an example for us all. We must remember.

Many of us have never had the experience of these people. Most of us have never experienced a brutal and degrading attack on our way of life, our religion, and our very souls and bodies. The Warsaw ghetto uprising is the story of ordinary men and women who took the extraordinary action of facing the German war machine in an effort to throw off the bonds of Nazi tyranny. It is the story of bakers and butchers, of teachers and doctors, of women and children who valued their freedom and dignity so much that they risked and even sacrificed their lives. These men and women represented the very best that is in the human race—in stark contrast to their Nazi oppressors, who represented the very worst.

We remember the Warsaw ghetto uprising not as a military triumph but as a spiritual triumph, a triumph over the attempt to repress the longing for freedom and justice that live in each of us.

The Jewish resistance to the Nazis in Warsaw is a tribute to all who have struggled against tyranny. It is not enough, however, to honor those who have fought on behalf of all of us against tyranny and oppression. We must look to the future. We must make a convenant to insure that the racism, the hatred, the oppression, and the atrocities committed by the Nazis never be allowed to happen again, anywhere on the face of the Earth. We must forever be alert to the slightest warning signal—whether it be in Eastern Europe, South America, or right here at home.

Our first line of defense against a tragic repetition of the Holocaust is to remember those events and to make sure that the memory is passed on from generation to generation. This is why the first American gathering of the Jewish Holocaust survivors is so important. It helps us to remember. But, more than remember, we must actively guard ourselves against any growth of racism and hatred. We cannot live under the illusion that it could never happen here. Too often we forget that Germany was a democracy before Hitler took power. We are not immune. We must remain ever vigilant. It is not enough for us to say in our homes and among our friends that we are enemies of hatred and oppression. We must speak out. We must do battle with these forces wherever they rear their ugly heads. Furthermore, our children must be taught the tragedies of Auschwitz, Dachau, and Birkenau. They must learn to guard against man's inhumanity to man. The battle against hatred and injustice must be carried on by the young if future generations are to live free of fear and repression.

Forty years ago, 6 million Jews died in Nazi concentration camps. It was an event so overwhelmingly evil that today it is almost incomprehensible, and yet it happened. This week thousands of survivors from this nightmare have gathered here in Washington to give thanks for their new home, America, and to remind us that what once happened could happen again. I believe that we must use this occasion to remember those, both living and dead, who suffered at the hands of tyranny and to reaffirm our undying opposition to hatred and injustice.●

GRAND BLANC TOWNSHIP, MICH., CELEBRATES SESQUICENTENNIAL

● Mr. LEVIN. Mr. President, 1983 marks the passing of the 150th anniversary of Grand Blanc Township, Mich. One hundred and fifty years ago, the rapidly growing, fertile wilderness of Michigan was well traversed by Indians, officers, traders, and settlers. In 1823, one such settler, Jacob Stevens, ventured with his family along the Saginaw Trail until settling north of Detroit in an Indian town called Grumlaw. Ten years later, the Stevens family, joined by many of their friends from New York seeking inexpensive land, organized Grand Blanc Township. The township name, Grand Blanc, which, in French, means

"Great White," has been explained as referring to either the heavy blankets of snow which cover the area in winter or to the inhabitation of the area by the white man.

In its humble beginnings, Grand Blanc contained a trading post, a tavern, a public school, and a sawmill and grist mill on the Thread River. The traveled highway, which followed the old Indian trail, went rambling through the woods, avoiding hills and swamps, and was quite a comfortable wagon road. With the completion of the railroad in 1864, travel became much easier and Grand Blanc grew from township to a village to a city by 1930.

As Grand Blanc grew, so did its commercial sector. By 1873, business had sprung up throughout the town's "Center" and residents were thankful for not having to make the trip into nearby Pontiac for food, clothing, and shoes. It has since expanded, featuring a multitude of shopping centers, a prosperous downtown district, and a variety of public services, making Grand Blanc an ideal family community. And thanks to the presence of a Fisher Body GM plant, the community has a healthy tax base.

It is indeed a pleasure to honor Grand Blanc Township on achieving its 150th anniversary of growth and change. This solid community and all its admirers look with pride to the future. What is basic to any community is people—their families, their homes, their schools, their churches, and community organizations, and the services provided by their local government. These have been the basic concerns of the people of Grand Blanc Township since 1833, and they will remain so in the future.●

COMMENCEMENT OF TERMS OF OFFICE

● Mr. MATHIAS. Mr. President, late last month I was pleased to join with my colleague Senator PELL in introducing Senate Joint Resolution 71, which would eliminate any possibilities of either lameduck congressional sessions or lameduck Presidents. An editorial in the Providence Sunday Journal of March 27 entitled "Need To Speed Transition of New Congress, President," makes a compelling case for the amendment, and I ask that the article be printed in the RECORD for my colleagues' review.

The article follows:

NEED TO SPEED TRANSITION OF NEW CONGRESS, PRESIDENT

A few months ago, Sen. Claiborne Pell's new bill to speed the date for presidential and congressional election winners to take office would have received widespread supportive attention. The nation had just witnessed then what a do-nothing body a lameduck Congress can be. That may be just a fading memory now, but the idea of changing such a frustrating and outdated system still deserves serious consideration.

Of equal—and perhaps greater—concern with the present two-months transition between old and new congresses is the slow-paced accession of a newly elected president. It takes nearly three months before he enters the White House. The interim, during which effective government grinds to a virtual halt, poses a potentially dangerous period for the nation in the fast-moving modern world.

Senator Pell's remedy, co-sponsored with Sen. Charles McC. Mathias, R-Md, as a proposed amendment to the U.S. Constitution, would have a new Congress and a new president take over on Nov. 15 and Nov. 20, repectively, after their election. Now, they don't do so until the next Jan. 3 and Jan. 20, respectively. These dates have been in force since the 20th Amendment was ratified in 1933. Previously, there were even later changeovers—Mar. 4 for the president and sometimes not until the following September for Congress. Just as there was good reason a half-century ago to move up those times oriented to an older, predominantly agricultural society, the transportation and communications advances of recent decades argue for at least a study of another speed-up. What's more, they make it possible.

There would be no real difficulty providing this for Congress. Computerized tallies leaves few, if any, House and Senate races unresolved by mid-November. Any still unsettled would not prevent the bulk of the newly elected lawmakers from getting down to business. With the presidency, it might be questioned whether a new administration could be put in place that quickly. However, this could be ascertained by Judiciary Committee hearings on the Pell bill.

Testimony from President Reagan and former Presidents Nixon and Carter would be helpful on that point. All campaigned for years before their victories, and probably had a good enough idea of who would join them in government. In any event, nothing would be lost by such a review. Congress ought to do it.●

THE FEDERAL TRADE COMMISSION IS NOT ENFORCING THE ANTITRUST LAWS

● Mr. LAUTENBERG. Mr. President, the preservation of a free and competitive marketplace is critical to our economic revival. Competition breeds innovation and efficiency. And those are two important ingredients in our effort to promote economic growth and employment in our Nation. In this light, I was very disturbed by a report, prepared at my request by Federal Trade Commissioner Michael Pertschuk, detailing a record of nonenforcement of our antitrust laws by the Commission's Bureau of Competition. I think my colleagues would be interested in his findings. For their information, I ask that Mr. Pertschuk's report, along with a related article from the Star-Ledger of Newark, be inserted in the RECORD.

The material follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., April 5, 1983.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUTENBERG: At the March 16 hearing of the Senate Commerce Committee, you asked the Federal Trade Commissioners to give you their views on the performance of our Bureau of Competition. I stated that I believed its performance was inadequate and I promised to supply you and the Committee with more specific information. In this letter, I review the performance of the Bureau compared with prior years and I point out some specific areas where enforcement has been essentially non-existent.

NUMBER OF CASES

The following chart shows the number of complaints, orders and federal court actions brought by the Commission in the antitrust area. I have also attached an appendix which explains each category.

Type of action	Fiscal year—						
	1977	1978	1979	1980	1981	1982	1983
Administrative complaints	9	6	11	13	7	2	1
Part II consents:							
Provisional	12	15	21	21	11	9	1
Final	15	6	26	21	16	5	5
Part III consents:							
Provisional	4	6	7	1	6	1	2
Final	4	3	8	3	4	1	1
Final part III orders	6	8	6	4	5	7	2
Civil penalty actions filed	2	2	3	1	3	1	0
Preliminary injunction cases filed	5	2	4	0	2	3	0

[1] Through Mar. 28, 1983.

In interpreting this chart, it should be kept in mind that the same case is recorded in more than one category. For example, an administrative complaint could be issued in a particular matter in fiscal year 1978, then be recorded as a final order or consent in fiscal year 1982. One corollary of this is that a decline in administrative complaints or provisionally accepted consents insures that there will be few final orders in future years. Consequently, the decline in these categories during the last two years assures a lower output in the near future. Also, this reliance on past actions means that final orders in FY 82 and FY 83 during the current administration are largely based on previous actions taken under different Bureau and Commission leadership.

SPECIFIC AREAS OF ENFORCEMENT

It is useful to review the performance of the Bureau of Competition in certain specific areas of enforcement—mergers, monopolization, price discrimination, resale price maintenance, and horizontal collusion.

MERGER ACTIVITY

The most active area of Commission antitrust activity during the current administration has been in the merger area. I believe a major reason for this relatively active presence (though extremely modest by historical standards) is that the Hart-Scott-Rodino Act forces the Commission to decide whether a merger will be challenged within a short period of time. This "action-forcing" procedure tends to force the Bureau of Competition to forward recommendations to the Commission where they can then be acted upon. In other areas, the Bureau tends to develop investigations and cases very slowly or not at all. Even in the merger area, of course, the number of cases is much lower than in prior years.

The Commission has brought the following number of merger cases since October 1, 1981 (approximately when Chairman Miller arrived):

(1) Administrative complaints, 3. Chairman Miller voted against the issuance of the complaint in one of these matters (Schlumberger, Dkt. No. 9164).

(2) Part II and III final consents, 6.[1] All of the part III complaints resulting in settlements were issued before Oct. 1, 1981; two of the four part II consents were essentially completed before Oct. 1, 1981. In one of these latter two matters (ConAgra, Inc., File No. 821-0007) the Commission accepted the settlement over the objections of Commissioner Bailey and myself, who felt it was too weak.

(3) Preliminary Injunction cases, 3. In one of these matters, Mobil Corporation's proposed takeover of Marathon, the Commission (over the objections of Commissioner Bailey and myself) filed papers in federal court stating the merger could take place under certain conditions. Fortunately, the merger was enjoined in a private suit and the Commission's position which would have allowed most of the acquisition was mooted. In all, during fiscal year 1978-81, 21 part III administrative complaints were issued in merger cases and eight requests for preliminary injunctions were filed, compared to three administrative complaints and three requests for preliminary injunctions from Oct. 1, 1981 to March 28, 1983.

Another indication of declining merger activity is a steady drop in the number of requests for information sent out pursuant to the Hart-Scott-Rodino Act. These requests are used to obtain information about proposed mergers during the waiting periods provided in the Act. The number of these "second requests" for each year is shown below:

Number of FTC second requests under H-S-R

1978	23
1979	58
1980	36
1981	48
1982	26
1983 (through March 28)	2

PRICE DISCRIMINATION

The Commission has brought no new price discrimination cases since Chairman Miller arrived, nor has it won a settlement. Two price discrimination cases, brought earlier by the Commission, Gillette Co., Dkt. No. 9152 and Ford Motor Co., Dkt. No. 9113, have been withdrawn from adjudication but have never been acted upon by the Commission.

MONOPOLIZATION

The Commission has not brought a new case in this area since Chairman Miller arrived. The only significant Commission action concerning monopolizing conduct undertaken by this administration has been to weaken substantially an earlier Commission order in Borden, Inc., Dkt. No. 8978, which had already been affirmed by the court of appeals.

RESALE PRICE MAINTENANCE

The Commission has issued three orders involving resale price maintenance since Chairman Miller arrived. However, a review of these matters shows that each was essentially completed before the new administration began and no new cases have been brought. The following RPM orders have been issued since October 1, 1981:

(1) Onkyo U.S.A. Corp., File No. 801-0117; provisionally accepted before 10/1/81

(2) Germaine Monteil, File No. 801-0080; signed by the staff and the respondent before 10/1/81

(3) Russell Stover Candies, Inc., Dkt. No. 9140; on appeal when Chairman Miller arrived and he dissented from a finding of liability

In short, there have been no resale price maintenance cases completed for which the new administration can claim credit. Instead, Chairman Miller continued to press for a complex economic analysis before any resale price maintenance case is brought, an approach which has so far resulted in no new cases. In contrast, there were 24 final RPM orders during the FY 1977-81 period.

ORDER MODIFICATIONS

The only area in which the Bureau of Competition has recently excelled is in weakening existing Commission orders. The number of order modifications granted by the Bureau in recent years is shown below.

Number of modifications

Fiscal year:	
1977	0
1978	3
1979	0
1980	2
1981	5
1982	15
1983 (through March 28)	5

Although I supported some of these modifications, I strongly believe that others were inappropriate or excessive. These figures illustrate that the Commission is sending more resources in weakening existing orders and has encouraged more and more companies to petition for modification during the current administration.

HORIZONTAL COLLUSION AND FACILITATING PRACTICES

Despite the promise of activity concerning horizontal price-fixing activity, no such cases have been brought. There have been two consent agreements involving collusion by medical groups. These are laudable cases but the numbers are small given the low level of activity in other areas.

CONCLUSION

The fact is that enforcement activity has declined to the lowest level in several years. Even the modest level of activity in fiscal 1982 and 1983 represents, to a large extent, a completion of cases initiated before the current administration arrived. To the best of my knowledge, there is no evidence that anticompetitive activity has sunk to record lows or that the Justice Department has aggressively seized the opportunity to fill the gap. Indeed, historically recessions intensify the pressures and incentives to evade the discipline of competition. This is not "lean and mean" enforcement. It represents a law enforcement famine.

Sincerely,

MICHAEL PERTSCHUK,
Commissioner.

APPENDIX—DEFINITION OF TERMS

Administrative Complaints—allegations filed when Commission has "reason to believe" the law is violated; the issuance of an administrative complaint under Part III of the Commission's rules begins a formal adjudicatory proceeding.

Part II Consents—consent settlements which resolve a matter before an administrative complaint is issued beginning a formal adjudicatory proceeding. "Provisional" consents are those accepted for public comment. Consents become "final" upon final approval by the Commission after the comment period.

Part III Consents—consent settlements which resolve a matter after a formal adjudicatory proceeding has begun. "Provisional" and "final" consents are analogous to Part II consents discussed above.

Final Part III Orders—orders which are issued after a trial and any appeal to the Commission.

Civil Penalty Actions—suits filed in federal court alleging that respondents under an existing Commission order have failed to comply.

Preliminary Injunction cases—suits filed in federal court by the Commission seeking to enjoin some action by the companies (e.g., a proposed merger) until the Commission can determine its legality in an administrative proceeding.●

[1] As of March 28, 1983, two consents in merger cases had been provisionally accepted and were awaiting final acceptance.

[From the Star-Ledger, Apr. 7, 1983]

LAUTENBERG ACCUSES THE FTC OF SHUNNING ITS ENFORCEMENT RESPONSIBILITIES

(By Robert Cohen)

WASHINGTON.—Sen. Frank Lautenberg (D-N.J.) yesterday released information which he said shows that the Federal Trade Commission (FTC) has done little to stop anticompetitive business practices.

Lautenberg, echoing the sentiments of a growing list of senators and congressmen, said data supplied to him by Michael Pertschuk, one of five FTC commissioners, shows a clear "lack of enforcement" in cases dealing with price fixing, price discrimination, monopolization and merger.

The New Jersey senator said this absence of FTC antitrust enforcement is not an oversight, but a "deliberate policy" by the Reagan Administration. He said the FTC has sent a signal to the business community that "the umpire has walked off the field".

"It's now easier for larger companies to pick up their market shares and drive smaller ones out of business through predatory practices," said Lautenberg. "The consumer ultimately pays."

James T. Miller 3d, the chairman of the FTC and a Reagan appointee, has denied repeatedly during congressional hearings that the agency is abandoning its duties to enforce the antitrust laws.

He has said the FTC is interested in the quality of its enforcement cases, not in the quantity of complaints filed.

"Prosecutorial discretion is a fact of life and I think it is incumbent on us to put those resources where we can make the biggest difference for consumers and honest business people alike," said Miller at a recent Senate hearing.

"I think it is too frequent that law enforcement agencies focus on numbers," Miller continued. "Our purpose is to get people to comply with the rules and to comply with the laws. To the extent we can do this in a less litigious manner, I think we use leverage that enhances the public interest."

Pertschuk, who served as FTC chairman during the Carter administration and now is a commissioner, said in a letter to Lautenberg that the FTC has brought no new price discrimination or monopolization complaints against companies since Miller took office in October, 1981.

Pertschuk said the number of complaints to prevent anticompetitive mergers "is much lower than in prior years" and he

pointed out that the FTC has issued only three orders involving a form of price fixing known as resale price maintenance since Miller took office. He said these three price fixing cases were "essentially completed before the new Administration began."

"The fact is that enforcement activity has declined to the lowest level in several years," said Pertschuk in his letter to Lautenberg. "Even the modest level of activity in fiscal 1982 and 1983 represents, to a large extent, a completion of cases initiated before the current Administration arrived.

"To the best of my knowledge, there is no evidence that anticompetitive activity has sunk to record lows or that the Justice Department has aggressively seized the opportunity to fill the gap," he said. "Indeed, historically recessions intensify the pressures and incentives to evade the discipline of competition."

The House Energy and Commerce subcommittee on oversight and investigations, for example, has begun an inquiry of the FTC because of its failure to crack down on retail price fixing.

Rep. John Dingell (D-Mich.) said he is concerned the FTC is altering the antitrust laws by administrative fiat and abandoning its job to maintain competition in the marketplace.

Rep. James Florio (D-1st Dist.), a member of the investigations panel, has written to Miller complaining that the FTC is failing to protect consumers, and is sending a signal that price fixing will be tolerated. Florio has said that the FTC's deterrent effect is being eroded by the current policies.

Others, including Sen. Bill Bradley (D-N.J.), have complained to Miller about the lack of enforcement in the retail price fixing area.

Both Bradley and Florio have cited the case of Burlington Coat Factory, a discount clothing retailer with stores in New Jersey and 15 other states. The discount chain's president has complained that some manufacturers, at the behest of big department stores, are refusing to supply him with goods, if he sells below a recommended retail price.

Under the antitrust laws, such a practice is illegal, but Miller has maintained that there are situations of this nature that can boost competition.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notificiations which have been received.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 12, 1983.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 12, 1983.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF,
Director.●

DEATH OF CONGRESSMAN PHILLIP BURTON

● Mr. TSONGAS. Mr. President, I rise today to express my shock and deep sorrow at the news of the death of my friend and colleague, Congressman Phillip Burton of California.

Phil Burton was widely recognized as one of the toughest and shrewdest among us in the U.S. Congress—and he was. He was a master at the art of getting things done, sometimes even at the cost of some of the parliamentary niceties. But yet, I will always remember this tough, blunt man as one of the very first to befriend a green freshman Congressman in 1975. I learned a great deal from Phil Burton, particularly about the qualities of leadership.

When the chips were down, when the going was tough, that is when Phil Burton could be counted on to be in the forefront on the side of minorities, the poor, in fact, all of the disadvantaged in society.

No one man has done more during the past decade for the protection of our national parks and wilderness. The people of Massachusetts, and particularly my home town of Lowell, Mass. will always remember his central and critical role in the establishment of the Lowell National Park.

Mr. President, others will catalog the almost endless string of accomplishments which have marked Phil Burton's public service more articulately than I can. I want simply to join with all of my colleagues in the Senate and the Congress in mourning the loss of this great man.●

BIELARUS INDEPENDENCE DAY—MARCH 25

● Mr. DIXON. Mr. President, March 25 marked the 65th anniversary of an important day in the annals of the constant struggle for human rights. On March 25, 1918, the Slavic nation of Bielarus declared its independence from Russia. Sadly, the Bielarusians enjoyed their new-found freedom only briefly, for the Soviet Union soon retook Bielarus by force. The Bielarusian people have been struggling ever since to retrieve their lost rights.

Bielarus, also known incorrectly as Byelorussia or White Russia, is a Slavic region with a present population of 10 million people. It is located in the western part of the Soviet Union, with Poland and the Ukraine at its borders. Its territory today covers more than 207,600 square kilometers.

Bielarus has now been under Soviet domination for 61 years. Yet the people of Bielarus continue to fight to regain the political and civil freedom they once held so briefly. The brave people of Bielarus deserve our support and admiration, because they are a source of hope for oppressed people everywhere. As Americans, a people who cherish freedom and democracy, we salute the people of Bielarus and support them in their quest for basic human rights and liberties.●

THE IMF BLEEDS US DRY

● Mr. HUMPHREY. Mr. President, within a few weeks, the Senate will be asked to approve an increase of $8.5 billion in U.S. participation in the International Monetary Fund. In the view of this Senator, the overwhelming preponderance of evidence should compel us to flatly reject this request. The arguments against the quota increase are many: That we should not deprive our credit markets of $8.5 billion as our economy shows signs of revival, that we should not swap liquid dollars for dormant reserve assets, that we should not allow many of our Nation's largest banks to continue to escape the free market consequences of very poor lending decisions, and that we should not broaden the powers of an IMF which has to date largely failed in its effort to cure the ills of the world economy.

To this list of arguments, Mr. President, must be added another, one which involves serious questions of national character and pride. With every additional dollar we cede to the IMF, we transfer another degree of the authority and influence which accompanies the world's most valuable currency. We transfer wealth—permanently—from our domestic economy to a multilateral institution that is plainly unaccountable to our national interests. Supporters of the IMF bailout claim that the most recent world recession has created a temporary liquidity squeeze, and that an expansion of the IMF's resources is needed to bridge the gap. This Senator has repeatedly asked, in the absence of a satisfactory response, the following question: If the problem is indeed temporary, why are we being coerced to make a permanent transfer of our national wealth which can only come at the expense of our own economic recovery?

In a column appearing today, the distinguished columnist Patrick J. Buchanan outlines the process through which an increase in IMF resources will contribute to the construction of "a system of permanent wealth transfers from the capitalist West to the anti-capitalist south and the Communist East." As this wealth is transferred, Mr. President, so is our leverage to use it in dealing with nations whose interests are contrary to our own. I do not wish to be a party to this process and sincerely hope that a majority of my colleagues will arrive at the same conclusion.

I ask that the Buchanan article be printed in the RECORD at this point.

The article referred to follows:

HOUSE BANKING COMMITTEE GREASING SKIDS FOR IMF

(By Patrick J. Buchanan)

As Mr. Reagan scrounges about for a piddling $50 million for ammunition for the beleaguered army of El Salvador, the House Banking Committee is greasing the skids for the International Monetary Fund-Bank Bailout, involving a sum a thousand times as large.

The $8.4 billion tranche, the U.S. share of the $47 billion IMF package, is said to be unstoppable. Perhaps so. When, previously, the President lined up with the Establishment, the coalition proved invincible.

Eventually, however, when the American people learn how the Republican Party conspired to use their savings—to spare Mr. Rockefeller's reputation and save Mr. Rockefeller's bank—while less favored businesses were allowed to perish at the rate of 500 a week, a reckoning will come.

But the point here is not to underscore anew the social injustice or political folly of the Big Bank Bailout, but to limit the Brave New World toward which we now seem irretrievably headed.

With that $47 billion, the IMF will receive more than an immense slice of the accumulated savings of Western people. With it goes unprecedented clout, lethal leverage over the American banks—to a claque of international bureaucrats who bear no allegiance whatsoever to the United States.

What is taking place is not simply a transfer of savings, but a transfer of sovereignty.

Here is how the New International Economic Order—the dream of the Brandt Commission, the demand of the Third World—will work:

One by one, the bankrupts of the Communist Bloc and the Socialist south will be arriving in Washington, D.C. and queueing up at the offices of the IMF.

We cannot pay our debts, they will say; besides, we need more money. Not to worry, the IMF officers will answer. We will draw up an "austerity plan" for your economy. Upon your acceptance, we will tide you over with a few hundred million or billion from our newly replenished hoard of capital. In addition, the Big Banks will be "bailed in" to your rescue plan, i.e. the Big Banks will be required by the IMF, to send good American dollars chasing the tens of billions in bad loans. If a country balks at the IMF terms, it gets no new money; if a bank balks at the IMF demands, it gets no relief—i.e. no interest on its old loans.

With the new billions and enhanced power, the IMF will gain permanent access to the investment capital of the United States, a decisive voice in how much of America's savings, henceforth, will be used to maintain the credit ratings of regimes from South America to Central Africa to Eastern Europe. As not a single applicant at the IMF window has yet been turned away, we may expect this record of generosity with our money to continue.

Before our eyes and by the hand of our Congress, the greatest foreign aid machine in history is being constructed, a system of permanent wealth transfers from the capitalist West to the Anti-capitalist south and the Communist East.

It will work, Don Regan of Treasury assures us, because the IMF "requires debtor nations to pursue sound economic policies." The IMF "is playing a key role in assisting nations to move back to a sound economic footing."

That so. What "sound economic policies" were imposed by the IMF upon Stalinist Romania, $10 billion in debt, as a condition of its latest loans?

Who is looking out for the American people? One day, they will demand to know why their savings were plundered to be shipped off to Nigeria and Mexico and Venezuela so these three arrogant oil producers could hold production down and keep prices up, the better to gouge the very American people bailing them out.

Watching Mr. Conservative merrily march movement toward this sunken road calls to mind the *cri de coeur* of Oliver Cromwell in his letter to the Church of Scotland: "I beseech you, in the bowels of Christ, think it possible you may be mistaken."●

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mrs. HAWKINS). The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Madam President, today has been an important day in the Senate. In executive session, the Senate confirmed a controversial nominee of the President.

I say once again that I think Senators, both those who favored and those who opposed the nomination, handled the matter in a most responsible way and discharged their obligation to themselves and to the Senate.

It had been my hope that we could reach another matter in legislative session—the bankruptcy bill. That cannot be done today, at least not by unanimous consent. I am not inclined to move to the consideration of that measure today. I continue to feel that there is some possibility that the problems can be reconciled and worked out either tomorrow or Monday, or as soon as possible.

I urge Senators who may hear me to consider that the bankruptcy bill is an important measure and that we must address it, and we should give serious consideration to the possibility of beginning that measure tomorrow, if indeed we cannot finish it tomorrow.

ORDER FOR RECESS

Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

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

PROGRAM

Mr. BAKER. Madam President, on tomorrow, 1 hour after the Senate convenes, under the order previously entered, the Senate will proceed to the consideration of S. 144, the reciprocity bill.

At that time, under the order previously entered, the Chair will lay before the Senate an amendment by the Senator from Wisconsin (Mr. KASTEN) dealing with the repeal of the interest and dividend withholding provision of the Internal Revenue Code, as the pending question.

I anticipate that tomorrow the Senator from Wisconsin or some other Senator will file a cloture motion to limit debate on that amendment. Under the provisions of rule XXII, the vote would occur, in the ordinary course of events, on Tuesday, 1 hour after the Senate convenes and after the establishment of a quorum.

I do not anticipate a Saturday session.

ORDER FOR RECESS FROM TOMORROW UNTIL MONDAY NEXT

Madam President, I ask unanimous consent that on tomorrow, Friday, when the Senate completes its business, it stand in recess until 12 noon on Monday next.

Before the Chair puts the request, I say that it may be that in keeping with my recent practice, the leadership on this side will change that to adjournment, but I will not do that at this time.

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

Mr. BAKER. Madam President, tomorrow the Senate will proceed to the consideration of the reciprocity bill,

on which the Kasten amendment will be the pending question.

It is anticipated that a cloture motion will be filed tomorrow to limit debate on the Kasten amendment. A vote on that will occur, according to the provisions of rule XXII, 1 hour after the Senate convenes on Tuesday next.

There will be no session of the Senate on Saturday of this week, contrary to previous indication, unless an unknown emergency of some sort were to arise, which I do not anticipate.

Madam President, on Monday we will continue the debate on the Kasten amendment or such other matters as may be brought before the Senate in connection with the pending business or the pending question.

A cloture vote will occur on Tuesday. It is anticipated that a further cloture motion may be filed if cloture is not invoked on the first motion on Monday which will produce a vote on Wednesday.

There is the distinct possibility of a vote on Thursday for a third effort at cloture if the first two do not prevail.

As indicated earlier it is not the intention of the leadership to continue beyond three clotures on this measure if cloture is not invoked.

Madam President, I have nothing further to bring before the Senate at this time.

Could I inquire of the minority leader if there is any matter he wishes to address to the Senate at this time.

Mr. BYRD. Madam President, I have nothing further.

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

RECESS UNTIL TOMORROW

Mr. BAKER. Madam President, in view of that, I move now in accordance with the order previously entered that the Senate stand in recess until the time appointed on tomorrow.

The motion was agreed to; and, at 4:20 p.m., the Senate recessed until Friday, April 15, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 14, 1983:

THE JUDICIARY

Joel M. Flaum, of Illinois, to be U.S. circuit judge for the seventh circuit vice Robert A. Sprecher, deceased.

H. Ted Milburn, of Tennessee, to be U.S. district judge for the Eastern District of Tennessee vice Charles G. Neese, retired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. William Y. Smith, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Richard L. Lawson, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. James E. Dalton, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Eugene P. Forrester, [redacted], (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. James M. Lee, [redacted] U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate April 14, 1983:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ANATOLY SHCHARANSKY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. SCHNEIDER. Mr. Speaker, on this sixth anniversary of the arrest and imprisonment of Anatoly Shcharansky and as original cosponsor of House Resolution 67, which calls on the Soviet Union to release Mr. Shcharansky, I would like to take this opportunity to speak on the plight of the many Soviet Jews who wish to emigrate. The inhumane treatment and persecution many Soviet Jewish citizens are suffering is deplorable and Anatoly Shcharansky has come to symbolize the countless number of Soviet Jews and others whose fundamental rights are being violated by Soviet authorities.

Mr. Shcharansky has been a victim of Soviet persecution since he was refused permission to emigrate to Israel to be with his wife in 1973. Since that time he has been a constant target of the Soviet Government in their constant battle against Soviet Jews. In March 1977, Mr. Shcharansky was arrested on false charges of treason and was sentenced to 13 years imprisonment, where he has been subjected to the most brutal treatment including isolation, severe cold, and inadequate food, sleep, and health care. As a result Mr. Shcharansky required hospitalization several times, and in January 1982, the last time he was permitted visitors, his mother and brother were horrified by his condition. All Mr. Shcharansky wishes is to join his wife Avital in Israel, who he has not seen since the day after their marriage almost 10 years ago.

Mr. Speaker, enough is enough. Actions like these by the Soviet Government must stop. As the number of Soviet Jews allowed to emigrate decreases each year, from 9,447 in 1981 to 2,692 in 1982, we must praise this individual for his constant courage in fighting for what he believes is fundamentally right, the right to live freely as a Jew. Even though Mr. Shcharansky displays such bravery, we must not forget his suffering and persecution as the Soviet assault on Jewish heritage continues. Freedom is an inherently human right and no one should be subject to such a gross violation. As a prominent Soviet dissident, Shcharansky's struggle symbolizes the struggle facing all Soviet Jews.

In addition, I think most Americans would welcome the chance to establish a constructive dialog with the Soviet Union, so that both our nations could work together to ease international tensions and curb the arms race. One of the conditions that must be satisfied before we can establish a more positive relationship is Soviet adherence to the Helsinki accords, which pledge the Soviet Government to respect, "human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief."

Unfortunately, the Soviet Union has moved in the opposite direction. Mr. Shcharansky's plight dramatically demonstrates the Soviet Government's intentions to close its borders to dissidents, particularly Jewish ones, seeking to emigrate to Israel and the United States. It is difficult to negotiate in good faith with a government that has to lock its own citizenry within its borders. Mr. Shcharansky's release could help to demonstrate the Soviet Union's willingness to return to the Helsinki accords, and toward a more positive relationship with the United States.

Mr. Speaker, I want to insert the following statement by Mr. Shcharansky:

NEXT YEAR IN JERUSALEM—ANATOLY SHCHARANSKY'S WORDS ON HIS JUDGMENT DAY

Five years ago, I submitted my application for exit to Israel. Now I'm further than ever from my dream. It would seem to be cause for regret. But it is absolutely otherwise. I am happy. I am happy that I lived honestly, in peace with my conscience. I never compromised my soul, even under the threat of death.

I am happy that I helped people. I am proud that I knew and worked with such honest, brave and courageous people as Sakharov, Orlov, Ginsburg, who are carrying on the traditions of the Russian intelligentsia. I am fortunate to have been witness to the process of the liberation of Jews of the U.S.S.R.

I hope that the absurd accusation against me and the entire Jewish emigration movement will not hinder the liberation of my people. My near ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.

For more than 2,000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, every year they have repeated, "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next year in Jerusalem.

All I can say is that I hope "Next year in Jerusalem" becomes a reality for this outstanding individual.●

NATIVE LAND CONVEYANCES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. YATES. Mr. Speaker, as Chairman of the Appropriations Subcommittee on the Interior and Related Agencies, I would like to state the intention of the House conferees on the fiscal year 1983 Interior appropriations bill, with respect to the language in section 315 of that bill. This section pertained to the provisions of section 506(c) of the Alaska National Interest Lands Conservation Act (ANILCA).

By section 506(c), Congress granted land entitlements to Shee Atika on Admiralty Island. Under both the Alaska Native Claims Settlement Act (ANCSA) and ANILCA, however, all Native land conveyances are subject to various terms, conditions and restrictions. The conveyance to Shee Atika, under section 506(c), was subject to those same statutory terms and conditions.

The purpose of section 315 of the Interior appropriations bill was twofold. On one hand, the conferees intended to reconfirm Congress intent to convey lands on Admiralty Island to Shee Atika and to confirm those easements and restrictions which had been reserved and imposed by the Secretary as a part of that conveyance. At the same time, however, the conferees were careful to express no position as to whether the Secretary of the Interior may have had additional responsibilities under ANCSA or ANILCA which he may not have fulfilled in implementing section 506(c). In short, Congress confirmed what the Secretary has already done, but took no position as to whether the Secretary should have done more.

The purpose of the conference amendment to the Senate provision was to make it clear that Congress was not relieving the Secretary of any of his statutory responsibilities under ANCSA or ANILCA. If the Secretary has failed to take some action or impose some restriction which is required under either of these statutes, that is for a court to determine. Certainly, the House conferees did not intend to preclude judicial review of these matters, nor did the conferees determine the merits of pending or future litigation. Any suggestion to the contrary is erroneous.●

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

EMERGENCY PUBLIC WORKS EMPLOYMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. OBERSTAR. Mr. Speaker, today I have introduced the Emergency Public Works Employment Act of 1983, a bill which will provide immediate, useful jobs on labor-intensive projects repairing, renovating, and improving public facilities, such as water and sewer lines, roads, bridges, and streets.

This bill will provide $4 billion in 100-percent grants to local governments with high unemployment, to help these financially strapped communities begin the job of restoring their public facilities while returning their citizens to the work force.

I want to emphasize that this bill will create jobs almost immediately, and during at least part of the long period of high unemployment which remains in the economic forecast.

It requires the Secretary of Commerce to publish his implementing regulations within 30 days. It requires applicants to apply within 30 days of that publication. Construction must begin within 60 day of project approval, and projects must be completed within 365 days after work has begun. I want to emphasize that 1-year schedule for startup and completion of these projects.

To assure that projects can be approved within this tight timeframe, the bill provides that the States shall handle applications from communities with a population under 25,000, while the Secretary is to process applications from municipalities of over 25,000.

The distribution formula both for the Secretary and the States is based on unemployment, weighing both the unemployment rate, and the number of unemployed.

This bill is the first phase of a two-pronged approach to restoring the Nation's public capital facilities. A second, longer phased program of infrastructure repair, renovation, and rehabilitation, as well as additions to our public capital resources, will be introduced later.

The Public Works and Transportation Subcommittee on Economic Development, which I chair, has scheduled 4 days of hearings on the bill I have introduced today, on long-term public capital management and financing, and on establishment of a Federal Capital Budget and incentives to promote local capital planning and budgeting. These hearing are schedules for April 20, 21, 26, and 27.

I would like to include at this point in the RECORD a more detailed summary of the Emergency Public Works Employment Act of 1983.

EMERGENCY PUBLIC WORKS EMPLOYMENT ACT OF 1983

Purpose.—To create immediate, useful jobs on labor-intensive projects repairing, renovating and improving public facilities.

Eligible applicants.—States, municipalities (25,000 population or more), urban counties and Indian tribes.

States to administer program for non-metropolitan areas.

Criteria.—Above 8% unemployment, plus number of unemployed; Funds to be apportioned on formula basis; $4 billion over one year: No State may receive less than ¾ of 1%, or more than 12½%; 2½% set-aside off the top for Indian Tribes; 1% for administrative costs—Federal and State; remaining funds are allocated among the State as follows: 65% on the ratio of unemployed in each State to the total number of unemployed nationwide; 35% to be apportioned among those States with an average unemployment rate of over 8% for the preceding 12 months on the basis of relative severity of unemployment in each State; within States, funds are divided between metropolitan and non-metropolitan areas, 65% based on the number of unemployed, 35% to areas above the unemployment average within each State Allocations to local communities are then made from metropolitan and non-metropolitan pots according to the 65/35 formula. There is a set-aside for pockets of poverty in metropolitan areas; the Secretary of Commerce makes allocations to metropolitan areas; the Governor makes allocations to non-metropolitan areas, according to the above formula.

Eligible projects.—Construction, renovation, repair and improvement of local public works projects such as: water and sewer lines; roads, bridges, streets; industrial parks.

Fast track program implementation.—Secretary of Commerce must publish rules within 30 days; Projects must be submitted within 30 days of publication; Secretary (or Governor) must decide on project within 30 days of application or project is automatically approved.

Rapid Construction Timetable.—Construction must begin within 60 days of approval; work must be completed within 365 days.

Work performed by private sector, private contractors.

Local certification and project selection.

Funding: $4 billion.

Federal share: 100%.

Administered by Secretary of Commerce.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Tuesday, April 12, 1983. Had I been present, I would have voted:

"Yea" on rollcall No. 48, passage of H.R. 1071, to provide for the acquisition by exchange of certain Native-owned lands of interest in lands in Alaska, Kodiak National Wildlife Refuge Act;

"Nay" on rollcall No. 49, an amendment to H.R. 1437, the California Wilderness Act of 1983, which would have provided that the Secretary of Agriculture may, upon application by the State of California, waive any provision of the bill which could be shown to result in a significant increase in unemployment;

"Nay" on rollcall No. 50, an amendment in the nature of a substitute to H.R. 1437 that sought to designate 1.3 million acres as wilderness area instead of the bill's 2.38 million acres; and

"Yea" on rollcall No. 51, final passage of H.R. 1437, the California Wilderness Act of 1983.●

TRIBUTE TO SHERIFF JAMES POSEY

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in Congress the heroic and selfless actions of my friend, the late James Posey of Mississippi. Mr. Posey, while serving as sheriff of Franklin County, exchanged himself for four hostages being held at gun point. As a result of his unparalleled heroism, the four hostages were saved, but tragically, Sheriff Posey lost his life. Through his courageous act, Sheriff Posey earned not only the everlasting gratitude of the four hostages, a Franklin County woman, her two children, and a grandchild, but also the deepest admiration and respect of the entire community and State. His heroism serves as an example and inspiration to people everywhere who hope that they too would be able to rise to the kind of unselfish courage and bravery that Sheriff Posey displayed.

We recently paid a very special tribute to Sheriff Posey in Mississippi. Gov. William Winter presented his widow, Mrs. Donna Posey, with the State's highest award for bravery, the Governor's Heroism Award. Sheriff Posey's actions have caused an outpouring of sympathy and admiration from people all over the world. Mrs. Posey has received letters from strangers, who though unknown to to Sheriff Posey, take pride and comfort in this one man's extraordinary example of humanity. Governor Winter commented at the posthumous presentation, "His act was expressed in the highest fulfillment of love—giving up one's life for another * * * it is what James Posey lived and died by."

There is no example of heroism that exceeds the valor, dignity, and human selflessness of the action of Sheriff James Posey. His memory will forever be held high as an example of the

goodness and humanity of which man is capable. In the words of Sheriff Posey's mother, Mrs. Annie Bell Posey, "He was brave and he stood tall."

I know you will join me today in honoring Sheriff Posey and his family, who have borne this ordeal with grace and courage.●

ADINA NADELHAFT SELECTED TEACHER OF THE YEAR

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ADDABBO. Mr. Speaker, I would like to extend my heartiest congratulations to Mrs. Adina Nadelhaft of Briarwood, Queens, who has been selected by the New York City Association of Teachers of English as the Teacher of the Year for 1983.

Mrs. Nadelhaft has been teaching in the New York City public school system for 17 years and is currently teaching a 5th and 6th grade class at the Adolph Ochs Elementary School, P.S. 111, in Manhattan.

I have been aware for many years of Mrs. Nadelhaft's devotion and unexhausting efforts when it came to teaching her students. She has spent time and developed teaching techniques that are above and beyond what is normally expected by a teacher of these young children. In plain terms, she has made learning fun again for many children who would not normally be interested in their studies.

It is with pleasure that I see her being honored by the NYCATE and I am proud that she is a part of the New York City school system. It is an honor that is well deserved and I would like to wish Mrs. Nadelhaft luck in the years to come.●

PROPOSED CONCURRENT RESOLUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. CONTE. Mr. Speaker, today, I will introduce a concurrent resolution expressing the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations.

Over the past month, there have been numerous reports, allegations and innuendos regarding American covert operations against Nicaragua. I am concerned—as are many Members of this House—about the nature of U.S. involvement in Central America. Domestic and international law clearly states that covert or overt activities designed to overthrow a foreign government are not only inappropriate, but illegal.

Two, very widely accepted treaties specifically address the issue of political sovereignty. First, the charter of the United Nations Organizations requires member States to refrain in their international relations from the threat or use of force against the territorial or political integrity of any State. This document, agreed to by 157 member States, is widely recognized as a standard for international relations and global conduct. The United States must adhere to this treaty.

Second, the charter of the Organization of American States, to which the United States is a signatory, clearly declares that "no state or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal affairs of any other State." There is little room for interpretation in this document. Ratified by the United States in 1951, the charter explicitly prohibits any State in the Americas from engaging in activities designed to overthrow the government of any country in the region. Article 15 of the OAS charter states further that "the foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements." The United States must adhere to this treaty.

Recently, the Congress enacted legislation outlining the parameters of U.S. activities in this area, The Continuing Appropriations Act of 1983, Public Law 97-377, section 793, mandates that no funds appropriated for 1983 can be used by the Central Intelligence Agency or the Department of Defense "to furnish military equipment, military training or advice, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." The Boland amendment, as it was called, passed the House by an indisputable margin: 411 to 0. The United States must adhere to this law.

U.S. covert operations against Nicaragua are not only illegal, but also are not in the best interest of the United States. A real danger exists that American sponsored covert activities could provoke or facilitate a war between Honduras and Nicaragua—a war that could regionalize to include El Salvador and other countries in the area. No one can say that such violence in Central America is in the best interest of the United States.

Aside from the danger of increased violence, American credibility in this region is at stake. Covert activities interfering in the internal affairs of another state severely discredit the United States in Latin America and provide an opportunity for anti-American propaganda. A soul-searching question immediately comes to mind—considering possible American interference, how can the United States protest Nicaraguan or Cuban arms supplies to Salvadoran guerrillas or criticize threats by the Soviet Union to the sovereignty of Poland or Afghanistan? Our action must be consistent with our stated views and objectives.

Mr. Speaker, my resolution simply reconfirms the American position concerning U.S. involvement in Central America. We must respect the territorial and political independence of all countries in this region, and we must strive for a peaceful, negotiated solution to the conflict—before it is too late.

The following is the text of the concurrent resolution:

H. CON. RES. 108

Concurrent resolution to express the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations

Whereas the charter of the United Nations, to which the United States is a signatory, requires member states to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the charter of the Organization of American States, to which the United States is a signatory, clearly declares that "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State";

Whereas Public Law 97-377, Section 793, mandates that no funds appropriated under the Continuing Appropriations Act of 1983 can be used by the Central Intelligence Agency or the Department of Defense "to furnish military equipment, military training or advice, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras";

Whereas the spread of violence in Central America does not contribute to fulfilling the aspirations of the people of that region for social justice and a better life, encourage respect for basic human rights, or promote the national security of the United States and other nations in the region;

Whereas the charter of the Organization of American States requires that "controversies of an international character arising between two or more American States shall be settled by peaceful procedures"; and

Whereas the United States, mindful of its obligations under the charters of the United Nations and the Organization of American States, should support efforts to bring about a peaceful resolution of conflicts within the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the United States should not encourage or support, either directly or indirectly, efforts to destablize or overthrow the government of any nation in Central America;

(2) other nations in the region share a similar responsibility to refrain from efforts designed to destabilize or overthrow the government of any of their neighbors;

(3) all interested parties should encourage a peaceful resolution of conflicts in the region by engaging in unconditional negotiations on a bilateral and multilateral basis with other governments in the region; and

(4) the Government of the United States should immediately engage in multilateral negotiations with Nicaragua and Honduras to reduce the growing tensions in the region.●

CALL TO CONSCIENCE VIGIL—THE GENCHIK FAMILY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, it is an honor and privilege to once again take part in the Call to Conscience Congressional Vigil for Soviet Jews.

This year, I would like to call to the attention of the Congress the case of Mordha and Sarra Genchik, and their son Joseph, who have been denied permission to emigrate from the U.S.S.R. on repeated occasions.

Mordha Genchik was an officer in the Russian Army and is now retired. His son Joseph also served in the army for two years.

The Soviet Union has used this former military connection as one reason for its denial of the Genchiks' emigration appeal, despite the fact that their daughter and her family were granted exit visas in 1979.

Yet members of this body who are concerned with the plight of Soviet Jewry know only too well the truly dismal levels of Soviet emigration since 1979. We are deeply troubled by this decline which is in direct violation of the Soviet Union's Helsinki commitments.

Through this Vigil and other appropriate forums, I will be continuing to press for the human rights of these refuseniks and the ultimate reunification of their family.

We must remain steadfast in our efforts in behalf of Soviet Jews who are being denied their basic rights. These efforts have assumed an even greater importance in recent months and help to sustain the hopes of these refuseniks, their families and people all over the world who are committed to the justice of their cause.●

NEW KEN CAMPUS, PSU, MARKS 25TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. GAYDOS. Mr. Speaker, on Tuesday, April 12, the New Kensington Campus of Pennsylvania State University will observe its 25th anniversary as a center for higher education.

The list of honored guests and speakers who will gather in the Holiday Inn to mark the occasion is impressive. It includes Dr. John W. Oswald, president of Penn State; Dr. Robert Scannel, vice president and dean; Mr. Kenneth Holderman, vice president emeritus; Dr. Robert D. Arbuckle, executive officer of the New Kensington Campus; Mary Louise Grendon, president-faculty senate; Walter Crognale, president of the campus' Student Government Association, and Mr. Ralph Spencer, president of the New Kensington Area Chamber of Commerce.

The New Kensington Campus of PSU today is a far cry from the facility which opened its doors in 1958 to just 79 students, who were enrolled in two technical associate degree programs taught in a rented public school building in the city of New Kensington.

Now, the campus is home to more than 1,100 full-time students, enrolled in a multitude of programs, and contains seven modern buildings on a 65-acre tract of land in Upper Burrell Township. During the past 25 years, more than 20,000 students have been served in resident instruction programs offered by the campus and another 100,000 in continuing education operations.

The New Ken Campus, however, has become more than just a facility for educational advancement. It stands today as a cultural, public service, and economic stimulus for the city of New Kensington and five surrounding counties.

The importance of this campus, and others like it, must never be underestimated. Education was, is, and always will be the key to our Nation's, indeed any nation's, future.

Today, the world of high technology has burst upon us and if we, as a nation, are to remain competitive we must depend on our schools of learning, such as the New Ken Campus, to produce the scientists and engineers we will need.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States I extend our congratulations to the New Kensington Campus of the Pennsylvania State University on this milestone in its history and wish it continued success in the years to come.●

A DANGEROUS DREAM

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MOAKLEY. Mr. Speaker, I was especially disappointed that President Reagan, in his March 23 speech, decided to embrace the concept of a space-based ballistic missile defense system (BMD).

Simply stated, the President's announcement of this new weapons scheme raises false hopes. The futuristic weapons systems which he alluded to will be extravagantly expensive and far from reliable enough to guarantee this Nation any security in the face of a nuclear attack.

I, for one, do not think that we will find a solution to our strategic problems by building new, costly, and exotic weaponry. These systems are not a substitute for real arms control. It is an illusion, albeit an appealing one, to believe that we can adopt a purely defensive posture with this technology. Even if a ballistic missile defense system was 95 percent effective—and this is dubious—the Soviet Union would still have sufficient warheads to destroy all our major cities. Further, the Soviets may well respond to such plans by deploying greater numbers of nuclear missiles—to counter the effectiveness of a BMD system. This certainly will not mean greater security for the United States.

Mr. Speaker, rather than extending the arms race, I think it is far more responsible to pursue a bilateral treaty banning weapons of any kind from space. I, along with 117 of my colleagues, have introduced legislation (H.J. Res. 120) calling for such action. Such a ban could be verified—and judging from the expected costs—could save the United States a great deal of money which could be better spent elsewhere. Before going ahead with this grandiose war fighting capability, let us consider all the implications.

For the benefit of my colleagues, I would like to submit two excellent articles to the RECORD which together offer a good critique of the concept of a space-based ballistic missile defense system. The first is written by Gerard Smith, a former Director of the U.S. Arms Control and Disarmament Agency. The second is written by David C. Morrison who is a research analyst at the Center for Defense Information here in Washington.

[From the Baltimore Sun, Mar. 29, 1983]

A DANGEROUS DREAM

(By Gerard Smith)

WASHINGTON.—It is not at all certain that the defensive anti-ballistic-missile (ABM) system of President Reagan's vision can be realized. What is certain is that the start of such a superprogram will have a destabilizing effect on the present nuclear balance which depends on the mutual vulnerability of the superpowers to massive retaliatory attack.

This stability has two aspects: Arms race stability and crisis stability. Arms race stability is a condition the United States has been pressing for in which both sides feel they have sufficient strategic forces and that spiralling forced buildups are not needed. Crisis stability is said to exist if a nation during a crisis does not feel that it must attack first lest its forces be destroyed by the adversary's preemptive strike—the so-called "use 'em or lose 'em" phenomenon.

Going for major ABM systems will prejudice arms race stability by causing a new arms competition in defensive systems and by accelerating the present competition in offensive systems as the two sides mount new weapons designed to penetrate the defensive screens.

And if ABM systems are deployed, future crises will be more dangerous as both sides come to believe that they may be immune to retaliation if they launch an attack. The president admits this and explicitly recognizes that if the superpowers had both offensive and defensive weapons, a more dangerous situation would develop. But how could such a development be avoided? By unilaterally decommissioning offensive forces? By Soviet-American agreements? Neither alternative seems at all likely.

So the president's vision, which on its face seems to promise a more humane and moral approach to deterrence of war, is a dangerous dream.

A main reason for the 1972 (SALT I) treaty limiting ABMs to minimal levels was a common recogniton by the United States and the Soviet Union that with anti-ballistic missiles unlimited both aspects of strategic instability would arise: There would be escalating arms races in defensive as well as offensive missiles and during crises the risk of nuclear war would increase as the rivals believed they could protect themselves from attacking missiles.

The issue of treaty stability should also be faced. Arms control agreements especially should be considered as long-lived arrangements on which the parties can rely in planning and programming for the foreseeable future. Although all modern arms-control treaties contain termination clauses exercisable if a party's supreme interests are jeopardized, the presumption should be that such treaties once ratified are to last indefinitely. It is one thing to have research programs as we now do for insurance against a Soviet technological breakthrough in defensive systems; it is quite another for an American president to announce a major quest to develop the technological basis for systems presently banned by international law.

The president's dream foreshadows a first step onto the slippery slope leading to abandonment of the existing limits of 100 anti-ballistic missiles for each side—a number which has no military or psychological significance.

Starting a new defensive program, the end of which must entail the abrogation of the most promising strategic arms control agreement to date, will also hurt current efforts in the Strategic Arms Reduction Talks (START) at Geneva to limit offensive systems. Coming on top of our nation's failure to ratify three present arms control treaties signed by American presidents, it will raise even more serious doubts than now exist as to our commitment to the whole process of international control of strategic weapons.

But has not the president assured us that his vision is consistent with the ABM Treaty commitments? Unless the effort he is calling for fails in its early years, it won't be long before the treaty is terminated because its provisions ban the very systems the president envisions. And if they involve space basing, treaty limits restrict the parties to paper studies and laboratory experiments. Moving from research to development of space-based systems is now outlawed.

Visionary scientists even now are pressing for an ABM system involving laser beams driven by nuclear explosions in outer space. To test such a system would violate the Limited Test Ban Treaty of 1963 as well as the ABM Treaty. And to deploy it would also violate the Outer Space Treaty.

Some officials seem to rely on an airy expectation that when the ABM Treaty begins to pinch it can be amended. Maybe so. But what possible significance would remain in agreed ABM limitations which permitted the United States and the Soviet Union to have the vast defensive screens contemplated by the president to protect many nations?

In considering switching to a defensive posture and strategy the president recognizes that the vital interests of our allies around the world will be at stake. If the United States alone were protected that would mean the end of alliances. (A Soviet defensive screen could neutralize the offensive strategic forces of Great Britain and France!) But the idea of designing and constructing protective screens over Europe and Japan as well as all of North America boggles the mind.

And protection must also be effective against bombers and cruise missiles and other delivery vehicles developed in the future.

The president prefaced his vision by reporting that our military leaders, the chiefs of staff, view the future as bleak. This chilling statement may signal a healthy recognition by the Pentagon that more weaponry is no longer the sovereign remedy for improving the nation's security. Perhaps a deeper commitment to arms control agreements may follow.

The chiefs of staff apparently did not have an opportunity to give careful consideration to the proposed new program and the administration makes no claim that the Pentagon recommends it or that the National Security Council has ever debated it.

Before embarking on this vast new weapons program our security managers would do well to pause and consider if it would not be more prudent and safer to modernize existing strategic forces, to plan on continuing to honor existing treaty commitments and try to extend them by safeguarded agreements rather than to bet the nation's future on most uncertain and far off new weapons systems.

The day may come when after years of experience with agreements limiting strategic arms the United States and the Soviet Union will have developed enough confidence in each other's intentions to retain only residual offensive forces as insurance against unforeseen contingencies. If that fortunate condition were ever reached, it might be fair to speculate that the superpowers would be disposed to cooperate in developing defensive systems as protection against attack by a third party. That utopian projection is the only case I can think of where it would be wise to try to make the president's dream come true.

[From Newsday, Mar. 28, 1983]

LASER DEFENSE CAN BLOW UP IN OUR FACES

(By David C. Morrison)

On the face of it, only a fool or madman would reject the alluring vision held out by President Reagan in Wednesday's television address.

He called upon "the scientific community who gave us nuclear weapons to turn their great talents to the cause of mankind and world peace: to give us the means of rendering . . . nuclear weapons impotent and obsolete." We must mount a crash campaign, he said, to develop defensive weapons to "intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies."

President Reagan's challenge is a bold one, comparable in scope to an earlier space gauntlet thrown down by President Kennedy 23 years ago. But his plan raises two crucial issues, issues seemingly debated to death during the antiballistic missile (ABM) controversy of 1969 and 1970. Can a reasonably effective ballistic missile defense (BMD) be raised? If so, would it really bring the welcome end to almost four decades of frenzied arms racing?

The answer to the first question is a highly tentative "yes," though it would take decades. The scientific community will have its work cut out for it, perfecting a class of Buck Rogers weaponry that long existed only in the dreams of science fiction writers. High-energy lasers, particle beam weapons, electromagnetic radiation: The very names conjure up a far-off future we seemed fated never to know. But we live in that future today.

The United States has been spending about a billion dollars a year on ballistic missile defense, much of which is laser- and particle-beam-related. This research has obviously been sufficiently encouraging to embolden our commander in chief to call for stepped-up military R&D. Coincidentally—or perhaps not—the very day of Reagan's speech, Maj. Gen. Donald L. Lamberson, the Pentagon's chief for directed energy weapons, testified before the subcommittee on strategic and theater nuclear forces of the Senate Armed Services Committee.

Stating that "defensive applications could be a very attractive and competitive use of directed energy weapons," Lamberson said his office would spend around $900 million on "technical feasibility" studies through 1988, at which time the Pentagon would make a go-ahead decision on actual development. Of course, now that the President has made his bid, the general will find his budget much enhanced. Lamberson's boss, Dr. Robert Cooper, director of the Defense Advanced Research Projects Agency, testified last spring that a system comparable to that envisioned by the President, would run to $200 to $300 billion in acquisition costs alone.

He outlined his agency's "space laser triad" of development programs: ALPHA (high-energy lasers), LODE (beam focusing) and TALON GOLD (targeting). Exotic as his projects and their code names sound

(only the "triad" strikes a note of Pentagonanian predictability), he failed to mention the $10 million DAUPHIN project. This compact X-ray laser device "pumped" by a small nuclear explosion was successfully tested in an underground vacuum chamber in 1981. Pentagon officials have said that, potentially, a single space shuttle could loft enough of these tiny, H-bomb-boosted lasers to soak up a Soviet nuclear attack on the United States.

Lamberson was not quite so optimistic. While gung ho about his programs, he admitted that directed energy weapons could only "selectively thin out" a massive attact. The biggest problem with ballistic missile defenses—after designing and paying for them—is that they have to be perfect. It's one thing to try to protect hardened missile fields with ABMs; failure need not be catastrophic. But it's quite another to protect our cities and industrial complexes. The consequences of even a single leak over a major urban area—one 500-kiloton warhead exploding on New York City, for instance—are too hideous to risk going with anything but the best.

For argument's sake, however, let's assume that the United States *could* raise a virtually leakproof umbrella against ballistic missiles, a "layered defense" of space-based lasers and ground-based ABM interceptors. Would this lead us into the postnuclear Shangri-La so glowingly evoked by the President?

Reagan's assumption is that, since the U.S. is dedicated to "preserving peace and freedom," no one should be unduly concerned if we shield ourselves from attack while maintaining a full quiver of offensive nuclear missiles. He did acknowledge that defensive systems "can be viewed as fostering an aggressive policy and no one wants that."

How does he think the Soviets will take all this? What if it had been Yuri Andropov addressing his nation Wednesday night? How would we react? After an hysterical outcry, our immediate and justifiable response would be a massive buildup of our offensive nuclear arsenal to maintain "deterrence" and, simultaneously, a race to develop a ballistic missile defense before the Soviets did. By the sick, inescapable logic of nuclear deterrence, one man's defense is the other's offense—something the President had conveniently forgotten. This, remember, is the same Ronald Reagan who has repeatedly warned of the dire danger to deterrence posed by a much-overrated Soviet civil defense network. Not even a purely defensive space-based ballistic missile defense could negate the mutual national security imperative that the superpowers be able to deliver devastating, retaliatory nuclear strikes against each other's homelands. For 40 years the arms race has been fueled by a pernicious action-reaction cycle in which every measure eventually confronts its counter-measure. Ballistic missile defense will be followed by counter-BMD, and that by anticounter-BMD and so on into bankruptcy or nuclear war, whichever comes first. With a ballistic missile defense system, the U.S. would simply shatter existing arms-control regimes, sparking an offensive arms race of renewed intensity linked to a new, defensive arms race, one we successfully—but apparently only temporarily—averted with the 1972 ABM treaty.

Nor would space-based lasers be unambiguously defensive. Lamberson favorably referred to counterforce laser attacks against Soviet silos and intelligence satellites. Space-based lasers do nothing to overthrow thousands of years of military wisdom; the best defense will continue to be a good offense. Even our hypothetical, fail-safe ballistic missile defense would be impotent against weapons currently in the arsenals. Saturation attacks with ground-hugging cruise missiles could swamp even the most elaborate defenses. More devastating yet would be attack by "depressed trajectory" submarine-launched ballistic missiles, launched not on a trajectory through space but parallel to the earth. Any future that yields space-based ballistic missile defense will assuredly also offer up as yet undreamed-of BMD-penetrating offensive weapons.

In theory, a strong case can be made for the advantage of being able at least to partially soak up a massive attack or to deflect, an accidental launch, thereby avoiding an unintentional holocaust. These are relative advantages, however, and weigh poorly in the balance against the extreme crisis instability that would accompany a spiraling laser race in space and a redoubled missile race on earth.

One of the most persistent myths of a nuclear age burdened with too many dangerously erroneous beliefs is that Mutual assured destruction (MAD) based on nuclear retaliation, is an immoral strategic doctrine that can simply be discarded in favor of a more palatable policy, such as Assured Survival based on ballistic missile defense. Nothing could be further from the truth. Mutual assured destruction is not a strategy. It is a terrifying fact of life, inherent in the weaponry we deploy to "protect" ourselves. Unless and until we dismantle the weapons, destruction is assured and assuredly, it will be mutual.

President Reagan's dream of wishing this ugly truth away with a trillion dollars' worth of high technology is undeniably an attractive one. He will find many supporters. But let them be aware: Once we set out on this course, there will be no turning back. Saddled with a whole new tier of military technology, the eagle and the bear will still be locked in their deadly frozen embrace.●

AWARD FOR SAFETY

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that KLM, Inc., of Jackson, Miss., has been awarded the Grand Prize Award for Safety presented by the Common Carrier Conference-Irregular Route.

The conference, an affiliate of the American Trucking Associations, represents more than 500 trucking companies throughout the country.

Mr. W. J. Liles, Jr., president of KLM, was present to receive the award at the conference's annual meeting held last month in Las Vegas, Nev.

KLM has long been associated with the proud tradition of trucking within the State of Mississippi. The company's executive vice president, Mr. Benjamin Lee, is a past president of the Mississippi Trucking Association. And Mr. Merle Rester, the company's safety director, is a regional officer of the Mississippi Trucking Association's Safety Council.

It is indeed fitting that the outstanding contributions of this fine company have been nationally recognized. I know that you will join me in congratulating the employees of KLM for a job well done, and in extending our best wishes for continued success.●

EASE DEBT BURDEN ON DEBTOR NATIONS?

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SCHUMER. Mr. Speaker, during the past 4 months, the Banking Committee has been holding hearings on the international financial crisis and the administration's request for an $8.4 billion increase in U.S. support for the IMF. During these hearings, we have been repeatedly assured that no developing country would dare to repudiate its debt.

Supporters of this view explain that a country which repudiated its debt would become an international financial pariah. Without access to new loans with which to finance its growth and development, its economy would stagnate and its unemployment would soar.

No one doubts that repudiation would be a painful option. Unfortunately, repudiation may still be in a country's best short-term economic and political interests. As this article from the March 31, 1983, Wall Street Journal makes clear, the pain associated with repudiation may be less severe and shorter lasting than the pain of complying with the IMF's strict austerity policies.

I urge my colleagues to read this article carefully and to consider whether it would not be in the best long-term interest of U.S. banks to ease the debt burden on some of the most financially strapped debtor nations. Converting short term, high interest bank credits into longer term, lower interest loans would provide significant debt relief. It would also reduce the allure of repudiation and increase the probability that the banks will be repaid.

[From the Wall Street Journal, Mar. 31, 1983]

WHAT MEXICO'S PRESIDENT MUST BE THINKING RIGHT NOW

(By Lawrence Rout)

The imagined musings of Miguel de la Madrid, president of Mexico:

It's been a crazy four months. We've done a lot more than anybody thought we could.

Devaluations, reducing subsidies, raising interest rates, cutting the budget.

I'm convinced we're doing the right things. But how much more will we have to do?

The economy is just about stopped, without dollars to import the machines to keep it running. Unemployment is awful and getting worse. Inflation is still running at more than a 100% clip. Foreign bankers told me that they could scrape together a $5 billion loan in a few weeks and it took a few months. And now oil prices are failling. Where are we going to get the dollars to make up for that?

The left keeps saying that we have to stop paying interest. Repudiate. The right screams we're tearing apart the economy with austerity. They don't demand repudiation, but I suspect they may eventually.

I hate the thought of it. I'm ethically against it. I promised everybody that we wouldn't do it.

But it's an option.

The U.S. bankers and politicians don't understand the pressure I'm under. I'd love it if the IMF said to the U.S. Congress, "Sorry but you boys have to halve your budget deficit this year." Can you imagine the wailing about the IMF not understanding political and social consequences of budget cuts? But why don't they understand when we say the same things?

Look, the left and labor disliked me from the start. A friend of business, they said. A buddy of the Americans just because I went to Harvard.

Well, maybe I am. But we're talking political survival here. This economy is a disaster, and if it gets much worse—and it could—I might have real problems holding things together. When does the political price of paying the debt become to high? When must I decide that I can't keep going to the banks, agreeing to bite the bullet just a little bit more in exchange for a few extra dollars?

I know there would be an international uproar if I defaulted. If there weren't, a lot of countries would default tomorrow. Bankers warn us that we'd never get another loan. We couldn't trade because every one of our exports would be seized by a lender, and nobody would export to us. We'd be the pariah of the international financial community.

I agree. But the other side makes some pretty interesting—and almost convincing—arguments. Do we really want more money, more debt and more of a burden? That's just more to pay back. I don't know if we'll ever get out from under. Interest rates are falling, but it doesn't yet make up for all those fees and higher spreads we have to give the bankers. Maybe it's better to act now if we know we'll have to do it at some point anyway.

And do we really care if we don't get new money for a while? We're borrowing only $5 billion from the banks this year, and every penny goes back to them as interest. If we default, we'd lose the $5 billion, plus a couple of more billion from the IMF. But we save some $12 billion in interest payments due this year alone.

And besides, bankers are famous for their short memories. The say they wouldn't lend again. But I think that in three, maybe five years, when our economy looks better, they'd come running down. They're lending to China again, aren't they? And China defaulted on bonds and is a Communist country on the other side of the world.

And how about Cuba? It's long delinquent on debts to the U.S. government. Yet European banks have since lent Cuba money.

At the worst, the next Mexican president comes in, tells the bankers that Mexico didn't repudiate, Miguel de la Madrid did. He promises to start paying interest again. And we've saved six years of payments and I've saved my political hide.

Trade, I admit, is a bigger gamble. But isn't it possible that barter and a leaky border with the U.S. will allow some trade? And there's always going to be some country that lets us ship our exports through it; we just change the labels. Although, I suppose, 1.5 million barrels of oil a day is pretty hard to hide.

And—the U.S. forgets this—the West isn't the only possible trading partner. The Soviet bloc could sell us the machines we need, and buy some of our oil.

Even better would be if we and a few other countries could default together. The industrial countries aren't going to attack the assets of all of us. They couldn't afford to stop trading with every country that defaulted, if there were enough of us.

Still, I don't think it has to come to this. When the bankers hear talk of repudiation, they envision hordes of flag-waving Communists comrades shouting about those damn gringos. The newspapers here can play it like that for local consumption, but we're not so stupid.

There are other ways to go about this. We can come, very apologetically, to the U.S. government, the IMF and the bankers and tell them that we did all that we could. We tried. But we just couldn't do all that you asked and we're very sorry but interest payments must stop. We might even throw in a line or two about the Soviets' willingness to help us out in case of economic retributions from the West.

All those bankers and congressmen who've been saying "Mexico wouldn't dare" would find not only do we dare, but we can pull it off. At the least, this becomes a bargaining position, with the bankers saying, "OK, we'll reduce your interst payments." We would be a lot better off than we are now.

And I'm sure that the bankers could figure out some way to avoid calling it a repudiation or default. We're not paying principal now and they call it rescheduling the principal. If we only paid part of the interest, the loan itself would be stronger in the long run. Isn't that loan enhancement through redesigned interest terms?●

THE REAGAN DEFENSE BUDGET: A CRITIQUE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Ms. KAPTUR. Mr. Speaker, I commend to the attention of my colleagues an article by Prof. William Kaufmann of the Massachusetts Institute of Technology (MIT), which appeared in the Washington Post on April 10, 1983. Professor Kaufmann's article, explaining how we can achieve more "real" security for less money, is extremely insightful. In the coming weeks, as we consider the cost of President Reagan's defense buildup and its impact on budget deficits and social welfare programs, Professor Kaufmann's alternative deserves consideration. I urge my colleagues to assess the viability and practicality of a defense plan along the lines of Professor Kaufmann's ideas. The article follows:

THE REAGAN DEFENSE BUDGET: A CRITIQUE

(By William W. Kaufmann)

How much does the United States need to spend on defense during the next five years? The Reagan administration proposes $238.6 billion for fiscal 1984 and a total of $1,553.6 billion between fiscal 1984 and fiscal 1988.

Although the president indicates that this is a rock-bottom amount, a case can be made that U.S. security will be better served by canceling or stretching out some of the investment programs that will be responsible for half of these large expenditures, by holding active-duty military personnel at current levels, and by using some of the savings for acquisition of additional conventional forces that are readily available and deployable. For once, in fact, it seems possible to get more real defense for less money.

Consider U.S. strategic nuclear forces. These constitute the foundation on which the more useable power of the United States and its allies rests. It is eminently desirable to have high confidence in their retaliatory power, we can have that kind of confidence at the present time.

Right now, the strategic offense is capable, even after a well-executed Soviet surprise attack, of delivering at least 3,000 nuclear warheads on targets in the U.S.S.R., and that number will increase to more than 4,000 as additional Trident submarines and air-launched cruise missiles (ALCMs) are deployed during the next five years. Even so, prudence dictates that the strategic offense remain both diversified and capable of destroying a wide variety of targets (including hard targets) in the face of Soviet efforts to undermine it.

Prudence, however, does not require the deployment of two ballistic missiles with a hard-target kill capability, two heavy bombers in close succession, two versions of the ALCM, or a submarine-launched version of the nuclear cruise missile. Nor does prudence necessitate any rush toward the deployment of a technically questionable ballistic missile defense, a more modern continental air defense that could be destroyed by ballistic missiles, or a few pieces of a command-control system ostensibly designed for the conduct of a protracted nuclear war that no one understands how to fight or to terminate.

In short, nothing but a few campaign pledges would be lost by eliminating the most obvious redundancies and excesses in the administration's program for modernizing the strategic forces. More specifically, cancellation of the MX, the B1, the modernized air defenses and several of the more exotic sensors based in space, and deceleration of the program for ballistic missile defense, would save more than $57 billion in outlays over the next five years without in any way jeopardizing the retaliatory power of the strategic forces.

Conventional forces are what give the nation its real military leverage, and it is considerable, despite repeated and mystifying efforts to downgrade it. Current U.S. ground and tactical air forces, in conjunction with allied capabilities, have a high probability of conducting a successful forward defense if concentrated in a single the-

ater such as central Europe, even against a major attack by the Warsaw Pact. Existing U.S. naval forces, together with allied fleets, are fully capable of holding open essential sea lines of communication to Europe, the Persian Gulf and Northeast Asia.

However, all the conventional capabilities are in need of gradual modernization. Furthermore, in light of continued Soviet efforts to improve their own conventional capabilities, it would be politic to hedge against the possibility of having to deal simultaneously with major crises in Europe, the Persian Gulf and Northeast Asia. National Guard and Reserve forces, if given more modern equipment and additional training, are now sufficiently large to provide the necessary insurance.

Considering the relatively measured pace with which the Warsaw Pact can be expected to mobilize and deploy fully combat-ready forces, fast sealift would be the most efficient way to deploy U.S. reinforcements to the threatened theaters. That, however, is not the direction in which the administration is going in its programs for the conventional forces. It has acceded to the Navy's long-held but unexplained ambition to deploy 15 carrier battle groups and four surface action groups built around battleships. It has also agreed to an accelerated modernization of the Army and Air Force and to a large increase in stocks of modern munitions independently of how long the Warsaw Pact and U.S. allies are capable of fighting.

The only specific justification for the expanded Navy has been the ill-digested notion of carrying a conventional war to Murmansk and Vladivostok in retaliation for a Soviet attack elsewhere. Modernization of the ground and tactical air forces not only is taxing their absorptive capacities; it is also ensuring an expensive redundancy of aircraft with the production of three different types for close air support and another four for fighter and attack missions.

By holding the Navy to 12 carrier battle groups and halting the recommissioning of at least two battleships, by slowing the Army's modernization to a manageable pace and canceling a questionable program for the production of binary chemical weapons, by procuring modern munitions at a lower rate, and by eliminating three of the seven different types of tactical aircraft—preferably the AV-8B, the F14 and the F15—on the order of $98 billion in outlays could be saved during the next five years. Of that total, nearly $20 billion could be allocated to the improvement of the combat power and effectiveness of the National Guard and Reserve, still leaving a net saving of $78 billion.

What is more, at least 32 fast sealift ships could be acquired for the price of the additional airlift, which is now planned but is unlikely to add significantly to the rapid deployment capabilities of the United States in the late 1980s. These new ships, together with eight others already acquired, existing airlift and equipment already prepositioned in Europe and on board ships in the Indian Ocean, would make U.S. deployment capabilities commensurate with the dimensions of the threat toward the end of this decade and with the scale of the U.S. reinforcements that can be available by then.

The administration's five-year defense program will provide more rapidly, more luxuriously and more redundantly the military capabilities already sought by the Carter administration in the late 1970s. But it will not appreciably change the numerical imbalances about which President Reagan has expressed such concern.

However else the so-called military balance may evolve by 1988, one thing is likely to remain constant: the Soviet Union will continue to outnumber the United States in ballistic missiles, military personnel, tanks, artillery pieces and a great many other items of military equipment. If these differences are the measure of the window of vulnerability, the window will remain just as open with the administration's defense program as without it.

In actuality, of course, there is no military crisis of the imminence and scale described by the administration. If there were, it would make sense to put the strategic forces on a higher state of alert, reinstitute conscription, declare a national emergency and call the National Guard and Reserve to federal service. These and other quite feasible steps would permit the delivery of more than 1,000 additional warheads on a second strike and nearly a doubling of U.S. conventional forces in the near future.

But such draconian measures are not what is needed. This is not 1939, and a pell-mell mobilization is not what is required. The United States already maintains a large and powerful military establishment.

What is needed for the future is a gradual and orderly modernization of existing forces, higher readiness and modest insurance against the possibility of multiple crises around the perimeter of the Soviet bloc. Capabilities of the size and effectiveness necessary to satisfy these needs can be acquired within a real increase in defense total obligational authority of somewhat less than 6 percent a year. The outlays of $1,553.6 billion projected by the administration would be reduced by $135.5 billion.

Even so, the nation's security would be increased by more than is being proposed under the administration's current plan.●

SAN MATEO CONSERVATION FARMER OF THE YEAR, SUCCESS STORY OF AN AMERICAN IMMIGRANT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. LANTOS. Mr. Speaker, today I am proud to call to the attention of my colleagues the story of achievement of Giuseppe Berta, a 92-year-old farmer in Half Moon Bay, Calif. Mr. Shorty Berta has recently been named "Conservation Farmer of the Year" by the San Mateo County Resources Conservation District.

Giuseppe Berta was born on June 25, 1890 in Lavagnola, Italy. His mother died when he was 4 years old, and he was raised by his sisters while his father worked to support a family of eight children. He began tending sheep by the time he was 6, and at age 8 he made extra money singing in the market and selling song sheets.

At 14 he became a laborer in Savonna, sleeping in a hayloft behind the boarding home where he took his meals. He made his own way as a laborer until he was drafted into the Italian Army at age 20.

In 1914, at the age of 24, he came by ship to the United States, settling in California where he held a variety of jobs. He worked with a pick and shovel on construction jobs, loaded wine barrels for wineries, worked in copper mines, picked fruit, and drove a horse and plow in the farmlands. He was young, healthy, and hard working, and within a few years became a partner in a farming business in Moss Beach.

By 1929 he became the sole proprietor of the farming business which raised brussel sprouts, artichokes, cabbage, and peas for the San Francisco produce market. Passersby saw the fresh vegetables coming from the field and often stopped to buy. He opened the first vegetable stand in Half Moon Bay in 1935, 2 years after receiving his U.S. citizenship.

In 1934, at the age of 58, Shorty returned to Italy for a visit, bringing back with him a new wife and her two daughters Eugenia, age 10, and Silvana, age 4.

The farm expanded over the years, the store prospered, and eventually a son-in-law joined the business as a partner.

Hard work, fresh air, the sense of purpose in planning and raising high quality vegetables, not to mention his sense of humor and good diet of fresh produce, have kept Shorty going all these years. He does take it a little easier these days, having reached the age of 92, but he continues to have a strong sense of purpose and pride in raising the best vegetables possible.

We in San Mateo are proud of Shorty, and the example he provides for all Americans of all ages. His life represents the values most cherished in our society.●

A TRIBUTE TO ANNA WALLACE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. YATRON. Mr. Speaker, on April 16, the Pennsylvania Joint Board of the Amalgamated Clothing and Textile Workers Union, AFL-CIO, will be honoring Anna Wallace, on the occasion of her retirement. It is my privilege to bring Anna Wallace's accomplishments to the attention of my colleagues in the U.S. Congress.

Anna's retirement marks the end of five decades of service to the Amalgamated Clothing and Textile Workers Union. She is one of those rare individuals who has dedicated her life to service and excellence. Her devotion to her work has made her virtually irreplaceable.

In addition to her outstanding career as the secretary-treasurer of

the Pennsylvania Joint Board, Ms. Wallace has always proven herself to be an indispensable member of our community where her ceaseless efforts to provide help to others will certainly continue.

From her work at the Penn State Schuylkill County campus, her service on the advisory boards of the Pottsville and Ashland State Hospitals, to her participation in numerous community and political activities, Anna has served as a shining example of what it means to be a good neighbor, a good friend, a good American and a great humanitarian.

Her life is a testament to what can be accomplished. I am indeed honored to know a woman of her stature and to count her as a good friend. I am certain that my colleagues will join me in paying tribute to Anna Wallace for her 50 years of service which reflects her dedication to excellence.●

REVIVING THE HOME OWNERS LOAN CORPORATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SEIBERLING. Mr. Speaker, nothing is more basic to the American dream than the idea of owning a home. Yet the Reagan administration's unsound tax and budget policies have made it more difficult than ever before for that dream to be realized. Even more important, the recession is turning thousands of American families out of the homes which they have worked so long and so hard to purchase.

The February 1983 national delinquency survey of the Mortgage Bankers Association shows that, for the fourth quarter of 1982, 5.7 percent of residential mortgage loans were past due. FHA-insured loan delinquencies were up to 7.14 percent, VA-guaranteed loan delinquencies were up to 6.18 percent, and conventional loan delinquencies were holding steady at a rate of 3.81 percent. With an estimated $1 trillion total mortgage debt, more than $55 billion in mortgage loans are past due.

My own State of Ohio has mortgage problems greater than the national average. In Ohio, more than 7 percent of the State's 305,000 residential loans are delinquent, and about 1.4 percent are in foreclosure. For Ohio, that means that nearly 23,000 homeowners were delinquent on their mortgage payments, and more than 4,000 Ohioans lost their homes in 1982. In sum, nationwide, 1.2 million American homeowners are delinquent on their loan payments. More than 21,000 American families lost their homes in the first half of 1982. For them, the American dream has become a nightmare.

The loss of a home is a devastating experience. Homeowners lose what little equity they have been able to build over the years. Banks are saddled with unwanted property. Everyone loses. Congress is in the process of taking action to provide some measure of relief to delinquent homeowners. The House will soon consider legislation to authorize temporary emergency mortgage payments to qualified homeowners in need.

While I intend to support the emergency mortgage assistance bill, I am convinced that more comprehensive and permanent steps are necessary to deal with this major problem. Accordingly, I am today introducing legislation to reauthorize the Home Owners Loan Corporation.

The Home Owners Loan Corporation, created by the Home Owners Loan Act of 1933, granted long-term mortgage loans at low interest rates to homeowners under immediate threat of foreclosure. The Home Owners Loan Corporation was authorized to exchange obligations with the lending institution for the value of the property under threat of foreclosure. The homeowner then made payments to the Home Owners Loan Corporation at a schedule agreed upon by the Corporation and the homeowner. Interest on the loan to the homeowner could not exceed 5 percent. The Corporation was also authorized to invest in specified securities, and to sell obligations, in order to raise capital for additional mortgage activity. When the program was finally terminated in the 1950's, total activity had reached more than $4 billion. The Home Owners Loan Corporation program was a success, and, at the time of its termination, actually produced a small profit for the Treasury, while at the same time preserving the homes of many Americans.

Mr. Speaker, the Home Owners Loan Corporation (HOLC) program worked in the Depression, and it can work again today. I have modified the original program significantly to account for the changed circumstances in today's economy.

Under my bill, homeowners who are delinquent on mortgage payments and are facing the threat of foreclosure would be eligible if the following criteria are met: The mortgage must be for a one- to four-family dwelling or a condominium or cooperative; the dwelling must be the principal residence of the mortgagor; the mortgagee must have indicated intention to foreclose; the mortgage is a minimum of 60 days delinquent; and the mortgagor has incurred a substantial reduction in income due to economic conditions beyond his or her control. Homeowners fired for cause, or who voluntarily leave their job, would not be eligible for HOLC assistance.

Initial HOLC capitalization would be $1 billion, but the bill specifically requires the capitalization to be recaptured. The Corporation would be administered by a Board appointed by the President. Term of service would be limited to 5 years, with a maximum of two consecutive terms of service permitted. The chairman, elected by a majority of the Board, would serve for one term.

Maximum repayment of HOLC assistance would be 30 years, but HOLC is also directed to consider the desirability of shortening the repayment period to reflect retirement of principal to the point at which HOLC became involved in the mortgage.

The original Home Owners Loan Act did not require the HOLC to require the homeowner to begin repaying the loan within a specified period of time. While it is not reasonable to assume that an unemployed homeowner is going to be able to begin repaying HOLC on a date certain, I think it is reasonable to require the homeowner to make regular payments on the note based on his or her ability to pay. Accordingly, my bill requires the homeowner to begin making payments to HOLC 30 days after the agreement governing HOLC assistant is final, but in no case can a homeowner be required to pay more than 30 percent of his or her adjusted income while unemployed.

Under my bill, interested on HOLC assistance is set at prevailing interest rates, or Government rates, whichever is lower. However, in no case can the interest charged to an unemployed homeowner result in a payment in excess of 30 percent of the homeowner's income. In cases where the interest charges would result in a payment larger than 30 percent of income, the Corporation is authorized to add a portion of the interest to the principal balance remaining.

In cases where the mortgagee refuses to accept the HOLC obligation in exchange for the note, the HOLC is authorized to make cash payments directly to the lending institution.

The original Home Owners Loan Act authorized the HOLC to make cash advances and exchange obligations for the rehabilitation, modernization, or enlargement of the homes financed. While I recognize that some of these homes may need rehabilitation, I do not think the HOLC should be financing the enlargement or modernization of homes financed. Accordingly, my bill limits such assistance only to those repairs necesary to preserve the habitability of the property. Other provisions of the bill address interest payable on HOLC obligations, restrictions on HOLC investments, Government guarantees of HOLC obligations, capital restrictions, and so on. The bill

also sets a regional trigger for starting and stopping HOLC activity.

Mr. Speaker, it is time for the Congress to acknowledge the devastating problems facing thousands of American homeowners today. The Home Owners Loan Corporation is a program of proven effectiveness, and I hope the House will seriously consider such a means of aiding those of our constitutents who are facing the loss of their homes.●

THE 98TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 16, 1983, into the CONGRESSIONAL RECORD:

THE 98TH CONGRESS

To the surprise of many observers who thought that it would be marked by confrontation and stalemate, the 98th Congress is off to a flying start.

A new Congress usually proceeds at a sluggish pace, but this year the legislative tempo has been quicker. Despite a few problems with an angry and contentious Senate, the 98th Congress is making rapid progress, at least by congressional standards. In two months, it has cleared two major pieces of legislation—a bill designed to rescue the failing social security system and an urgent supplemental appropriations bill containing $4.6 billion for a jobs program and an extra $5 billion for the hard-pressed unemployment compensation system. Its work on less noteworthy items has not been negligible, by any means.

Even so, it is far too early to draw any definite conclusions about the 98th Congress. In view of the controversy which surrounded the issues of social security and jobs, the bills just mentioned represented a remarkable bipartisan achievement. There was a board consensus on the wisdom of and urgent need for the legislation in each instance, so compromise was possible and was eventually achieved. However, extremely tough decisions on domestic and foreign issues lie ahead. With the next national election already looming on the horizon, the possibility increases that there will be sharp legislative clashes motivated by partisanship. The real question for legislators of both parties in the remainder of the session is whether they will continue to work together in the spirit of bipartisan harmony that marked action on the social security and jobs bills.

The House of Representatives passed a budget resolution, but the Senate, after postponing action on it for weeks, takes up the budget resolution only this week. Defense and taxes are the key issues emerging in the budget and probably on the entire congressional agenda, at least for the time being.

Defense is the special focus of attention. The President has been pushing hard to generate greater public support for his military programs, but so far it does not appear to me that his strong rhetoric and vigorous lobbying of members have changed very many minds on Capitol Hill. The question for Congress is not whether defense spending will rise, but rather by how much. The parameters of the debate are 4% per year, the figure in the House budget resolution, and 10% per year, the figure favored by the President. The Senate Budget Committee is on the verge of reducing the President's proposed increase. The problem for the President is that if he cannot get the Senate to accept his figure, he will face a bipartisan agreement in Congress for much lower defense spending than he wants.

That defense issues pushed domestic issues off center stage is one of the more interesting developments of recent days. Several factors contributed to the new congressional emphasis on national security. The cost of the defense buildup is one. Another is the general recognition that we have not kept our defenses up to par since the end of the Vietnam War. Still another is the unease in Congress over the Reagan Administration's Central American and arms control policies. There are growing signs that a substantial number of lawmakers question the wisdom of the heavy involvement in Central America. In both the Senate and the House, the President is battling for an additional $60 million in military aid for El Salvador. Likewise, there are sharp disputes over the President's arms control policies. In the Senate, the President must fight for the confirmation of his nominee to head the Arms Control and Disarmament Agency. In the House, he faces a close vote on a bipartisan resolution to freeze Soviet and American nuclear arsenals—a fundamental change in his nuclear weapons strategy.

Tax issues have yet to emerge to the same extent as defense issues, but they clearly are surfacing. There is a growing feeling on Capitol Hill that in light of the large federal deficits threatening the economy's stability, something is going to have to be done. The House budget resolution calls for about $140 billion in new taxes in the next three years, including the increase in social security taxes just passed. The President calls for $85 billion in new taxes in the same period. No one is anxious to address the issue now, and there are good economic reasons not to hike taxes as the country struggles out of recession, but these figures suggest the limits of the debate as it begins to evolve. Significant action on taxes at some point in the future is now widely anticipated.

Other important domestic issues remain. While the budget sets overall spending and taxing targets, individual legislation is needed to authorize and appropriate funds and to raise taxes. Congress starts work soon on the annual authorization and appropriation bills. It also intends to deal with additional legislation to help the unemployed. Other issues range from the decontrol of natural gas prices to immigration and naturalization policy, from the repeal of withholding on interest and dividends to skyrocketing health care costs. But domestic issues will not be the total preoccupation that they were during the first two years of the President's term in office.

We are entering a period of bargaining among the nation's political leaders. In the end, since the Republicans control the Presidency and the Senate and the Democrats control the House, there will have to be bipartisan compromise on the budget and other issues. It is my impression that the 98th Congress will not be dominated either by compromise or by confrontation. Instead, there will be a lot of both, with the balance between them wavering uncertainly.●

AN AMTRAK FOR SPACE? NO, THANKS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. AKAKA. Mr. Speaker, as cochairman of the Congressional Space Caucus, I am vitally concerned with the overall health of our Nation's space program. We have, for over two decades, been a leader in the field of space and space-related technologies. For over two decades, America has been at the cutting edge—we have developed a variety of sophisticated technologies first and then used them to pioneer new firsts in space in man's effort to explore the universe.

Indeed, America has every reason to be proud of her space program. The question is: Will our role as a world leader in space last?

I am concerned, for I see a decline in our willingness to fund our space program at levels necessary to sustain our role as a leader in space.

I am concerned, for I see an unwillingness on the part of some to come to terms with the role the private sector plays in space.

And I am concerned, for I sense a reluctance in some quarters to encourage the commercialization of space and space transportation systems in meaningful ways.

Just yesterday, a very interesting article crossed my desk. This article, "An Amtrak for Space? No, Thanks" deserves the undivided attention of every Member of this House who cares about our Nation's space program. I therefore ask that this article be inserted in the RECORD immediately following my remarks.

[From the Heritage Foundation Executive Memorandum, Apr. 11, 1983]

AN AMTRAK FOR SPACE? NO, THANKS

(By Stuart M. Butler, Director of Domestic Policy Studies)

The flight of the Challenger space shuttle is a dramatic reminder of the enormous commercial potential of space in America's future. Yet as legislators now ponder the FY 1984 space budget, they must resist taking the first steps toward establishing an Amtrak in space. Instead, they should demonstrate that they have learned the lesson that the public is best served by the private development of commercial opportunities. Even now, NASA is not the only organization in space, nor is the proposed sale of the weather satellite system the first indication of private interest in utilizing government owned space technology. Some companies are even planning to compete with the shuttle. Last September, for instance, Texas-based SSI Inc. successfully tested a privately financed launch vehicle. A former NASA employee has formed a company to finance and market a private space carrier. A California company, Arc Technologies, is privately financing and developing its own launch vehicle service. And a consortium of Martin Marietta, Aerojet, and United Tech-

nologies is pressing the government to allow it to lease federal launch facilities to provide a private satellite launch system.

Yet there are indications that what may well become a dynamic new private industry could be held back, or even grounded, unless Congress and the President clearly endorse the concept of private commercial activity in space. There is a danger that the lessons of industries as diverse as telecommunications and trucking will be forgotten, and that instead of embarking on a policy of minimal government regulation and intervention, the federal government will suffocate space entrepreneurs with red tape and subsidized government competition. When Congress puts its final stamp on the 1984 NASA budget, and the President makes his much-awaited statement on commercial use of space, a clear signal must be given to the new industry—"All systems go."

The existing maze of regulation must be rationalized, or it could become a straitjacket to commercial and technical innovation. At the moment, the Department of Defense, the Federal Aviation Administration, the Federal Communications Commission, and the State Department all are involved in the regulatory process. And there is a strong pressure within the U.N. for an international satellite monitoring agency. Such a space-age version of the Law of the Sea Treaty would lead to U.N. control over many aspects of space commerce.

The President should direct U.S. diplomats to oppose moves to undermine the opportunities presented by the new frontier of space. He should also announce that the Administration will require U.S. agencies to adopt a simplified regulatory regime designed to facilitate competition, markets, and innovation. Furthermore, the White House should explore the possibility of parceling out most of the basic standard-setting to the insurance industry, which has every incentive to keep space vehicles safe but economical.

The role of NASA must be defined more precisely since it is a taxpayer financed competitor to the private launch systems. After all, the NASA charter limits its activities to research and development—not operations. Yet the House Science and Technology Committee has quietly agreed to change the 1958 NASA Act to expand the agency's activities to include the operation of a "Space Transportation System." If this seemingly minor change is included in the April 12 markup to the space budget and creeps into the final authorization, it will open the way for NASA to become an "Amtrak in space"—government subsidized space transportation system. This would gravely threaten private, unsubsidized programs. NASA could price itself below the competition and siphon off government business from private carriers. NASA could expect a cozy working relationship with the federal regulators, unlike the competition.

Technical problems and cost overruns with the shuttle already suggest that NASA has bitten off more than it can chew. Meanwhile, the French-led Ariane system, using relatively simple expendable rockets, has cut deep into the multi-million dollar satellite launch business. By putting so many of its eggs into the NASA basket, while frustrating private American firms, the United States is in danger of losing more and more business abroad.

Congress should remind NASA of its legitimate mission by requiring it to concentrate on building an advanced research and development knowledge base. NASA should share this technical information more readily with private industry, so that innovations may be turned to private use. NASA and the Air Force also should make launch facilities available to private ventures at an appropriate price.

There must be limits, of course, to this open skies approach. National security, for instance, requires constraints on the flow of technology. The price, if any, of innovations and facility leases would have to be determined carefully. The goal of making these widely available would have to be balanced against the danger of the possible discouragement of totally private research and launch facilities if government services were priced artificially low.

From bold shoestring entrepreneurs to multi-billion dollar conglomerates, American firms are eager to seize the commercial opportunities in space transportation, and provide new products and services. The Administration must not allow this budding private creativity to be frustrated, in the mistaken belief that space is so exotic and expensive that it must be controlled and monopolized by the government. The history of air travel and telecommunications demonstrates clearly that the private sector will enter the most sophisticated fields and bring services to the public that had been unimaginable a few years earlier. America's future in space will be no different—unless Congress and the Administration fail to give the private sector the clear green light it needs.●

THE SHOPPING CENTER TENANT BANKRUPTCY PROTECTION IMPROVEMENTS ACT OF 1983

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SAWYER. Mr. Speaker, I recently introduced H.R. 2377, The Shopping Center Tenant Bankruptcy Protection Improvements Act of 1983. The provisions of this bill would provide important protections to solvent tenants and shopping centers in the event of a bankruptcy.

The commercial success of a shopping center enterprise relies heavily upon the ability of all the tenants to function as one entity. A major consideration in a decision to go into a mall or shopping center is the other tenants, their advertising—the overall tenant mix. Their ability to serve one another by engaging in specified business, maintaining certain standards of appearance and drawing a sufficient amount of clients is primary to remaining solvent and profitable. In light of such an interdependence, it is easy to understand that the bankruptcy of a tenant in a shopping center is a tremendous burden to solvent businesses.

Prior to 1978, landlords and solvent tenants were able to protect themselves from the impact of a tenant bankruptcy by including provisions in leases which permitted the landlord to regain control of the leased property in the event of the bankruptcy of a tenant. The Bankruptcy Reform Act of 1978 made these lease provisions unenforceable and instead included specific protections for solvent tenants. Unfortunately, this language is ineffective in practice. The purpose of this bill is to clarify congressional intent and remedy the problems relating to the operation and assignment of shopping center tenant space.

Under current law, debtors have been permitted to vacate or partially operate leased space for extended periods of time. During this time, rent and other charges, such as maintenance fees, are generally not paid by the bankrupt. This legislation requires that the trustee decide to assume or reject the lease within 60 days after the bankruptcy petition is filed. It further provides that the obligations of the debtor, including rent payments, be fulfilled on time until the lease is decided upon.

A third serious problem has arisen when leases are assumed or assigned and then used in a way that was not intended by the landlord or lease and disrupts the delicate tenant mix. H.R. 2377 requires that lease provisions, such as location, exclusivity or use clauses be honored and that tenant mix remains intact.

It also provides that the assignee of the lease has an operating and financial performance similar to that of the debtor when the lease was first excuted. This will eliminate the possibility of the shopping center space being assigned to a business in poor financial condition.

Last, since the assignee is often not required to pay the customary security deposit, which is an incentive to keep space in good repair, H.R. 2377 requires that the assignee pay the same security deposit as he would if the landlord were leasing the space.

This legislation addresses the problems of shopping center bankruptcy without reversing any policies established in 1978. It is, rather, a clarification of congressional intent and I would urge your approval.●

JOBS WITH PEACE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ADDABBO. Mr. Speaker, it is with much pride and great conviction that we honor and commemorate this week as the Jobs With Peace Week so that we may show our support for the unified front that is now backing the jobs with peace efforts throughout the country.

The Jobs With Peace Week helps demonstrate the public's desire and need for reordering the priorities of

the current administration. In my own district, where unemployment runs rampant, there is almost no hope for the thousands of untrained young workers who are coming into the work force for the first time. It is the dreadful statistics on the unemployment that could be changed in an instant with the enactment of legislation which would remove the priority from military spending and put it where it is necessary to be in the human sector.

The unneeded and astronomical level of military spending and unnecessary weapon systems can be canceled in order to put back some money into the communities for the development of jobs with peace.

I will personally be participating in a panel in New York City to discuss the necessary efforts needed to divert some of the funds used to finance the military budget to job programs that could create jobs for the unemployed throughout New York City and the country.

I urge you, my colleagues, to become involved and active in the job with peace efforts in order to avoid a crisis that is now facing our Nation.●

EDUCATION, FUNDING, AND EXCELLENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MICHEL. Mr. Speaker, the debate about the connection between educational funding and educational excellence has been going on for many years. A recent report suggests that while we have been spending increasing amounts of money on education over the past decade, the results have not been beneficial to American children.

At this point I wish to insert in the RECORD "Schooling and Education" by Robert J. Samuelson, the National Journal, April 9, 1983.

SCHOOLING AND EDUCATION

(By Robert J. Samuelson)

The report card is beginning to be written on one of the great generational experiments of the past 40 years: the national binge on education. And the results are disheartening.

As a form of national uplift, Americans believe in few things as in education. But recent experience reveals a puzzling and disturbing development. The more education spending has risen, the more students' test results have declined.

We are perhaps beginning to appreciate that education as an abstract ideal isn't a cure for every national problem. Schooling by itself doesn't solve anything. Without an underlying sense of seriousness and purpose, it has little to do with either genuine education or employability.

The forthcoming report of the National Commission on Excellence in Education may help explain the riddle of rising spending and declining performance. According to commission data, schools lowered their standards over the past two decades. Schools expected less of students—and got less.

All this has a broader relevance to the nation's economic problems. For now, as before, education is advanced as an answer to the ailments of the day. In the 1960s, more education would reduce poverty and realize the promise of equal opportunity. Today, it's supposed to restore technological competitiveness and, in the guise of "retraining," ease unemployment.

If there is a moral in recent experience, it is that more schooling cannot simply be applied as a salve to social and economic ills. What matters more than money in realizing education's potential are underlying motivations and expectations—of students, teachers, parents and schools.

Even in retrospect, increases in educational spending have been staggering. Between 1950 and 1975, total spending on schools rose from 3.4 to 8 percent of gross national product. Although this partly reflected the effect of the giant "baby boom" generation, much of it stemmed from a general increase in the level of schooling.

College attendance exploded, from 2.7 million in 1950 to about 12 million today. For every 100 students who enter fifth grade, about three-fourths now graduate from high school and nearly half attend college. In the early 1950s, those proportions were half and less than a third.

Federal and state assistance have increased dramatically at all levels. In the 1970s alone, real spending (adjusted for inflation) on public elementary and secondary schools rose 29 percent. Since the late 1950s, student-teacher ratios at the same schools have dropped roughly 40 percent.

These improvements make test score declines as surprising as they are disappointing. Results on the College Board scholastic aptitude tests (down 9 percent in mathematics and 6 percent in verbal skills since 1960) accurately reflect other tests. At the college level, graduate school entrance exams have shown even larger drops. Only some of the decline stems from the larger pool of students, which dilutes the impact of the best students.

In retrospect, the country paid a price for its social ideals. Believing that everyone should have access to a college education, governments expanded higher education enormously. And they subsidized it: even today, two-thirds of the costs of public colleges are paid from government funds; at community colleges, the proportion is three-fourths.

Schooling is like anything else. When the price is lowered, people buy more. Also, its value shrinks. To keep classrooms filled—and to qualify for government payments based on enrollments—public colleges and universities reduced entrance standards. And these changes inevitably influenced high schools.

Once students discovered they didn't need academic courses to meet entrance requirements, they didn't take them, said Scott Thomson, superintendent of the Evanston (Ill.) high school district in the early 1970s. And, according to Thomson, the commitment to "equality of opportunity" had other unintended effects.

"All the pressures on me were to lower the dropout rate, to make sure courses were 'relevant,' to loosen pressures on students—whether it was course requirements or dress requirements," he said. "Nobody asked at school board meetings 'What are your reading scores, what are your SAT scores?' "

Electives proliferated, and students drifted toward less demanding courses. Roughly 59 percent of graduating seniors in the late 1970s took drivers' education, compared with less than 1 percent in the 1960s, according to Clifford Adelman of the National Institute of Education. Sociology's popularity jumped from 7 to 19 percent among graduating seniors, and psychology's, from 2 to 24 percent.

Likewise, the proportion of students on an "academic" track declined, from 48 to 36 percent, while those on a "general" track rose from 12 to 42 percent. (Remaining students were on a vocational track.) Adelman said of the "general" track:

"It's the wasteland of the American high school. It's a confused conglomeration of courses. They're watered down—a lot of personal service and remedial stuff."

To recite these figures is not to describe the American school system as a universal mediocrity. Averages being what they are, the statistics disguise enormous diversity. And increased spending has had some beneficial effects. Test scores of poor and minority students have shown improvement.

But given the magnitude, the return on the nation's recent massive investment in education has been meager. Quality has suffered and waste has resulted. About half of the students who attend college don't graduate. Either they don't want or can't handle higher education.

There are signs of a reversal of the 1970s' deterioration. Chester E. Finn Jr. of Vanderbilt University argues in the April issue of Change magazine that local pressures—from parents, legislatures, school boards—are tightening standards for students and teachers. A number of major state universities, facing spending cuts, are raising their entrance requirements.

If more schooling is not a panacea for America's economic problems, more education is at least an element in alleviating those problems. But therein lies the distinction: between schooling and education. No education is complete without understanding that true learning is always a struggle.●

SUPPORT FOR NATIONAL BUILDING SAFETY WEEK AND HOUSE JOINT RESOLUTION 163

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ST GERMAIN. Mr. Speaker, I would like to take a few minutes to draw my colleagues' attention to the important work being done throughout this Nation by competent, professional building code administrative and enforcement personnel to assure our citizens' safety in the buildings in which we live and work.

In recent years, the development of modern, model building codes and their increased adoption and professional enforcement by trained employees of our States, counties, cities, and towns has made a significant contribution in enabling government to better provide for our citizens' health and

welfare. Our colleagues at all levels of government in this Nation are becoming increasingly more aware of these vital health and life safety services which are being provided by their building code departments.

Working together with the building design and construction community in our country, building departments enforce a wide range of safety provisions for new and existing buildings. Among these are provisions covering: structural, mechanical, elevator, plumbing, fire, seismic, and electrical safety in buildings. In addition, building departments are also responsible for the enforcement of provisions providing for barrier-free access to buildings for disabled individuals, consumer cost-saving energy conservation, and solar energy provisions for new and existing structures.

Furthermore, in States like my own which have adopted uniform statewide building codes and safety requirements, modern, model building codes actually have helped to reduce construction costs for builders by requiring them to only have to build homes and other structures to one set of technical requirements.

Early last month, I introduced together with Congressmen WYLIE of Ohio and GONZALEZ of Texas, House Joint Resolution 163, designating the third week of April 1983, as National Building Safety Week.

The purpose of that week is to help make all Americans more aware of these and other important health and safety services which are available to them from their state and local professional building departments.

To accomplish this, State and local building departments across this country, later this month, will be holding open houses, exhibits, and safety training programs for their local residents. Some of the safety information which will be highlighted will include: the importance of the proper installation and maintenance of energy-saving devices and smoke detectors, structure and safety features that should be looked for when purchasing a home, and the importance to consumers' safety of obtaining building permits and proper inspections of any new construction or rehabilitation projects which they may undertake.

I urge those of my colleagues here in the House, who have not already done so, to join in cosponsorship of House Joint Resolution 163. I further call upon my colleagues in the Senate to likewise support their companion Senate Joint Resolution 70 introduced last month by Senator JAKE GARN on behalf of himself and Senators JOHN TOWER, DONALD RIEGLE, Jr., and RICHARD LUGAR.

The slogan for this national safety week is, "Building Safety Is No Accident." Making our constituents more aware of and encouraging their increased participation in the building safety process is an important concern to all of us in Congress.

Thank you.●

HONORING HOSPITAL VOLUNTEERS IN KERN COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. THOMAS of California. Mr. Speaker, the President has designated the week of April 17 to 23 as National Hospital Volunteer Week in America, and I would like to commend to my colleagues the fine efforts of our four local hospital auxiliaries in the Bakersfield area.

Each year, the 583 members of the Greater Bakersfield Memorial Hospital Auxiliary, San Joaquin Hospital Auxiliary, Mercy Hospital Auxiliary, and Kern Medical Hospital Auxiliary volunteer thousands of hours of time to help improve medical care and make hospital patient's lives a little brighter.

Hospital volunteers in Bakersfield staff information desks at these hospitals, provide a daily newspaper and coffee each morning for thousands of patients, deliver flowers and cards to patients, help patients settle into their rooms, and serve as valuable public liaison persons in hospital emergency rooms.

In addition, volunteers help to educate our community about medical care. Show-and-Tell on Wheels is a mobile presentation which helps acquaint children with hospitals and medical care so they will have a better idea of what to expect when the time does come for them to visit the hospital. Also, volunteers conduct a maternity get-acquainted program for expectant mothers.

Since 1955 when the first hospital auxiliary was formed at Mercy Hospital in Bakersfield, volunteers have given more than 1½ million hours of their time, and they have raised nearly $1.3 million for the local hospitals. These are valuable contributions and I salute them.

Mr. Speaker, in closing I would just like to say that I am pleased with the administration's emphasis on volunteerism, because we have so many fine examples which show that volunteerism is a long tradition in our area. The local hospital auxiliaries are part of this tradition.●

THE HEALTH CARE FOR THE UNEMPLOYED ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. WAXMAN. Mr. Speaker, I am pleased to introduce legislation today providing a program of health care benefits for unemployed individuals and their families. Joining with me in sponsoring this measure are Congressman JOHN D. DINGELL, chairman of the Committee on Energy and Commerce, ANDY JACOBS, chairman of the Subcommittee on Health of the Committee on Ways and Means, and HAROLD E. FORD (Tennessee), chairman of the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means.

We know the unemployment statistics all too well: 12.4 million Americans are now unemployed—more than 10 percent of our labor force. That problem is not going to go away for a long time—the Congressional Budget Office estimates that unemployment will remain above 9 percent through 1985.

One of the many tragic consequences of that level of unemployment is the loss of health insurance protection. Since health insurance coverage is generally linked to employment, when you lose your job, you lose your health benefits for yourself, your spouse, and your children.

The Subcommittee on Health and the Environment held hearings on this issue in late January, and heard from labor, business, health insurers, and health providers about the extent of the problem. Most compelling of all, we heard from unemployed individuals who were without coverage. The message was clear. The problem is real, and it is one that employers, insurers, and providers cannot finance in the short term.

The Congressional Budget Office now estimates that there were 14 million unemployed workers and family members without health coverage in February—including 4 million children. A total of 21 million people will be in that situation at some time during the year. These families, like those we heard from at our hearing, face fears of illness and high medical bills at the same time that they confront all of the other burdens of unemployment.

This population's lack of coverage is one of the major gaps in our Nation's existing social programs.

For the aged and disabled, we have social security cash benefits and a health program—medicare;

For certain groups of the poor—the aged, disabled, and families with dependent children—we have cash wel-

fare programs and a health program—medicaid;

For the unemployed, we have an unemployment compensation cash program, but no health program to meet their health needs during this difficult period.

Whenever unemployment rates are high, as they are now, this gap in coverage is painfully apparent. Many of the Members of the House may recall the intense interest in the subject in the mid-seventies when unemployment was also at high levels. The nature of the problem is such that we focus on it only when employment rates are high, which is the very time that the costs of addressing the problem are highest.

Unfortunately, during these earlier periods, we did not enact legislation to address the problem then or in the future. So we are left with another crisis situation today. The only way that we can assure that we cover the millions of individuals in this situation is to entitle the individuals and families to some basic health protection. Simply giving a limited amount of funds to States through a block grant will not get the job done.

The legislation we have developed helps to address the short-term problems of the currently unemployed, and would begin to build in longer range reforms to address the issue in the future.

The bill would establish a public program set up and run at the State level. Federal support would be substantial in a State with a high unemployment rate, rising to pay the entire cost in certain States. The program would cover those receiving unemployment compensation and their families, as well as those who have exhausted unemployment benefits in the last 2 years.

The public program covers people only if no private insurance coverage is available, and requires that employee health plans offer an immediate open enrollment period for employees whose spouse has become unemployed.

Benefits covered would focus on a basic, but limited, primary care benefit package.

I think it is a good beginning in resolving this difficult problem. And it builds in longer range reforms that are designed to encourage States to assure that employers continue private health coverage for 3 months following unemployment, with the public program limited to those out of work for longer periods of time. In this way, the private sector would assume responsibility for short-term unemployment, with the public program assuming responsibility for longer term unemployment.

A final feature of the bill would authorize a program of direct Federal grants to the public general hospitals which today serve a disproportionate number of these unemployed individuals and other low-income patients who have no ability to pay for their care.

Official cost estimates are not yet available, but preliminary estimates from the Congressional Budget Office indicate that spending will be roughly the $2.7 billion provided in the House budget. I must stress that we have had to impose some very tight limits on the program to reach that figure:

Eligibility does not begin until 4 weeks after unemployment compensation begins and extends only for 6 months following termination of unemployment benefits. We have been able to keep 12 months of benefits for those who have already lost their unemployment compensation in the past 2 years.

Benefits are limited to 9 hospital days and 10 outpatient visits.

These limits were required because this is all that the funding will allow. All of us here and the unemployed across the Nation should know what they will get from this program. If we come out of the budget conference with even less money, further eligibility and benefit cuts will be required. We should not delude ourselves or the unemployed into thinking that less funds through a block grant will do more. The States would have to make similar cuts, and deeper cuts, if less money is available.

The Subcommittee on Health and the Environment will schedule hearings on the legislation in the near future, with markup following those hearings.

A more detailed summary of the legislation follows.

SUMMARY—HEALTH CARE FOR THE UNEMPLOYED ACT

GENERAL APPROACH

The legislation would make basic health benefits available to unemployed workers and their dependents who have no private health insurance coverage and who are not eligible for Medicaid. It uses a two-part approach: short-run and long-run.

In the short-run, the bill would establish a Federal-State entitlement program under Title XXI of the Social Security Act for those receiving unemployment compensation benefits, as well as those jobless workers who lost their unemployment benefits within the past two years. Participation would be optional with the States. Federal matching payments would vary with a State's total unemployment rate; States with very high unemployment rates would not be required to provide any matching funds.

States would have a choice of administering these benefits through a public program, using the unemployment compensation offices and the Medicaid agenices, or through a State insurance pool. The same eligibility, benefits, and financing standards would apply to either the public program or the insurance pool.

In the long-run, the division of responsibility for health coverage of the unemployed would change. Over the next two years, States would be expected to arrange for continuation of private health insurance coverage to those losing their jobs during the first 3 months of unemployment. Those out of work for a longer period would be covered under the entitlement program. The States could arrange for such continuation coverage through employer mandates or statewide insurance pools. After October 1, 1985, States with total unemployment rates for less than 10 percent would not qualify for any Federal matching funds unless most of the workers in the State with health insurance had this 3-month continuation coverage.

In both the short-run and the long-run, the bill would authorize a program of direct Federal grants to public general hospitals serving disproportionate numbers of unemployed and other low-income patients with no ability to pay for care.

What follows is a more detailed discussion of each of these elements.

SHORT RUN PROGRAM

Public program option

Eligibility

Two groups of individuals would be eligible for health coverage:

Jobless workers (and their dependents) who (1) are receiving unemployment compensation, (2) do not have private health insurance coverage available through either their former employer or their spouse's employer, and (3) are not eligible for Medicaid. Once an individual qualifies, they remain eligible for 6 months after receiving their last benefit check; and

Jobless workers (and their dependents) who (1) have received unemployment compensation within the two years before establishment of the program, but are no longer receiving benefits (2) do not have private health insurance coverage through either their former employer or their spouse's employer, and (3) are not eligible for Medicaid.

Unemployment compensation includes the regular State unemployment compensation program, the Federal extended benefits program, and the Federal supplemental compensation program.

No means test would be required.

Coverage

For those receiving unemployment benefits, coverage would begin 4 weeks after the person first received benefits, would continue for the period during which benefits were being paid, and would end 6 months after benefits stopped.

For those who have already lost unemployment compensation benefits before the start of the program, coverage would extend for 12 months from the start of the program.

In either case, coverage would terminate after an individual has returned to work for 4 consecutive weeks.

Enrollment and disenrollment would be voluntary.

In States choosing to impose premiums, coverage would terminate upon failure to pay the required premium.

Private Insurance

In order to qualify for tax deductibility, employee group health insurance plans would be required to offer a 30-day "open enrollment" period without a medical screening to working spouses of those who become unemployed so that the working spouse could obtain alternative coverage for the family.

If an unemployed individual could enroll under a spouse's policy but refused to do so,

the individual would not be eligible for benefits.

Benefits

Nine days of inpatient hospital care;

Ambulatory visits for outpatient hospital, emergency room, physician, rural health clinic, nurse midwife services, family planning services, and prenatal, delivery, and post-partum care. Limit of 10 visits per person except for those related to pregnancy and well baby care.

Laboratory and x-ray services.

States could not provide a broader package of benefits than the package they offer to Medicaid beneficiaries.

Cost Sharing

States would be allowed to impose premiums up to 5 percent of an individual's weekly unemployment compensation payment, deducted directly from the checks of those individuals choosing to enroll. Those persons who have lost their benefits would not be subject to any premiums.

States would be allowed to impose copayments on covered services, but only to the extent permitted under Medicaid law (ie., no cost-sharing for pregnant women and children). If a State imposed such cost-sharing under its Medicaid program, it would be required to impose the same cost-sharing under this program.

Hospitals, physicians, and other providers choosing to participate in the program would have to accept its reimbursement as payment in full.

Financing

Federal matching payments would be available at a 100 percent rate in those States with total unemployment rates equal to or greater than 133 percent, whichever is higher.

In those States with total unemployment rates of more than 10 percent but less than 133 percent of the national average, the federal matching payment would be 95 percent.

For States with total unemployment rates below 5 percent, there would be no Federal matching payment.

For States with total unemployment rates between 10 percent and 5 percent, the Federal matching payment would decline proportionately from 95 percent to 0 percent.

Administration

State unemployment offices would handle eligibility for those receiving unemployment compensation benefits; eligibility for those who have lost their benefits would be determined either by the State unemployment office or the State welfare office, at State option.

State Medicaid agencies would process claims for payment, under current Medicaid reimbursement rules.

States would be reimbursed for their administrative costs in the same manner as under current unemployment compensation and Medicaid law.

Private program option

Insurance Pool

States could, at their option, arrange for health coverage for the unemployed through a State insurance pool rather than a public program. The pool would have to be established by statute, and would have to meet the eligibility benefits, and cost-sharing standards listed above. Federal matching payments to the pool could be no greater than they would be for a qualified public program. A State would have to contribute at the same rate it would be required to contribute under the public program approach.

LONG RUN PROGRAM

After October 1, 1985, Federal matching payments for health benefits for the unemployed would not be available in those States with a total unemployment rate of less than 10 percent unless the State made arrangements for employers and insurers to extend the health insurance coverage of those workers laid off for at least 3 months after loss of employment. After the 3 month continuation period, Federal matching funds would be available for health benefits coverage for eligible persons.

The States could arrange for this coverage in one of two ways:

They could require employers to offer extended health insurance coverage to employees cancelled under their group health plans for 3 months after lay-off, either through:

Extension of the employer's regular group coverage, at the same proportional employer contribution, or

Extension of more limited coverage (but no less limited than the minimum public program benefits described above) at the same proportional employer contribution.

States could make this extension coverage available through a State insurance pool established by statute.

In addition, States would be required to guarantee employees covered under employee group health plans the right to covert to individual coverage without evidence of insurability.

In order to qualify for Federal matching payments, States would have to arrange for this continuation or conversion coverage for at least 75 percent of the employees in the State covered under group health plans subject to insurance regulations. Existing collective bargaining arrangements would not be subject to such requirements until their expiration.

States with unemployment rates of greater than 10 percent would continue to qualify for Federal matching funds as under the short run program even without these continuation or conversion arrangements in place.

ASSISTANCE TO PUBLIC HOSPITALS IN HIGH UNEMPLOYMENT COMMUNITIES

The bill authorizes the Secretary of Health and Human Services to make grants directly to public hospitals that serve as providers of last resort in areas experiencing high unemployment in order to assist them in providing services to low-income individuals without public or private insurance coverage (under the proposed program or any existing program).

Facilities would be required to use the grant funds to supplement existing State and local revenues that currently finance care to indigent patients.

Authorized appropriations would be $70 million in fiscal year 1984, $77 million in fiscal year 1985, $86 million in fiscal year 1986, and $95 million in fiscal year 1987.●

A TRIBUTE TO MRS. MARGARET HAWK

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HOPKINS. Mr. Speaker, there are people in this country who do not have to be urged by the President of the United States to volunteer their time and services. Mrs. Margaret Hawk, who lives in Cynthiana, Ky., is one of these shining examples. Mrs. Hawk, now 85, has actively volunteered in so many ways for so many years and I would like to take this opportunity to recognize some of her accomplishments.

Through the years, Mrs. Hawk has given her energy, talents, and skills unselfishly to her community. In the early days of the Harrison County Horse Show, her garden was the scene of dinners served to board members and exhibitors. She was a cochairman of the committee for building the Harrison County swimming pool.

At one time, when funds were no longer available for paid workers, Mrs. Hawk donated her services to keep the youth center in operation. She was recipient of the 1975 Service of Distinction Award, a silver tray—presented by the chamber of commerce. Another year, she received a citation plaque for master soil conservation, in recognition of her environmental concern. In 1980, the Cynthiana Christian Church rewarded her many years of faithful service with the gift of a silver bowl.

Mrs. Hawk represents the Cynthiana Chapter of the Daughters of the American Revolution as a board member of the Duncan Tavern Historic Center, and at different times has filled several offices on that board. She also maintains grounds around Duncan Tavern.

Not only has Mrs. Hawk helped clean and repair the old Indian Creek Baptist Church building, but she promotes attendance at the regular services of that church. She has also been a leading spirit in maintaining a roadside garden at the corner of U.S. Highways 27 and 62.

Some organizations, not previously mentioned, of which she is a member are: The Christian Women's Fellowship of her church, Women's Club of Harrison County, Woman's Club of Central Kentucky, Harrison County Garden Club, the Iris Society, State Officers Club of the Kentucky Society, Daughters of the American Revolution, Chapter Regents Club of K.S.D.A.R., Cynthiana-Harrison County Chamber of Commerce, Harrison Memorial Hospital Auxiliary, and the Harrison County Historical Society.

Quite recently, Mrs. Hawk was also recognized for her volunteer services by the Kentucky Office of Volunteer Services and the Kentucky Federation of Business and Professional Women's Clubs, which sponsored a program called SHARE (sharing hope and responsibility effectively). It came as no surprise that Mrs. Hawk qualified—over and over—for this outstanding award. Mrs. Hawk was nominated for

this award by her appreciative friends in the Harrison County Garden Club.

It is with the greatest pleasure that I submit Mrs. Hawk for recognition in the CONGRESSIONAL RECORD for being an outstanding volunteer and an exemplary citizen of Cynthiana, Harrison County, Ky. and of the United States of America.●

UNITED STATES-JAPAN RELATIONS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, now that Japan is in the midst of a municipal election cycle, and parliamentary elections are coming up in June, I think it is important that we pause to reflect on our political, economic, and military relations with our close Pacific ally.

Our political relations could not be stronger. Under the stewardship of Prime Minister Yasuhiro Nakasone, the Japanese Government has made great strides to show its sincere desire to maintain these close ties. Prime Minister Nakasone, more than any other Prime Minister in the postwar period, recognizes and has made efforts to strengthen tangibly the relations between our countries. Recent efforts to reduce tariffs on many goods coming from the United States into Japan are examples of Japanese good faith in its dealings with its trading partners. The announcement last week that the Government will propose legislation to the Diet calling for a relaxation of certification requirements for imported automobiles is another example. The certification changes are particularly important due to the strong resistance in Japan from environmental and labor groups.

Recent diplomatic exchanges between Japan and the Soviet Union over the deployment of Russian nuclear weapons in East Asia underscore the need for continued U.S. support for our Japanese ally. In a time of growing budget deficits in Japan and internal political resistance to increased defense spending, Prime Minister Nakasone has pushed for a boost in defense outlays. While many of us in Congress feel that Japan can and should do even more in this area, Mr. Nakasone's action indicates a strong desire to strengthen ties with our country and to increase its share of the burden of providing for the common defense.

Mr. Speaker, it is clear that our economic differences with Japan will not be resolved over night. But it is equally clear that the Nakasone government has put its best foot forward in its efforts to clear up our differences. Based on my experience in the past as Chairman of the United States-Japan Trade Task Force, I believe that the attitude of Mr. Nakasone and his Cabinet indicates a great development for a strong and even-handed relationship between our countries. There are many who will be skeptical. Based on past performance, I know why. I think, though, that we will all be pleasantly surprised as we work with the Nakasone government to strengthen our relationship with Japan.●

PERSONAL EXPLANATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. OTTINGER. Mr. Speaker, I was unavoidably absent on April 12 because of important business in my district. The House at that time approved H.R. 1437 California Wilderness Act of 1983 offered by our beloved late colleague PHIL BURTON of California. I fully endorse this act which will go a long way toward rounding out the Nation's wilderness system. H.R. 1437 is a major step in the protection of key wildlife populations in our Nation and it will be a wonderful legacy to Representative BURTON.

I would like to add that I would have voted no on the amendments to H.R. 1437 proposed by Mr. WALKER of Pennsylvania and the amendment proposed by Mr. YOUNG of Alaska.●

CHEMICAL WEAPONS BAN

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BETHUNE. Mr. Speaker, I recommend the following article on chemical weapons to my colleagues. It is particularly appropriate for today—the day we are discussing freezes. We should all remember that we have had a freeze on chemical weapons for 14 years. We should also note that this has been a real freeze; we have not added any chemical weapons to our stockpile since 1969. Even if we passed a nuclear freeze, we have already demonstrated that we do not mean it when this House passed a defense budget calling for a 4-percent increase. This House demonstrated we do not mean it even more dramatically last year when it defeated an amendment offered by Congressman CONYERS that would have delayed procurement authorizations for nuclear weapons for 1 year. The amendment was defeated 21 to 355.

But this House demonstrated we do mean to have a chemical weapons freeze by passing the Zablocki-Bethune amendment to delete production funds for binary chemical weapons by an overwhelming vote of 251 to 159. We have now got a treaty on the table in Geneva to ban chemical weapons and make this freeze a permanent freeze.

[From the Christian Science Monitor, Apr. 7, 1983]

CHEMICAL WEAPONS: A PROMISING AND OVERLOOKED ARMS CONTROL PROSPECT

(By Brad Roberts and Ron Bee)

The burgeoning nuclear weapons debate has overshadowed a set of negotiations in Geneva that are showing hopeful signs of progress. Their subject is chemical weapons, including choking agents, blood gases, blister agents, psychochemicals, and nerve agents—some of the grisliest reminders of the ugliness of war. These talks are in a critical phase, and the wisdom and goodwill of American policy are being tested.

The need for a complete and verifiable ban on chemical weapons grows ever more urgent. Their possible proliferation to other nations is a major worry. A more urgent concern for the United States derives from the East-West balance: the Soviets possess a significant advantage over the U.S. in terms of their ability to wage combat in a chemically contaminated environment and in terms of their apparent readiness to use such weapons.

Without a ban, the U.S. is faced with two unpalatable options. The first, a willingness to respond to a chemical attack with nuclear weapons, lowers the nuclear threshold. The second, the maintenance of a credible chemical deterrent, is highly distasteful, and is becoming increasingly difficult as the U.S. faces the problem of modernizing its chemical warfare capability.

The Reagan administration has, in fact, proposed to modernize the currently existing U.S. retaliatory capability by producing binary chemical weapons, though Congress last year denied the funds. Binary weapons consist of two relatively nontoxic chemical components that form nerve gas only when combined, which makes them safer, easier, and cheaper to store and transport. Their production also raises the specter of substantial political turmoil in Europe on a level commensurate with the infamous neutron bomb controversy.

Chemical weapons have been on the arms control agenda for many years, and the negotiating successes have been important but inadequate. The Geneva Protocol of 1925, set in motion by the abhorrent experiences of World War I where poison gases were used extensively, was an attempt to control this form of warfare. But it forbids neither the production, stockpiling, nor use of such weapons, though use is permitted only in retaliation against those who use them first. During the Nixon administration, negotiators were able to split off biological weapons from the comprehensive chemical weapons domain, and since the Soviets shared our perception that there could be no possible rationale for such weapons, an agreement was quickly achieved.

A complete ban on chemical weapons production, stockpiling, and use has been actively sought since 1972. Under the rubric of the Committee on Disarmament, a 40-member group of nations loosely affiliated with the United Nations, talks in Geneva have resolved many technical obstacles to effective chemical weapons control. But progress has been slow. Reports of Soviet

"yellow rain" activities in Southeast Asia and Afghanistan have made the search for verification provisions more arduous. And nonaligned nations have avoided anything that might trap them in a superpower propaganda whirlpool.

The source of our current optimism is a document submitted Feb. 10, 1983, by US negotiator Louis G. Fields that for the first time spells out in detail US views on the necessary contents of a chemical weapons ban. Happily, its submission broke a long lull in US activism. The document reflects a careful review of the achievements of the many working groups over the years. It attempts to resolve the longstanding stumbling block—verification—by proposing a mix of systematic and ad hoc international on-site inspections.

There have been recent indications that the USSR is moving toward acceptance of this idea. But whatever optimism this initiative engenders must be tempered by the lessons of the past.

First, progress in the multilateral talks historically has been dependent upon bilateral US-USSR talks, but these have been held in abeyance by the US since the election of the Reagan administration. The intended effect, to help the world community perceive more clearly Soviet recalcitrance and manipulation, has been realized. But without US-USSR bilateral agreement, there is no chance for an effective ban. Is the US prepared to gamble by returning to the bilateral talks?

Second, bureaucratic ineptitude and unclear lines of authority have frustrated the talks from the start. Soviet delegates last summer tabled a document similar in purpose to Fields', but when pressed to explain positions on verification, they were apparently unable to gain Moscow's clearance. Let us hope that the current malaise at our own Arms Control and Disarmament Agency does not paralyze our efforts.

Third, there is a real question of the negotiating sincerity of both superpowers. The Soviets have been astute propagandists, and their intense focus on temporary, tactical advantage raises questions about their commitment to the broader arms control goal. But our own record is not as good as we might wish, and many abroad question our intent. US prestige has been tarnished by the 50 years it took us to accede to the Geneva Protocol and by the five years it took us to sit down to bilateral talks on chemical weapons after they were first proposed by President Nixon in 1969.

Washington's reluctance to return to bilateral talks is increasingly perceived as a sign of US insincerity about chemical weapons arms control, as is the administration's dual-track, "carrot and stick" approach to arms control and modernization. Further doubts are instilled by our policy, only just overturned, to deny a negotiating mandate to our representatives in Geneva (without which they can only talk in a noncommittal way).

Success now in these talks could rid the world of the specter of one of the most horrid of man's inventions. It could also create an atmosphere conducive to arms control successes on other fronts. Failure could precipitate dangerous proliferation, extensive troubles for NATO, and a further erosion of US prestige abroad. Our commitment must be unflagging.

(Brad Roberts is in the politico-military affairs section of Georgetown University's Center for Strategic and International Studies. Ron Bee is a Washington-based foreign affairs and national defense consultant.)●

VOICE OF DEMOCRACY SPEECH CONTEST

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HOPKINS. Kathryn Burgess McKee, a senior at the Harrison County High School in Cynthiana, won the Voice of Democracy speech contest in Kentucky this year. Miss McKee, daughter of Mr. and Mrs. Thomas McKee of Rural Route 1, Cook Pike, shows an uncommon understanding of the importance youth holds in this country. As she writes in her winning speech:

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

Youth is the hope of America and Miss McKee's speech eloquently expresses this. Below is the complete text of Kentucky's prize-winning Voice of Democracy speech:

"Your old men will dream dreams and your young men will see visions . . ." are words of wisdom found recorded in the Bible. Dreams and visions are much the same thing as they culminate, without the barriers of age, into hope for the future.

"America's eternal circle of strength is found not in the material comforts we enjoy, but in the people who compose the greatest democracy ever created. The people of my generation are America's youth and we are a part of the never-ending circle which upholds American ideals, and we can be America's strength, but first we are our country's hope. The hope for citizens to defend her, to respect her, and to improve her. We are the hope for the strength of the future.

I am young and I am overflowing with a vigorous ambition to tackle age-old difficulties whose solutions have eluded the wisest of preceding generations. Because of my youth, I am naive and cannot understand the complexities of America's difficulties. Likewise, I am unable to fathom the depth of my good fortune in natural citizenship.

It will be a long time before I can comprehend. First I must join the marching ranks of young soldiers and sailors, doctors and nurses, pilots and prisoners of war who defend our heritage of freedom.

I must join the parade of businessmen and executives who shape our economic destiny. I must walk with ambassadors and missionaries who proclaim the hope for peace and the desire for stability worldwide.

I must be the representatives and the senators, the Cabinet members and spokesmen, and the Presidents who mold America's destiny and exhibit the fruit of her hope.

But not yet. Now I am the student who learns how to express her wish for tomorrow and touch her elusive vision. I cannot be strong yet. I cannot shoulder a burden I have yet to understand—but I can learn. I need to be nurtured and protected so I can learn how to defend. And then I can understand.

Do not depend on me too much America. I cannot carry the load alone and I know you will not expect me to do so. I must drink of Ponce de Leon's mythical fountain of youth and mature into the hope and strength of tomorrow.

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

The sage advice found in the book of Timothy, "Despise not the days of your youth" must be the pattern followed by today's young people. We must cherish the time of our development rather than press for an irresponsible maturity. We must be patient and we must ask America to believe in us. And then—the hope which we have envisioned must blossom into a tangible element of an eternal circle of strength.

Certainly, this patriotic young lady had felt the need for all Americans to join in the shaping of its future, guaranteeing its rights and freedoms for generations to come. She, for one, is willing to accept her share of the responsibility.

It is with great pleasure that I submit her speech in the CONGRESSIONAL RECORD. And I applaud the Veterans of Foreign Wars of the United States and its Ladies Auxiliary for the annual scholarship contest.●

RESOLUTION TO MAKE SELECT COMMITTEE ON ASSASSINATIONS PROCEEDINGS PUBLIC

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. EDGAR. Mr. Speaker, it has been almost 20 years since the assassination of President Kennedy and 15 year since the assassination of Dr. Martin Luther King.

The resolution introduced by Mr. McKINNEY and I today, along with other colleagues, makes the proceedings of the Select Committee on Assassinations available to the public. This is an action which the committee, of which I was a member, intended to take but failed to carry out for lack of time and money in the waning days of its existence.

We can affirm a policy of full disclosure of the proceedings in a manner consistent with the protection of classified information and the protection of innocent victims. The release of the committee's work would be governed by the guidelines used in making the Warren Commission documents available, and I certainly believe the House proceedings are comparable documents.

The Warren Commission has released over 90 percent of its records and the FBI and CIA have made thousands of pages available to the public in the interest of an informed citizenry.

For Congress to stand alone in the withholding of its files can only create an aura of mistrust and skepticism as to the thoroughness and competency of the House investigation.

I state, as I believe President Kennedy and Dr. King would state were they here today, that it is in the national interest to make the Assassination Committee's proceedings, under responsible Federal guidelines, available to the public.●

HOLOCAUST GATHERING

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Ms. SNOWE. Mr. Speaker, thousands of survivors of the Holocaust are gathering in Washington this week to share with each other and with all of us the anguish of their experiences. It is in preparation for a time when there will no longer be living witnesses to those events.

This gathering has several objectives, but two are particularly meaningful to me: To act as a remembrance of the past and faith in the future and to extend gratitude to the people and Government of the United States.

For an American growing up after World War II, the fact of the Holocaust was but a distant, omnious roll of thunder. It did not become part of my deepest consciousness until I saw human beings with numbers tatooed on their arms, until I heard the stories of resistance and escape, or until, as a schoolgirl, I contemplated the presence of a militant and purposeful evil in the world.

It is interesting to me that we refer to certain historical moments in time as the Dark Ages when within our own lifetime outrageous acts of violence and hatred touched so many innocents. Democracy is a powerful force, but we should be mindful that its existence is precarious. Its spark can only continue to illuminate our lives through the civic genius of our people—and through the commitment of all of us to the proposition that freedom cannot be left to chance, but must be continually reaffirmed by the process of free choice, and defended if necessary by force.

The President's Commission on the Holocaust report of September 1979 points out that "to remember the Holocaust is to sensitize ourselves to its critical political lessons. Nazism was facilitated by the breakdown of democracy by the erosion of faith in the political leadership and in the ability of democratic governments to function." It is clear the message of the Holocaust deserves the most careful consideration of everyone of any religion. Human progress finds its foremost expression in the concept of universal brotherhood, as in the story of Ruth where we learn that shared understanding and commitment can extend beyond the bond of kinship.

Therefore, as we follow the events of this week, let us concentrate not on the moments of dispair, but rather proceed in a spirit of hope and determination that the decent and civilized people of this world will remain vigilant to prevent such tragedy from occurring again.●

THE PEOPLE OPPOSE WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues an excellent article by Mr. Ross Mantooth from the Farmersville Times of Farmersville, Tex., explaining why the people of the United States are genuinely opposed to withholding, and why they are not impressed by theatrics at the White House or the Treasury.

THE PEOPLE OPPOSE WITHHOLDING

(By Ross Mantooth)

Well, there he goes again. Twice recently the President, in a fit of temper, has said he was up to his keister with some group of people.

Just how deep he is in with a lot of people must cause his advisers some concern. The last exhibition, so unbecoming to a man in his position, came when he violently threw his glasses on the floor and declared he had had it up to his keister with the bankers of America.

This tirade of temper was brought on because every saver in America objects to the government requiring the banks and other savings institutions to withhold 10% of the earned interest on their savings accounts. He intimated that bankers had misrepresented the facts regarding withholding of interest. Somehow the hundreds of thousands, perhaps millions of letters received by congressmen fail to register with the Messrs. Reagan, Regan, Dole and others that the majority of the people object to withholding of their money.

The money does not belong to the banks. It belongs to the people who are hoping to add to their savings. It belongs to people who now or at a later date will depend on interest for at least a part or perhaps all their income. They will definitely be affected by the intention of the government to get and spend their money before time to even report their income.

Just who is misrepresenting the issue may have been clarified last week, according to Pratt's letter: Treasury Secretary Regan virtually acknowledged the withholding law is nothing but a scam on the consumer. He says the Treasury could collect the taxes now being avoided at a cost of $1 billion. Studies show the start-up costs to banks will be $3 billion. That's efficiency, government style. He says the banks should be willing to sacrifice a little. $3 billion just isn't a little thing, especially to collect the taxes when the IRS already has the information and should be collecting them now.

The Messrs. Reagan, Regan and Dole have all shown red-faced displays of anger. Could it be these advisers have backed themselves into a corner and are in need of a scapegoat? It is very difficult to believe they are fooling the people. The administration is already very unpopular with social security recipients and to anger them even more along with all of America's savers would cause one to wonder just who is in trouble up to their keisters.

Anyway, all of them have displayed temper tantrums like a child when his favorite toy has been taken away from him. Such displays detract from the dignity of their offices. Such unwillingness to listen to the majority of the people or even give consideration to the desires of the people can only disclose stubborn, obstinate, self-opinionated personalities.

Paul Harvey excuses the President's outrageous outburst by saying he has a little bit of the Irish in him. Paul; my friend, a lot of people wore green on St. Patrick's Day. It is almost a sure thing that America's savers, jobless and social security recipients are also capable of getting mad.

Incidentally, Mr. Harvey, the recent shuffle in compiling figures concerning unemployment, consumer price index and all other economic indicators leaves us wondering just what is the true picture. It sure is hard for some people to see the beautiful picture you tend to paint regarding rapid recovery from recession while each paycheck buys less than the last one. Sorry, Paul, but we are not buying snow jobs today.

Yes, bankers do object to the costly burdens being placed on them, but they are joined by the millions of savers in trying to convey their message to their congressmen. Besides hurting savers financially and interrupting their tax paying program, removing money from savings is in direct opposition to the administration's program of making more money available to borrowers for the stimulation of the economy. The best leaders are willing to listen, compromise or even change directions when proven to be wrong.●

ILGWU PLAYS IMPORTANT ROLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. FRANK. Mr. Speaker, recently, in an article published in the Fall River Herald, Nicholas Roussos, district manager of the International Ladies Garment Workers Union for the Fall River area, made some very important statements about American trade policy. Mr. Roussos is a labor leader with considerable experience in fighting for the rights of American working men and women. His concern for the rights of the people he represents, and his concern for the social and economic well being of all working people, are widely recognized in the Greater Fall River area and throughout the State of Massachusetts. As a former labor commissioner of the Commonwealth of Massachusetts, and

as a man with very wide experience in both Government and the labor movement, Mr. Roussos is a man whose opinions on trade deserve a wide reading.

I ask that his article be reprinted here so that the Members may profit from the words of a respected and able leader of the American labor movement on the important subject of trade.

The article follows:

[From the Fall River Herald, Mar. 29, 1983]

ILGWU: PLAYS IMPORTANT ROLE

(By Nicholas Roussos)

Since 1974, the United States has, with other nations of the world, joined in a treaty called the "Multi-fibre Agreements," in general, the ground rules for international trade in apparel and textile manufacture. The ILGWU, over the years, has played an important role in the development of these "Fair Trade Policies."

As a result of these treaties, any economic planning in Southern New England must consider modifications or major changes proposed in future Multi-fibre Agreements, including President Reagan's attempt to open the Caribbean Basin for such imports. In the international economic game of chess, we have, as a nation, promoted foreign competition, particularly in those areas of economic growth requiring relative low capital investment and in industries that are labor intensive, i.e., textile, apparel, leather, plastics, etc. We banked upon the fact that as wartorn or underdeveloped nations' economies improved, they would not only attain a semblance of political stability, but eventually would require and purchase those sophisticated goods and services we pioneered and developed.

It seemed to work until many of those countries developed industries that began to compete with those manufactures we felt secure we could remain competitive in: steel, auto, electronics, and those sophisticated, much-touted high technology industries—our imagined "ace-in-the-hole."

Today over 10 million American workers are victims of short-sighted planning, with at least another 5 million employed part-time or in those much proclaimed, but in the main low paying minimum wage, service industries. The McDonald's hamburger chain alone presently employs more workers than the total employed in the American steel industry. The last domestic maker of televisions, Zenith Inc., ceased operations in this country over five years ago. Even our "ace-in-the-hole," the much heralded computer industry, is beginning to crack, as technological breakthroughs and cheap labor recently lured "Atari," with its 5,000 production jobs, from the recession-proof Silicon Valley of California to Hong Kong.

The argument that imported textile and garment manufacture reduce costs to the American consumer was refuted by testimony presented by Sol C. Chaikin, president of the ILGWU, when actual products both of foreign and domestic manufacture were shown before the Trade Subcommittee of the U.S. House Ways and Means Committee. These items were identical, sold under the same label, bought at the same time and in the same stores, and sold for the identical retail prices.

"If there are benefits from lower prices of imported apparel, they go to the retailer and importer, not the ultimate consumer," Chaikin said.●

SIGNS OF STRAIN IN SAO PAULO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SCHUMER. Mr. Speaker, earlier this month, there were serious riots in Sao Paulo, Brazil. According to a recent editorial in the Washington Post, these riots were "a response to the financial pressures on Brazil."

Unfortunately, Brazil is not the only nation facing serious financial pressures. Since January 1, 1982, more than two dozen countries have announced that they can no longer repay principal and interest according to the original terms of their loan agreements. Several have unilaterally announced that they will not pay any principal in 1983. Others, are reportedly considering the pros and cons of forming a debtors cartel and postponing principal payments for at least 2 years.

This financial crisis affects every American. Many of the countries with the most severe financial problems are among the best customers for U.S. exports. If we do not take steps to ease their debt burden, we will be increasing U.S. unemployment, reducing the prospects for a robust recovery, and increasing the probability of a new round of civil disorders throughout the Third World.

Fortunately, there are ways to avoid these problems—alternatives that insure that U.S. banks will be repaid and that employment in the United States will increase. I have introduced H.R. 2378, the International Financial Stability Act. This bill calls on the International Monetary Fund, in conjunction with the relevant finance ministers and bank officials, to convert short-term, high-interest bank credits into longer term, lower interest loans. It also asks the IMF to arrange this stretch out so that each country's annual payments of principal plus interest are set as a reasonable and prudent percentage of its annual export earnings.

This approach offers the best opportunity to deflate the debt bubble in a prudent and reasonable manner. It will give debtor nations the breathing room they need to get their finances in order and to continue purchasing U.S. products. It spreads the burden of rescuing the financial system equitably among banks, debtor nations, and developed countries. And by helping debtor nations and banks, it increases the prospects for rapid economic growth, both at home and abroad.

With this in mind, I am pleased to call to the attention of my colleagues, an editorial in the April 11 Washington Post. The editorial makes two important points. First, as Congress considers the IMF quota increase, "one urgent question is whether some of the high-interest, short-term debt cannot be converted into low-interest, long-term debt." Second, "moderating the interest burden on Latin borrowers is an important element in the recovery of the North American economy."

SIGNS OF STRAIN IN SAO PAULO

The riots in Sao Paulo last week are an early response to the financial pressures on Brazil. Those rising loan payments translate into lower standards of living at a point when, after nearly 20 years of military rule, Brazil is trying to find its way back to democracy. An elected governor was installed in Sao Paulo several weeks ago, and the recent trouble started with a demonstration at his palace protesting unemployment.

Brazil is now in the third year of recession, and its austerity program was sharply tightened over the winter as it negotiated for new loans. The government devalued the currency by a staggering 30 percent in February, and the International Monetary Fund imposed pretty stiff conditions on a crucial loan six weeks ago. The riots are not necessarily a sign that the IMF was wrong. But they are certainly a reminder that everybody, including the international lenders, needs to go cautiously. Austerity programs can't be tightened indefinitely.

Here in Washington, the House Banking Committee is working on legislation to expand the IMF's lending resources. Without that expansion, credit terms for the borrowers will get a great deal worse. But if the bill is passed, Congress is certain to attach new restrictions on American commercial banks' foreign lending. The federal bank regulators have now made a series of sensible proposals, including a requirement that banks disclose publicly their total foreign lending broken down by country. In the aftermath of last year's debt crisis, it became clear that no one, including the banks themselves, fully realized how much had been lent and how fast the totals had been run up especially in the past two years.

But the Banking Committee might keep in mind that there's another side to the story. Brazil was one of the most careful of foreign borrowers and used its loans well over the years to support rapid and substantial growth of its economy. Because of that growth, Brazilians live longer, among other things, and the infant mortality rate is falling. The repayment got out of hand only when a worldwide recession coincided with soaring interest rates that no one, in Brazil or anywhere else, fully foresaw.

As the debts of countries like Brazil are renegotiated, one urgent question is whether some of their high-interest, short-term debt cannot be turned into low-interest, long-term debt. If most of Brazil's foreign earnings are preempted by high interest payments, it will have little to spend for imports—goods bought from, say, the United States. Moderating the interest burden on the Latin borrowers is an important element in the recovery of the North American economy.●

H.R. 1900

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. GRADISON. Mr. Speaker, in December 1981, and again in February 1983, I introduced legislation to stop the erroneous payments of social security benefits to deceased persons. Recently this bill was included as section 337 in H.R. 1900, the Social Security Act Amendments of 1983.

Section 337 requires the Secretary of Health and Human Services to gather from the States a data base of each certificate information, set up a computer system with the data base to cross-check beneficiary records, identify through computer matches deceased people on benefit roles and, after validating the computer identification of a deceased person, remove the deceased person from the roles.

The provision also allows Health and Human Services to share the data, under specified safeguards, with other Federal agencies and the States. As many as 10 Federal agencies can benefit from the use of this data to purge deceased recipients from their roles. All of the States can use the data to tighten up various State-run programs.

The key legislative provision of section 337, without which the Social Security Administration (SSA) has been unable to establish a computer system using death certificate data, is an exclusion of the death certificate data from the Freedom of Information and Privacy Acts. This exclusion allows States with confidentiality laws which prohibit the public disclosure of death certificate information to release the information without breaching such laws. The Freedom of Information Act (FOIA) grants the public legal access to any Federal agency documents, except those important for national security. Without an exclusion from FOIA, the public could obtain death certificate data from SSA and then the States' laws could be violated. With an exclusion from this act for the death certificate data, the States will be willing to let SSA use the data since the exclusion protects the data from public disclosure and their laws would not be violated.

The drafting and passage of this section were aided greatly by the work of SSA, the National Center for Health Statistics, the State registrars, the General Accounting Office (GAO) and Senator ROBERT DOLE. Of particular note were pilot projects which SSA and GAO each developed based on the methodology suggested by H.R. 5188, which I introduced in the 97th Congress. Both pilots found significant numbers of deceased persons on benefit roles. SSA's pilot found millions of dollars in social security payments to the deceased, while GAO found death fraud in nine different Federal agencies. These studies showed the efficacy of H.R. 5188 and helped insure its passage.

The legislative history of H.R. 5188 may be of interest. The bill was made a part of the Miscellaneous Social Security Act Amendments of 1982, after the Social Security Administration testified in support of H.R. 5188 during hearings on the miscellaneous amendments in December 1982. The bill subsequently was made a part of the Miscellaneous Social Security Act Amendments of 1983, which in turn was written into H.R. 1900. Senator DOLE added an amended version of the bill, incorporating suggestions by GAO and SSA, into S. 1, the Senate social security reform legislation. Then, finally, that version was adopted in the House-Senate conference on H.R. 1900.

The legislation becomes effective on January 1, 1984. My only concern now is its effective implementation. The bill purposefully gives the Secretary of Health and Human Services some discretion in determining which Federal agency should maintain the data bank.

The most likely place for the data bank is SSA itself, because SSA will have the greatest use for the information. The other major alternative is the National Center for Health Statistics (NCHS) because NCHS now already maintains a data bank containing some of the death certificate information needed for the section 337 data bank.

I have been working with GAO and SSA to provide some oversight of the implementation of the bill and am pleased to note that Health and Human Services is proceeding quickly. I will continue to follow the agency's progress closely; section 337 requires Health and Human Services to report on the section's implementation in 1984 and I am hopeful that by that time the system will be in place.●

THE B-52: AN AGING WARRIOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MICHEL. Mr. Speaker, the Christian Science Monitor recently had two of its reporters fly with the crew of a B-52H, one of those airplanes that make up one-third of our nuclear deterrent force.

Their report stressed the fact that the B-52 "has been reburbished and modernized as much as it can. The plane is hard put to generate enough electricity to run the new gear. Many of the spare parts manufacturers have gone out of business * * *." Yes, one officer proudly states that the B-52 is not "an unsafe plane" and contains many systems that are "state of the art." But the general impression left by this article is that the B-52 simply cannot do the job in the technological environment of the 1980's and beyond.

If the radar image of the B-1 can be compared to the size of a desk, the radar image of the B-52 is the size of an airplane hanger. We simply cannot risk our national security on such an airplane. The B-1 is needed.

At this point I insert in the RECORD, "The B-52's: Short on Space, Long on Thunder," from the Christian Science Monitor, Friday, April 8, 1983:

[From the Christian Science Monitor, Apr. 8, 1983]

THE B-52'S: SHORT ON SPACE, LONG ON THUNDER

(By Brad Knickerbocker)

The morning sounds of an office coming to life grow louder as Chuck Holland and his colleagues gather to discuss the coming day's work. Their briefcases stuffed with papers and books, thermos bottles and sandwiches, could easily belong to young lawyers or accountants.

But their workplace this day is out across the flight line at a US Air Force base. A chilly, windswept space separates them from most Americans in what they do but brings them very close to an increasingly common concern: how to prevent nuclear war.

Captain Holland is a bomber pilot. At 29 he is the "old man" of a crew of six young men prepared to drop and launch in a single flight more destructive power than 100 Hiroshimas would have seen.

They fly Boeing's B-52 Stratofortress, known among crew members as the "Buff," for "Big Ugly Fat Fellow." Decked out somewhat uncomfortably in parachutes, helmets, and oxygen masks, two journalists have joined this day's training mission. They are trying to find out something about the airplane some say should be relegated to the Smithsonian Institution and about the crews, whose members often are younger than the planes they fly.

Our craft this cold, lowering South Dakota morning is a B-52H, the newest B-52 and last delivered to the Air Force 21 years ago. That means Chuck Holland and company probably were concentrating on the TV program "Leave it to Beaver," Little League baseball, and the mysteries of long division when their bomber first entered service some 9,000 flight hours ago.

As we approach the hulking craft, which has a ground crew standing by and a number of umbilicals attached, I notice that its camouflaged skin is wrinkled. "Twenty years of flying will do that to you," explains Holland. "Just like a face."

After a quick walkaround, a tug here, a kick there, crew members burrow up through a hatch in the plane's belly, crawl to their assigned spots, and strap into ejection seats.

The aircraft commander and copilot are up front in the only spot with windows. Electronics warfare officer and gunner are 12 feet behind, facing aft. Navigator and radar-navigator are down a ladder beneath pilot and copilot in a cave dimly lit by the erie, red glow of what seems like a thousand gauges and dials. Reporters are wedged in between black boxes and will spend most of the next eight hours on hands and knees.

The B-52 was not built for comfort.

"I honestly think at the last minute they remembered they had to put a crew in so they scraped out a little space for us," says Capt. Holland. There is no place to stand. The best way to be sure of a good meal is to bring it from home. The incessant noise of the cabin pressurization system makes it impossible to talk without shouting or using the intercom.

"It's a flying gas tank with a little spot in the front for the crew and a spot in the middle for the bombs," he adds. A big spot for the bombs, he might have said. The B-52 can carry 70,000 pounds of weapons, including four of the biggest bombs mankind has ever built and eight shortrange attack missiles (SRAMs) in the bomb bay. Twelve more SRAMs can hang under the wings. Each SRAM explodes with a force equal to 200,000 tons of TNT, more than a dozen times the size of the first atomic bomb dropped on Japan.

The crew goes over its preflight checklists and begins turning up the eight engines. Each engine produces 17,000 pounds of thrust, all of it necessary to propel the 244-ton behemoth down the runway and into the air.

As usual with B-52s, not everything works on start-up. There is a problem with the celestial navigation system, which seems to correct itself as the plane bumps and jiggles during taxi. On our flight, two other important systems—terrain-avoidance radar and cabin pressurization—will fail.

In six years of flying B-52s, Captain Holland says he has never landed without some maintenance problem.

With a roar and jerk, we accelerate about a mile down the runway, gaining lift at 142 knots (becoming "unstuck" as the pilots say), and heading quickly into the haze and fog. Our eight-hour flight will take us over South and North Dakota, Wyoming, Idaho, Utah, Nebraska, and Montana.

The Strategic Air Command has about 300 B-52s, originally designed as a high-altitude bomber. But over the years, improvements in air defense weapons have forced it to fly low to maintain its ability to penetrate hostile airspace. And its ability to adopt to new strategies and technology have presented it with more tasks, including ship surveillance and support for the Rapid Deployment Force. Several months ago, B-52s began carrying long-range cruise missiles.

The Pentagon (especially at budget time) likes to stress that these bombers suffer from varying degrees of aging and absolescence, and that they need to be replaced by the B-1. Two B-52s have crashed within the past six months, a third blew up during ground fueling, and the wing collapsed on another.

In fact, the B-52 is very different from the plane first introduced nearly 30 years ago, and is likely to remain in service for years to come.

"It really isn't a 20-year-old airplane," explains Col. Robert Durkin, commander of the 28th Bombardment Wing at Ellsworth. "I would be surprised if there's an original rivet in any of those airplanes we have out on the ramp. It's been rewinged. It's been reskinned. It's been retailed. It's not an unsafe airplane."

"The airplane has been continually modified over the years," continues Colonel Durkin, who soon will pin on his general's stars. "There are a number of systems in the airplane that are state-of-the-art. We couldn't have anything better if we wanted it." That includes the new offensive avionics system (OAS), which has begun to replace older analog computers and navigation components with modern, solid-state digital systems.

After takeoff, Holland and crew climb to 27,000 feet to rendezvous with a KC-135 tanker (a modified Boeing 707) for aerial refueling. The two giants slowly join together, the bomber flying up underneath the KC-135 until the tanker's probe bumps and scrapes across the B-52's shoulders and into the proper receptical. We fly along in formation while the B-52 takes on 1,000 pounds of jet fuel for the drill. Without refueling, it can fly 10,000 miles. With tanker support, its endurance is limited only by that of its crew.

After more high-level navigation, the pilot throttles back and we descend to 750 feet for low-level navigation and practice weapons delivery.

This is where the radar-navigator, electronics warfare officer, and gunner are busiest. Simulated enemy radar and defenses are detected and countered electronically with 17 different transmitters or with strips of metal chaff and flares.

Some jamming frequencies are purposely avoided on these training runs. As the electronics warfare officer, Capt. Jon Antonson, says, "People get a little upset when you block out their favorite soap opera."

If enemy fighters appear, the six-barreled, 20-millimeter Gatling gun in the tail can spit out 4,000 rounds a minute under automatic radar guidance. This fire breather is controlled by Staff Sgt. Randy Kendrick, the crew's only enlisted man.

Things are tenser now as the northern Great Plains rush beneath us at eight miles minute. The B-52 heaves and pitches like a mechanical pterodactyl. It wasn't designed for this kind of treatment, and its wrinkles show it. Oxygen masks that had been removed for comfort are clamped back in place. Eyes and hands dart from controls to instruments and back. The intercom is punctuated with clipped reports and orders.

At predetermined points simulated SRAM missiles are launched against "highly defended targets" (mostly small towns and farms) within 100 miles of the flight path. "There goes Malad City," someone remarks cheerily over the intercom.

In the practice bombing area, several passes are made and a tone sounds as we approach the target under the control of the radar-navigator, Capt. Howard Philip, the soft-spoken Southerner who actually unleashes the B-52's nuclear fury. When the tone stops, bomb release is simulated and ground observers can plot within feet how close the hit would have been. If this were war, curtains would have been drawn to avoid flash effects and the low-level maneuvering would be strictly with the electro-optical viewing system, a low-light infrared TV screen that shows pilots the terrain ahead.

We climb out and head back to Ellsworth, but have to stay at 10,000 feet because the jet has lost cabin pressurization. More relaxed now, crew members talk about their plane and mission.

The problem with the B-52, they say, is that it has been refurbished and modernized as much as it can. The plane is hard put to generate enough electricity to run the new gear. Many of the spare parts manufacturers have gone out of business. But mostly, it's the increasing "threat environment" that has made the hulking Buff so vulnerable.

Copilot Mike Guillot (who's working on his MBA at the University of South Dakota) uses this analogy: On an enemy radar screen, if the newer B-1 were the size of a desk, the B-52 would be as big as a hanger. Or as Wing Commander Durkin puts it, "We've run out of ways to suppress the observables." This includes not only size, but noise and infrared emissions from the engines.

Chuck Holland and his fellows do not strike a visitor as "Strangelovian" in any way.

If asked, they will tell you that a manned bomber remains a necessary part of deterrence and the US strategic triad. They note that bombers, unlike missiles, can be launched and recalled without inflicting any damage. But they don't have much time to think about such things as strategic doctrine, nuclear parity, or geopolitics.

With families in mind and the knowledge that Ellsworth is a prime target for Soviet missiles and bombers, they don't relish the idea of taking off other than for practice.

Using the breezy jargon for the start of a nuclear war, copilot Mike Guillot says: "The chances are, if the bubble goes up, I'm not going to have much to come back to."

"We don't ever want to use this thing in anger," says Holland as he guides his B-52 back home at day's end "On the other hand, we have to stay ready."●

LEHIGH UNIVERSITY INAUGURATES ITS 11TH PRESIDENT, DR. PETER LIKINS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RITTER. Mr. Speaker, on April 16, 1983, Lehigh University in Bethlehem, Pa., will inaugurate its 11th president. The man chosen for this position is on ordinary individual. At age 46, Dr. Peter Likins has accomplished more than most men do in a lifetime and he will bring to Lehigh a list of accomplishments that range from excellence in athletic competition to high honors in scholastic and research achievement. In short, Dr. Likins' career epitomizes the fine reputation that Lehigh University has achieved.

John F. Kennedy once stated, "there is nothing more beautiful than a university campus." Lehigh University reflects this feeling. Situated on the hills overlooking Bethlehem and the Lehigh Valley, Lehigh University is a school steeped in tradition and history, yet poised for the future. As one of the Nation's leading schools of science and engineering and emphasizing the high technology that is revolutionizing American industry today, Lehigh has earned an international reputation in producing well rounded scholars. The university maintains particularly strong programs in the humanities and social sciences. Its ivy-covered buildings have been witness to the legions of students whose minds and eyes it has opened; students who became leaders in our Nation's evolving industrial age, in the dynamic

changes of the New Deal, the industrial revolution brought on by World War II, and students who today pursue an understanding of the outer reaches of our galaxy.

Peter Likins brings to Lehigh University over a quarter of a century of education and engineering experience. As an undergraduate at Stanford, Dr. Likins distinguished himself not only as a scholar, but as a varsity wrestler, a sport of no mean achievement at Lehigh. In that sport which combines a constant interplay of intelligence and physical prowess—competition in which only the mentally and physically strong climb to the pinnacle—Peter Likins was undefeated throughout his 4-year college career. In championship competition, he earned silver medals in Pacific coast competition and the AAU far western freestyle championship. As a scholar, his career has been meteoric. In 1957 he received his under-graduate degree from Stanford, in 1958 an S.M. in civil engineering from MIT and in 1965 a Ph. D in engineering from Stanford.

His career has taken him from the jet propulsion labs of the California Institute of Technology to the faculties of the University of California and Columbia University. At Columbia, he served as provost and before that as dean of the Columbia University School of Engineering and Applied Science. He is the author of an engineering mechanics textbook, contibutor to several advanced texts in the aerospace field and author to more than 50 technical journal publications. He has been honored 11 times for the quality of his teaching.

Outside the laboratory and classroom, Dr. Likins and his wife Patricia have taken an active part in the communities where they have resided. Their love for sports and competition has not languished since the Stanford days. In Park Ridge, N.J. Patricia Likins served as president of the Youth Athletic Association and coached young wrestlers. Dr. Likins also served as coach of the wrestling and football teams. They are the parents of six children, all of whom were adopted by Dr. and Mrs. Likins. The family is a story in and of itself, a story of love and understanding and one that reflects the kind of people that Peter and Patricia Likins are. These adopted children, like the larger adopted university families at Columbia, the University of California, and Lehigh have been the driving force in Peter Likins's life.

Peter Likins is a man who leads others with quiet confidence, intellectual sharpness and good judgment. To those who have gotten to know him personally, he is a warm, compassionate fellow. If the perfect president for Lehigh University, at this time, were to have been designed from on high, a better selection than Peter Likins could not have been found.

We in the Lehigh Valley are proud of the fine reputation of Lehigh University and I am personally proud to be a Lehigh alumnus. Lehigh's outstanding reputation serves to attract people like retiring President Demming Lewis and now, someone of the caliber of Dr. Likins. The Lehigh community whose alumni stretch across the country and around the world, as well as the entire Lehigh Valley of Pennsylvania will be the benefactors of Lehigh's new president. The Likins family takes an active interest in their community. And their interest is our community's gain. I applaud the selection of Dr. Likins as Lehigh's 11th president. Our Nation remains strong, free and productive because of institutions such as Lehigh and university presidents such as Peter Likins. I speak for the sentiment of the U.S. Congress when I congratulate him on his new presidency, offer him our support and pray for his success.

Welcome, Dr. and Mrs. Likins and your children to our university, welcome to our community.●

HARD TIMES AND HAPPY DAYS: THE CCC IN NORTH CAROLINA

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. CLARKE. Mr. Speaker, the Civilian Conservation Corps—known to many of us as the CCC—was a very successful Government program that put our people back to work during the Depression and placed renewed hope in our hearts during a time of great despair.

Dr. Harley Jolley, a professor of history at Mars Hill College and a constituent of mine, has written an excellent article for the Asheville Citizen-Times, April 3, 1983, commemorating the 50th anniversary of the CCC. I would like to share this important work with my colleagues in the Congress and with the people of the Nation by submitting the text for the RECORD:

On a beautiful 1933 October day, 50 years ago, a group of young men were heard singing these words:

We are men of the CCC.
We are happy as can be;
We work all day, sleep all night;
We're all OK and feel all right.

What is so remarkable about those young men is that just a very few months previously they and millions like them were—

Nobody's men; unhappy as they could be; were never working; were doing little but sleeping, and even that was uncertain. They were never OK; and they never felt all right.

They were, indeed, the innocent victims of the Great Depression. And, yet in turn, they became the beneficiaries of one of the most remarkable reclamation projects ever launched in the United States—the Civilian Conservation Corps, popularly known as the "CCC," hence their song.

Never in the memory of man had life looked more dismal for the average American than it did in 1933. The Great Depression, constantly spilling its devastation across the land filled millions of hearts and minds with fear and frustration. And like the black plague, it was no respector of persons—all classes and all walks of life felt its horrible blight. Unemployment hit an all-time high, including some five million young men who were out of jobs, out of school, out of homes, out of place, and on the prowl.

Thus, at the age when they should have been in high school or college, entering the professions, and establishing homes these young men found themselves little more than civilization's driftwood cast aside, with no incentives and no hopes for improvement.

And it was not only these youths and their families who needed assistance. Our farms, soils, streams, and forests were also ravaged, senseless victims of man's prodigality. Throughout the nation more than half the farms were devitalized, forests were devastated, grasslands were blowing away, and relentless floods befouled land and life. In short, man and the land were in such a dire predicament that either a cure would be shortly found or the great American dream was doomed to become a nightmare.

To the great joy of the depressed millions there came on March 4, 1933 a vibrant promise of cure. Taking his presidential oath, Franklin D. Roosevelt confidently assured them: "This great nation will endure as it has endured, will revive, and will prosper." To insure this he summoned Congress for a special emergency session and convened innumerable task forces to implement measures which could turn America back toward prosperity.

Within days enabling legislation initiated his famous New Deal. Of vital interest to unemployed young men was a bill creating, in Roosevelt's words, "A Civilian Conservation Corps to be used in simple work, not interfering with normal employment, and confining itself to forestry, the prevention of soil erosion, flood control and similar projects." He also optimistically predicted that the moral and spiritual value of the work would be more important than the material gains.

Hoping to get at least 250,000 young men off the street and into the forest, Roosevelt called in key bureaucrats and assigned specific tasks. The Department of Labor was to recruit the enrollees; the Army was to house and feed them, vaccinate and condition them; the Departments of Agriculture and Interior were to find jobs and put them to work.

For a normally lumbering, cumbersome bureaucracy the results were almost miraculous. Within an unbelievably short time Roosevelt's so-called "Tree Army" was mobilized with a speed which far surpassed even the efforts put forth in World War I; the Civilian Conservation Corps legislation was passed on March 31, 1933; the first enrollee was selected April 7, 1933 (in the George Washington National Forest).

Spurred on by a dynamic President, the impelling economic needs, and the smell of a potential bonanza of federal dollars, an unprecedented number of agencies superbly cooperated across the nation. Within three months 250,000 young men, 25,000 war veterans, and 25,000 experienced woodsmen

were at work in 1,468 Civilian Conservation Corps scattered from coast to coast.

And soon the newspapers in Western North Carolina began filling their front pages with headlines like these from the Bryson City Times: "318 Men Arrive in Bryson City."

It was an exciting time for all concerned. One Tar Heel lady, with a twinkle in her eye, recently reminisced: "We girls got up at four o'clock in the morning to go down to the depot and pick us out a boy friend."

The newly established Great Smoky Mountains National Park, and the national forests in North Carolina, Pisgah and Nantahala, quickly received camps and towns like Hot Springs, Brevard, Franklin, and Bryson City immediately began to feel their impact. By the time the program ended in 1942 at least 60,000 young North Carolinians had served in the Civilian Conservation Corps.

Each state was assigned a specific quota for enrollment, with North Carolina originally being requested to send 6,500 men. This she did, plus 1,150 more, thanks to an increased allotment. And, according to the state relief administrator, "North Carolina was the first state to complete the enrollment."

To qualify for enrollment a candidate had to be an American citizen, between the ages of 18 and 25 (later changed to 17-28), physically fit, unmarried, unemployed, willing to stay six months, and willing to serve for $30 per month (with $25 of that being sent home to support his needy family). Soon, World War I veterans, many of whom had recently marched on Washington seeking relief, were also declared eligible for enrollment in veteran camps.

Each unit was set up like a military encampment with tents, or barracks for quarters, mess hall, infirmary, utility buildings, recreational hall, etc. Because of the speed with which the program developed many of the enrollees found it necessary to set up sawmill, saw lumber, and build their own camp from scratch.

Every camp was also given a number and a letter designation denoting its geographical location and agency affiliation. For example, Company Number 402, N.C. F-1, was located at Pisgah Forest and a U.S. Forest Service Camp. Company Number 3408, SCS-7, was located in Lexington and was a Soil Conservation Service Camp.

Most of the camps also had a name. The one of Topton was called "Camp Bob Reynolds." A Negro camp at Rainbow Springs was called "Camp Nathaniel Greene;" and "Camp Winfield Scott" was at Aquone. Cherokee history was honoerd by naming the camp at Smokemont "Camp William H. Thomas." Will Rogers and Wiley Post were commemorated with "Camp Post Rogers," a Negro unit at Forest City. The camp at Mars Hill was to pay off a Mars Hill College indebtedness.

While in camp the boys were under the supervision of military officers, including a commanding officer and a camp physician. For field work the Technical or Using Service (Forest Service, National Park Service, etc.) was charged with assigning and supervising all projects. A typical work day called for reveille at 6 a.m., physical exercise at 6:30 a.m., breakfast at 7 a.m., work call at 7:45 a.m., lunch at noon, return to camp at 4 p.m., retreat at 5 p.m., dinner at 5:30 p.m., followed by free time for recreation or school until 9:45 p.m., then lights out and all quiet.

For most enrollees camp life was a new and frequently traumatic experience. Everything, from the food to social life, contained a new challenge, adventure, or opportunity. One lad, writing to his mother said, "Mom, you won't believe the kind of food they give us. One of the things they feed us is yellow-looking, round, and a quarter-of-inch thick, and, umm-mm, it's good. They call-it pineapple, I think."

A commanding officer recalls the enrollee in a camp on the Blue Ridge Parkway who "rode" sick call and would not report for work duty. The nature of his complaint was that he was homesick. Finally the camp superintendent went to the physician and asked him to discharge the boy. "On what grounds?" "Find some grounds!" Wracking his brains for an acceptable excuse, 'Doc' granted him a medical discharge on the basis that he was "afflicted with nostalgia."

But that did not end the matter. About a week later the parents of the boy came to the camp and threatened to bring a lawsuit against the government: "He was perfectly normal when we sent him to you and you've sent him back to us with a dread disease, 'nostalgia.' We intend to sue!"

One of the camp experiences which fulfilled Roosevelt's long-time dream of a work-study program for youth was programmed education. It was quickly discovered that many enrollees were illiterate. To remedy this professional educators, called educational advisors, were assigned to most camps and they rapidly instituted a broad-ranging educational program.

Along with education went a recreational program which included most of the athletic sports, especially basketball, tennis, baseball, and boxing. Competition between camps became extremely hot and one Buncombe County man today has as his most cherished trophy, "The baseball that won the tournament!"

Boxing was extremely popular as is indicated by this new release for two camps in the Smokies:

"The star bout of the evening will bring together "Red" Evans, undefeated champ of CCC camp 413, and an excellent boxer, and Ed Thompson, big and tough fighter of CCC camp 411, who was unable to get an opponent to face him on Armistice day."

Camp life also brought an unprogrammed benefit—cultural exchange: many of the North Carolina boys who had never been out of sight of home wound up in such exotic places as Death Valley, Calif., and Yellowstone Park, Wyo. In turn, many an enrollee off the streets of New York and New Jersey landed in the mountains of North Carolina.

This kind of cultural exchange went on all over the nation, and proved to be an unforgettable bonus. The extent of the exchange can be surmised when it is recalled that a few months previously those Yankee boys had been in the soup lines yet this was their 1933 Thanksgiving dinner menu: Oyster soup, oysterettes, hearts of celery, green olives, mixed sweet pickles, grapefruit, tomato and avocado salad, roast Smoky Mountain turkey, oyster dressing, giblet gravy, cranberry jelly, sliced tomatoes, mayonnaise dressing, head lettuce, baked hubbard squash, Spanish string beans, cauliflower hollandaise, caramelized sweet potatoes, Bavarian rolls, hot minced pie, pumpkin pie, coconut cream layer cake assorted candies, mixed nuts, grapes, apples, oranges, bananas, cigars, cigarettes, New Deal punch, cafe noir.

Hard times and happy days, indeed.

But it was in the world of work that the camps made a gigantic contribution. By 1937 North Carolina had 60 separate camps serving about 50 counties and nine agencies. For example, the United States Forest Service had 19 camps, located at such places as Johns Rock (near Brevard), Buck Creek (near Marion), and Barnardsville. The Soil Conservation Corps had 20 camps, located mostly in the Piedmont. The Tennessee Valley had two camps, one at Mars Hill and one at Bakersville. The National Park Service had four in the North Carolina portion of the Great Smoky Mountains.

The State Park system had three, including one at Mount Mitchell. From the mountains to the seashore a remarkable variety of tasks were tackled and the results thereof are still being enjoyed today. Included were construction of recreational facilities, reforestation, erosion control, timber stand improvement, landscaping, fire fighting, beach stabilization, as well as construction of trails, roads, and bridges.

Perhaps even more important than these work accomplishments was the vocational training the young men received. Almost every conceivable trade skill was required to cope with the diverse projects. Thus thousands of enrollees received on-the-job training and acquired skills, such as welding, and heavy equipment operator, which earned them good livings for the rest of their life.

But it must be remembered that it wasn't just the enrollees who profited. Honorable and challenging jobs were provided for previously unemployed military officers, landscape architects, engineers, carpenters, mechanics, etc. Local farmers and merchants throughout the nation found economic salvation by catering to the Civilian Conservation Corps needs. For the state of North Carolina alone it has been estimated that more than $82 million were channeled into the economy, 1933-1942.

The advent of World War II brought a mass exodus of the enrollees out of the Civilian Conservation Corps into military service. They scattered into all the military branches and went unto the ends of the world, generously giving of their life's blood and applying the many skills they had learned while being salvaged from the depression.

Today, 50 years later, the first enrollee is deceased. The camps are overgrown and obliterated. The survivors are now senior citizens in a nation that is almost unaware of the rich heritage represented by the Civilian Conservation Corps. Every county in North Carolina has in it a fantastic oral history resource, as has recently been demonstrated by Eliot Wiggington and his Foxfire students. Of the "CCC" it may be truly said, as it was of a great English architect years ago: "If you seek their monument, look about you." So, here's a salute to the Civilian Conservation Corps and a prayer as parodied years ago by one of their own. "Now I lay me down to sleep. And if I should die before I awake, please, dear Lord, don't let some CCC boy my shoes to take."

Happy 50th anniversary!●

IDA NUDEL: CONTINUING CALL TO VIGIL FOR SOVIET JEWRY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. ARCHER. Mr. Speaker, Ida Nudel first applied to the Government of the Soviet Union for a visa to emigrate to Israel in 1971. Since then, she has tried to obtain, and has repeatedly been denied, her visa. The 12 years since her application have been a nightmare for her and those concerned about her welfare.

In June of 1978, Ida was sentenced and served 4 years of exile in Siberia. Her "crime" was malicious hooliganism. She had hung a placard from her balcony in Moscow which read "KGB give me my visa."

Elena Fridman, Ida's sister who immigrated to Israel with her family, receives periodic letters from her. They have now become very rare, and Elena writes to me that she is very concerned as Ida seems to have lost hope. She is ill and tired. She has no known address—she sleeps at bus stations. She feels that the Soviet Government has singled her out as an example and believes that we, the free world, have forgotten her. She has suffered beyond our comprehension.

The Congressional Call to Conscience Vigil for Soviet Jews is but one path to call attention and bring help to all those like Ida Nudel. We have many more to explore. We must continue through diligent efforts to force the Soviets to realize that we will not tolerate their lack of regard toward basic human rights.

Through the testimony of her fellow refuseniks, some of whom have been granted permission to leave and now reside in Israel, we find Ida to be a courageous, compassionate woman. Her relentless efforts and will have offered hope to her fellow prisoners of conscience and their families. When she had a home, she opened the doors to any refusenik seeking shelter and care. In these testimonies Ida Nudel is repeatedly referred to as the "Guardian Angel." She has helped focus world attention on the plight of Jews imprisoned in the Soviet Union for their beliefs alone. We must remember that Ida is more than a symbol. She is a human being who has undergone 12 years of persecution. She is a living example of human spirit and courage and she must not be forgotten.●

IN SUPPORT OF H.R. 1305

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. AuCOIN. Mr. Speaker, I rise to extend my full support for H.R. 1305 and the improvements it brings to the Education Consolidation and Improvement Act of 1981.

I stress in particular my admiration of two specific parts of the bill that are crucial to the future of bilingual and migrant education. Crucial, because without these provisions the administration will succeed yet again in turning its back on the truly needy in our society.

This administration, which brought us catsup as a vegetable and has consistently assaulted school lunches, now wants to throw tens of thousands of children out of the migrant education program by redefining what is a "migrant child."

I have no difficulty identifying migrant children. They are young and very poor and very easy to locate, for they usually live in shantys near the fields where their mothers and fathers and brothers and sisters work sunup to sundown picking the crops that the rest of us buy in our supermarkets. They are mostly very young Latinos with poor English skills, with no real family tradition of education to encourage them, with the poorest learning environment anyone can imagine. And now they have to fight the administration, too, for a chance to learn to read, and write, and spell.

In Oregon, Mr. Speaker, there are 11,000 migrant children who largely meet this definition, children who depend on the migrant education program. I have seen these children. I have spent hours and days in my district, looking at their housing, their medical care, the general state of their well-being. It is not good; it is awful. But what is even more awful, what is unforgivable, is the administration's indifference and hostility.

The Oregon Migrant Education Service Center predicts that if the administration gets its way on the definition of who is a migrant child and if it gets its way on the proposed budget cuts, migrant children will be dropped from the summer program, classroom time will be slashed, and, ultimately, children will be eliminated from all migrant programs.

When I see this happening, I know we have found the soul of this administration. Pull the funding. Tighten the regulation. Squeeze people out of the programs. And the great tragedy is that over and over, the losers are those too poor or too weak to fight back. In this case, it is the children.

What the administration seeks is to gut an effective program. The President's budget for next year asks $130 million for migrant education—a 49 percent cut. No one on Earth can convince me that these savings are warranted. And, despite claims that the truly needy will be protected, no one can convince me that we would not be turning our back on children who need these services if we allow the changes to go through.

H.R. 1305 will block this sort of action, as we have had to do time and again since the start of this administration. In addition, it clears up the confusion surrounding reauthorization of bilingual education, extending the program through next year. The bill makes it crystal clear that Congress has no plans to retreat from its commitment to bilingual education.

This will be welcome news because, just at the time its most needed by school districts across the Nation, funds for bilingual education have fallen dramatically. In the Portland Public Schools, funding for bilingual education has fallen from $170,374 to $106,000 in the past 4 years. Needless to say, there has not been a corresponding decline in the number of children being served, placing an incredible strain on this program.

With H.R. 1305, we address the first half of a two part program. The other part is to provide sufficient funding this year for migrant and bilingual education. The President's budget is another attempt to turn out the children who need this help. With H.R. 1305 we take an important first step for justice and fair play. Let us take that step. Then let us keep going.●

NEW YORKER'S HIROSHIMA FILM FOOTAGE UNCOVERED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GREEN. Mr. Speaker, I direct my colleagues' attention to an article, entitled "Why the Bomb Didn't Hit Home," in the March, 1983 edition of Nuclear Times. The article concerns the work of Herbert Sussan to make public film footage he took in Japan after the U.S. atomic attack on Hiroshima and Nagasaki.

Sussan, who is my constituent, was the production director for the film crew sent by the United States to film the aftermath of the first wartime atomic explosions. The film, taken in color, is a graphic depiction of the horror of nuclear weapons. The material taken in 1945, was classified "top secret" in 1946 and kept from the public. In 1979, portions were released and made into a documentary.

Enabling a wide audience to view his film has been an enduring goal in Sussan's life. Sussan said:

I wanted to get the footage so that the American people could see, firsthand, what the effects of the bombs were. And if they saw the effects, I felt there would be a groundswell against ever using nuclear weapons of any type again. Eventually the world (should) finally see a small bit of what the true reality of the nuclear age is.

This article offers insight into the inhumanity of the arms race, and I regret its length prevents me from placing it in the RECORD at this point. "Why the Bomb Didn't Hit Home" is available, however, in the March edition of Nuclear Times or from my office. Thank you, Mr. Speaker.●

DEPLORES DELAY OF SALE OF PLANES TO ISRAEL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MRAZEK. Mr. Speaker, on Monday night, the President stood before 12,000 survivors of the Holocaust and remarked, "As a man whose heart is with you—and as a President of a people you are now so much a part of—I promise you that the security of your safe havens, here and in Israel, will never be compromised."

It is in light of the President's words that I must note a disturbing trend in the administration's policies in the Middle East. In particular, the President's recent announcement of his intention to suspend the sale of F-16 fighter bombers to Israel raises serious questions about the strength of our commitment to fulfill longstanding military pledges and to insure the security of Israel's borders.

The United States originally agreed to sell 75 F-16 fighter bombers to Israel in 1978 in response to the massive arms buildup throughout the Arab world. In May of 1982, the administration notified Congress, in a letter to the Senate Foreign Affairs Committee, of its intention to sell these planes to Israel. Final notification of the sale was due on June 16 of last year. However, following the Israeli incursion into Lebanon, the administration decided to delay the sale until the fighting in Lebanon subsided.

Mr. Speaker, the administration contends that the proposed sale may violate the spirit of the law and states that it will delay the delivery of the aircraft until Israel withdraws its forces from Lebanon. Citing section 3(c)(2) of the arms Export Control Act, the President has remarked that the sale is forbidden by law until the Israeli occupation of Lebanon ends.

Under the relevant law, the President must report to Congress "that a violation may have occurred." If the President or Congress concludes that a violation has occurred, that country will be denied military aid. To date, however, neither the Congress nor the President has made a determination that a violation took place in Lebanon. Further, just 1 week earlier, the administration informed Congress of its intention to sell 200 Sidewinder air-to-air missiles to Israel.

Mr. Speaker, our failure to ship these aircraft would deal a serious blow to Israel at a time when the Soviet Union is engaged in a massive arms buildup in Syria. As we know, the Soviets have installed Sam-5 missiles in four bases and emplaced thousands of troops and military advisers throughout Syria. This presence poses a threat, not only to the security of Israel, but to our own strategic and economic interests in the Middle East.

The President's announcement is particularly puzzling coming at a time when both Israel and Lebanon are reporting significant progress in the negotiations for the withdrawal of Israeli troops. It comes just weeks after Israel has agreed to provide the United States with military data garnered during the incursion into Lebanon. And it comes at a time when the enormous cost of Israel's defense needs is putting tremendous strains on its already troubled economy.

Mr. Speaker, the time has come for the United States to renew its commitment to Israel. Rather than threatening to withdraw our support of Israel at this critical time, we should be reaffirming our longstanding moral and political obligations to the protection and preservation of the Jewish homeland. We can demonstrate the sincerity of this pledge through immediate final notification of our intention to deliver these 75 warplanes. Failure to do so would amount to a breech of faith with our most reliable ally in the Middle East.●

JACK R. ANDERSON IV, NAVY LEAGUE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MOORHEAD. Mr. Speaker, John R. Anderson IV of San Marino, Calif., completes 2 successful years as president of the Pacific Southwest Region of the Navy League of the United States on April 16, 1983.

Mr. Anderson is a retired naval reserve captain and a member of the National Board of Directors of the Navy League.

He has received high honors for his Navy League service from the Secretary of the Navy. On March 25, the Secretary presented to Mr. Anderson a Meritorious Public Service Citation. The presentation was made in Washington, D.C. at the 81st Navy League Convention before some 2,200 leaders from the private and public sectors.

The Secretary's citation reads:

As President of the Pacific Southwest Region of the Navy League of the United States, Mr. Anderson has continuously utilized his position as a civic and business leader in support of the Navy in countless ways. He has been intimately involved in stimulating growth and participation in local youth programs such as Navy Junior ROTC and Sea Cadets. He spearheaded a campaign that raised over $100,000 for the welfare of the crew of the U.S.S. *New Jersey* and has been a prime mover in arranging visits to local Navy installations and ships, a program which significantly enhances two way communications between the Navy and the Los Angeles community. Through his exceptional efforts, Mr. Anderson has significantly expanded public understanding of the U.S. Navy and its role in the security of our Nation.

Mr. Speaker, Mr. Anderson is a sincere, dedicated advocate of sea power, freedom of the seas and the importance of our maritime forces. He has devoted a substantial portion of his life to the Navy that he loves, respects and values.

I am particularly proud to have this outstanding American living in the 22d California Congressional District.●

EMPLOYEE EDUCATIONAL BENEFITS LEGISLATION

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing, along with several of my colleagues, legislation to make permanent section 127 of the Internal Revenue Code. Section 127 excludes from an employee's taxable income educational assistance provided by his or her employer as long as it is furnished in accordance with a plan meeting certain qualifications. This provision is due to expire at the end of 1983.

Before section 127 was enacted in 1978, the cost of such educational assistance was considered taxable income to the employee unless it was directly related to his or her current job. Training to improve or expand an employee's skills to make him or her eligible for a higher level job was taxable. Typically, the tax on the value of this educational assistance would be withheld from the employee's salary. Furthermore, the "job-related" requirement proved to be ambiguous and difficult to administer. Different IRS auditors would take varying positions as to the tax treatment of identical plans. There was thus a great deal of uncertainty and confusion as to what types of employee assistance would be free from taxation, and this greatly discouraged the utilization of such as-

sistance. Those who suffered most from this situation were minorities, women, and those in low-paying, entry-level positions who needed additional education or training to advance to a better job.

Section 127, enacted as part of the Revenue Act of 1978, resolved this problem by providing that educational assistance to employees, if provided pursuant to a plan that is nondiscriminatory and meets certain other requirements, would be tax-free to the employee. Since section 127 was enacted, the use of employee educational assistance plans has been widespread and highly successful. The American Society for Training and Development estimates that 93 percent of all companies have such plans, with 35 percent providing remedial education courses, such as basic math and writing, to upgrade employees' skills. In 1980, an estimated 3.6 million employees participated in educational assistance plans. In many cases, the employees, many of them women and minorities, have been able to use the knowledge and skills they acquire through these courses to move out of dead-end jobs and up the career ladder. The utilization of these programs has helped companies meet their affirmative action goals. And in a time of soaring tuition costs and cuts in Federal student aid, these programs have provided many employees with the only means they can afford of obtaining an education.

The bill we are introducing would simply remove the clause in section 127 that terminates it at the end of this year. Unlike many of the tax changes we have seen in the past few years, section 127 has worked, and worked well. We must allow it to continue.●

REMEMBRANCE OF THE HOLOCAUST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. STARK. Mr. Speaker, four decades ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism. April 10, 1983, has been designated as a Day of Remembrance of Victims of the Nazi Holocaust. Internationally, this day is known as Yom Hashoah.

We shall always remember the atrocities committed by the Nazis so that such horrors are never repeated. We need to remain vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish. This is a responsibility that every citizen needs to share in.

In memory of the victims of the Holocaust, Mr. Speaker, I hope that we will strive always to overcome prejudice and inhumanity through education and watchfulness, as we dedicate the week of April 10 through 17, as the Days of Remembrance of the Victims of the Holocaust.●

ACID RAIN

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. JEFFORDS. Mr. Speaker, today I am inserting in the RECORD the text of a resolution that was passed recently by the Vermont Legislature on the issue of acid rain.

Although consideration of the Clean Air Act appears to be stalled in the Congress, it is important to note that States which have been severely impacted by the acid rain problem are seeing these effects more clearly each day. Vermont is one of the States where these effects have been felt and there is nearly a unanimity about the need to take corrective action.

I urge my colleagues to examine this resolution and to recognize the importance of dealing with this problem as soon as possible.

J.R.H. 17

Joint Resolution relating to the long-range atmospheric transportation of sulfates and other pollutants.

Mr. Smith of New Haven, for the Committee on Natural Resources, recommends that the resolution be amended by striking it in its entirety and inserting in lieu thereof the following:

Whereas, although Vermont emits the smallest quantity of sulfur dioxide of any state, Vermont's atmosphere frequently is contaminated by high sulfur concentrations which can be attributed to wind-borne sulfate particulate emissions of neighboring states, and

Whereas, prevailing wind patterns and known levels of sulfur dioxide emissions from individual states can approximate sources of this contamination, and

Whereas, many aquatic and terrestrial regions in Vermont have little natural capacity to resist the adverse effects of acid rain, fog, snow and dust, and

Whereas, the scenic Green Mountain vistas so vital to our tourism economy are frequently spoiled by episodes of sulfate particulate originating from beyond our borders, and

Whereas, there is ample evidence that acid deposition adversely affects aquatic growth and the growth of plants at higher elevations, and

Whereas, acid deposition ultimately may harm the productivity of agricultural lands and accelerate the leaching of heavy metals into surface and subsurface waters and water supplies, and

Whereas, a study entitled "Health Effects of Fossil Fuel Burning", conducted by faculty at Harvard University and the Massachusetts Institute of Technology has estimated that the costs of reducing the dangers created by air pollutants is far exceeded by the damages presently incurred solely through the health effects of air pollution, and

Whereas, Vermont and certain other parts of our Nation and Canada unjustly are being required to bear most of the economic burden of acid deposition and suffer the health threats as well, and

Whereas, The National Academy of Science in its 1981 report entitled "Atmospheric-Biosphere Interactions", has concluded that strong measures are necessary to prevent further degradation by air pollution of natural ecosystems which together support life on this planet, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the members of Congress and the President of the United States are urged to set a goal of decreasing by one-half by 1990 sulfur dioxide emissions from sources in the United States as proposed by Vermont Senator Robert T. Stafford for inclusion in the Clean Air Act, *and be it further*

Resolved: That the Department of State is urged to accelerate negotiations to draft the United States-Canada Memorandum of Intent of Transboundary Air Pollution and to negotiate with Canada a meaningful treaty on transboundary air pollution, *and be it further*

Resolved: That the Environmental Protection Agency is urged to tighten enforcement of Section 110 of the Clean Air Act, covering emissions of sulfur dioxide, and to disallow any further relaxation of State Implementation Plan limitations for this pollutant, *and be it further*

Resolved: That the Secretary of State send copies of this resolution to Vermont's Congressional Delegation to be used in expressing the sentiments of the people of this state to the Congress and the President of the United States of America, *and be it further*

Resolved: That the Secretary of State send copies of this resolution to the Governors of the States, the officials of the various states who are at the secretarial level in state agencies with jurisdiction over air quality activities, the Prime Minister of Canada, Canada's Minister for Environmental Affairs, the Premiers of Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island.●

MILITARY AID TO EL SALVADOR MUST BE SUSPENDED

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. OBERSTAR. Mr. Speaker, in late March, the gentleman from Vermont (Mr. JEFFORDS), the gentleman from New Mexico (Mr. RICHARDSON), and I visited El Salvador and Mexico as part of a weeklong factfinding mission to examine the effect of U.S. military aid on the conflict within El Salvador.

We concluded that proposed increases in military aid to El Salvador will not contribute to an end to the civil strife within El Salvador nor to the killing of innocent civilians by Salvadoran military forces. The United States, which is bankrolling the Salvadoran military and economy, has tre-

mendous potential influence over the conduct of the Salvadoran Government and military. Regrettably, the United States has failed to use that potential to force a cleansing of the Salvadoran military.

I am including the report of our delegation in the RECORD at the conclusion of my statement.

In addition, I wish to urge the Members of this House to join with me in calling for a suspension of military aid until the Salvadoran military is cleansed of those military personnel who ordered and carried out the murder of innocent civilians.

Our report discusses the massacre at Las Hojas in Sonsonante on February 22. Two hundred uniformed military personnel executed at least 18 and possibly as many as 74 unarmed Salvadoran peasants, including young boys and 2 men aged 75 and 82. The Salvadoran Defense Minister, the American Embassy, the Salvadoran Human Rights Commission, and President Magana know who committed this atrocity. They should be court-martialed and punished. Until that is done, there can be no effective control on human rights violations, and there should be no further American military assistance.

Congress is now considering a request for additional military aid in fiscal year 1983, as well as aid requests for fiscal year 1984. I believe that approval of military assistance in the absence of the punishment of the known human rights violators within the military would be the condonation of murder.

STATEMENT OF U.S. CONGRESSIONAL DELEGATION VISIT TO MEXICO AND EL SALVADOR

BACKGROUND AND PURPOSE

We returned from a week-long trip to Mexico and El Salvado on March 30. This trip was sponsored by the Unitarian Universalist Service Committee. We undertook it for the purpose of re-examining options for United States policy toward El Salvador.

We met in Mexico with two leaders of the FDR-FMLN, with officials of the Mexican government, and with Colonel Adolfo Majano, a member of the Salvadoran junta from 1979 until December 1980. In El Salvador, we talked to Defense Minister Garcia, President Magana, leaders of the Hacienda Police and the Air Force, church and labor officials, and U.S. Embassy personnel. We visited two peasant cooperatives created by the agrarian reform, toured the military hospital and the men's and women's prisons, and visited the U.S. trained Atlacatl brigade.

We made extensive inquiries regarding two recent incidents characteristic of human rights problems in El Salvador. The first involved the murder of Salvadoran peasants, the second the arrests of two American journalists, T. J. Western and Joan Ambrose Newton.

On February 22, near the village of Las Hojas, in the Department of Sonsonante, at least 18 and perhaps as many as 74 Salvadoran peasants were killed by the Army. We visited the Departmental Commander, Colonel Gonzalez Araujo. He told us the deaths occurred when his forces were attacked by a group of subversives armed with M-16's and machetes. We also met the eyewitnesses who said that the Army had simply rounded up men throughout the area, bound them, tortured them and killed them. Among the dead were young boys, and two men aged 75 and 82.

Colonel Araujo is a liar. The Minister of Defense knows it, the President of El Salvador knows it, the U.S. Embassy knows it, and the government's human rights commission knows it. If justice is not done in this instance, justice will never be done in any case in El Salvador.

On March 26, the day we arrived in San Salvador. Western and Newton were arrested and taken into custody by the Hacienda Police for allegedly assisting the guerillas. The only evidence was the police claim of a taped telephone conversation of a story filed by Western with a radio station in San Diego. Armed men in civilian dress made the arrest. We met with the Commander of the Hacienda Police, Colonel Moran. Representative Oberstar met with Western at police headquarters. Newton was released into custody of American Embassy personnel.

The nature of this arrest and the manner in which was carried out, the flimsiness of the "evidence," and the method by which it was gathered are routine in El Salvador. Mr. Western could have been held for years under Salvadoran law with no lawyer, no trial, no rights. The difference in this instance is that he is a citizen of the United States, and his release—after intense pressure applied by Members of Congress—has been obtained.

EL SALVADOR: TRAGEDY AND PROMISE

We went to El Salvador skeptical about the merits of U.S. policy toward that country. When we arrived, we found a policy conceived in ideological primitivism, overly dependent on military force, and confused and reactive in its implementation. If we are to protect U.S. interests and play a constructive role in El Salvador, we must undertake a dramatic shift in U.S. policy toward El Salvador.

We know that elections, alone, are not sufficient to produce a democratic allocation of power in El Salvador. The election last March has had little effect on the reign of right-wing terror; military violations continue to go unpunished; the land reform is endangered; and the guerrillas are stronger than before.

We talked to both left and right in El Salvador. We know that a political settlement of the war will be extremely difficult to achieve, but no other acceptable options exist.

The government will not yield a share of power to the opposition prior to elections. The opposition will not participate in elections unless the integrity and openness of those elections are guaranteed—such guarantees, the FDR-FMLN argues, can only be obtained through the sharing in power.

Each side has legitimate reasons for the position it has taken. The government, however, has a responsibility to think with far greater care about the methods by which meaningful elections can truly be achieved. If the government is unwilling to grant a share of power to the left, it must at least purge from illegitimate power the far right, including high officials in the armed forces.

The sources of rightist terror in El Salvador are not shrouded in mystery. They are known to the Salvadoran government, to the Salvadoran left, and to the United States. Until those responsible for this violence, who are in government, are removed from their positions, and until all Salvadorans, including the military, are made subject to the criminal process, El Salvador will have no right to call itself a democracy.

The Salvadoran opposition has a responsibility, as well. There are many who doubt the willingness of the FDR-FMLN to abide by the rules of any political process which does not guarantee victory for themselves. Accordingly, the left must be willing to make an explicit commitment to abide by the results of a truly democratic electoral process, once such a process has become possible in El Salvador. To make this commitment meaningful, the left also will have to be willing to purge their most exteme elements.

The Salvadoran civil war has deep historical roots; it has been waged viciously and with determination by both sides; the hatred and fear will not readily be controlled. The majority of El Salvador's people want peace. This desire must be harnessed and brought to bear on both sides to generate progress toward a settlement.

We believe that all sectors—military, business, labor, the church, professionals and the FDR-FMLN—should be brought into discussions, without preconditions, for the purpose of ending the war. We believe our government should encourage such discussions at the earliest possible time.

RECOMMENDATIONS

U.S. military aid

Congress must develop a legislative mechanism to limit United States military aid to training and basic supplies which are essential to the protection of economic targets and the prevention of military victory by the FDR-FMLN.

Deliveries of authorized military aid should be closely regulated in order to avoid artificially created emergencies caused by rapid expenditures at the start of the fiscal year.

We should condition continued military assistance strictly, requiring a dramatic decline in violations of human rights, on greater protection for the agrarian reform program, on the development of a credible criminal justice system, on a willingness on the part of the government to participate unconditionally in a dialogue, and on the creation of a political atmosphere within which meaningful democratic elections can be held.

One specific prerequisite to free elections is the lifting of the state of siege and repeal of Decree 507, which legalizes the suspension of civil liberties in El Salvador.

It must be recognized that the reforms listed above will not be achieved in the absence of a reorganization and reorientation of the Salvadoran military. This process, strongly advocated by Colonel Majano, should be designed to produce an armed forces dedicated to serving the Salvadoran people, not ruling them. To achieve this goal, significant changes in high level military personnel will be required.

U.S. economic aid

U.S. economic aid should continue, with particular emphasis on the implementation of agrarian reform, the provision of medical supplies and health care to military as well as civilian sectors, education, basic economic development assistance, and humanitarian aid to persons displaced by violence.

We believe that aid may properly be used to provide compensation to landowners under the "Land to the Tiller" program and

that U.S. law should be changed to permit this to occur. A much greater effort is required, in addition, to provide credit and technical assistance to cooperatives under phase I of the reforms.

Aid to displaced persons should be distributed impartially to all victims of the violence.

U.S. responsibility to act for peace

The United States needs to develop a policy based on a realistic assessment of United States interests, and a recognition of the strength and legitimacy of forces contending for power in El Salvador. Ideological rigidity in the midst of a loathsome tragedy is indefensible.

The United States, and perhaps only the United States, has the power and the influence to reconcile conflicting political forces in El Salvador. It is demonstrably in our interest to do everything to accomplish this reconciliation. But, to date, we have lacked the will, the seriousness of purpose, and the unity to succeed. This must change.

The call for dialogue without preconditions echoes now throughout the region of Central America; it reflects the position of the Salvadoran church, many civilian political officials, campesino leaders, and increasingly it is discussed by pragmatists within the Salvadoran military itself. The people of El Salvador want an end to civil war. They want peace, and they want the United States to help them achieve that peace.

There are those who suggest that violence and brutality are endemic to the Salvadoran culture, and that the killing must inevitiably grind on. We reject that view absolutely.

Peace is possible, if the will to pursue peace is sufficiently strong. If the parties involved in the Salvadoran conflict, inlcuding our own government, are truly convinced of the logic and justice of the positions they espouse, negotiation for peace should be deemed not a sign of weakness, but instead a gesture of confidence and faith.

We call, therefore, upon all parties to the conflict to stop the killing and start talking. We think it can be done. We think it must begin now.●

A TRIBUTE TO JAMES BETINIS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. RUSSO. Mr. Speaker, I recall reading once that neither democracy nor effective representation is possible until each participant in the group—and this is true equally of a household or a nation—devotes a measurable part of his life to furthering its existence.

We are a remarkable nation in terms of the contributions some of our citizens make, and this month one of our finer citizens, Mr. James Betinis, will be retiring as president of the Suburban Transit System in Oak Lawn. Mr. Betinis, 87 years young, has worked in the transit industry for 62 years and has been president of STS since 1933.

It is a job that keeps you running, but Mr. Betinis found time to work in the local community and to think of the larger world community as well. He was a founding father of Oak Lawn. He was instrumental in the founding of the Cretean Society, a Greek philanthropic organization that among its good works supports a hospital in Greece. He donated the land for the ballfield for the Oak Lawn Community High School. It is appropriate that this dedicated man who has contributed so much to so many will be honored at a retirement ceremony on April 18. I know that my colleagues join with me in commending Mr. Betinis for the work he has done and in wishing him the best in retirement.●

A UNANIMOUS CALL FOR ACTION ON ACID RAIN

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. D'AMOURS. Mr. Speaker, the people of New Hampshire have sent an important message to Congress and the administration. In recent weeks, residents of 194 Granite State communities have considered an acid rain article appearing on town meeting warrants. The vote has been unanimous—all 194 communities voted to adopt the resolution which calls on the Federal Government to:

First. Reduce by at least half the major cause of acid rain, sulfur emissions, by the year 1990.

Second. Conclude negotiations and adopt a treaty with the Government of Canada that will commit both nations to this same goal.

Mr. Speaker, this action is indicative of an acute awareness of the damage acid rain is inflicting on our lakes, rivers, and streams, and of a growing apprehension over the economic and health problems associated with acid rain. The people of New Hampshire and other affected areas are becoming increasingly impatient with Government inaction as the assault on the integrity of our environment continues unabated.

It is my hope that the strong endorsement of this article will serve to underscore the urgency of the acid rain threat as it affects not only New Hampshire but many other regions, and lead to the responsible and meaningful action called for in this resolution.●

ENCOURAGE CONSERVATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. AuCOIN. Mr. Speaker, I have introduced legislation, sponsored by all of the members of Oregon's delegation in the House, to correct a problem that hinders State and local efforts to encourage conservation and renewable energy use.

Our bill would amend the Internal Revenue Code so that individuals may claim Federal energy tax credits for energy improvements paid for under certain State or local programs provided that no more than 5 percent of the total funding under such a program is allocated for energy loans.

A companion bill is being introduced in the Senate by my distinguished colleagues from Oregon, Mr. HATFIELD and Mr. PACKWOOD.

The Windfall Profits Tax Act of 1980 provided that if an energy conservation feature were paid for using subsidized energy financing from Federal, State, or local programs, a double-dipping rule would take effect which would exclude the subsidized part of the expenditure from tax credit eligibility.

The act further defines subsidized energy financing as "financing provided under a Federal, State, or local program, a principal purpose of which is to provide subsidized energy financing for projects designed to conserve or produce energy."

It has been 2 years since the enactment of the Windfall Profit Tax Act, and the Internal Revenue Service has still not issued regulations to implement this section of the law.

Their silence on this issue has created considerable concern and confusion about what constitutes the "principal purpose" of a program.

The inherent ambiguity in the definition both undermines State and local efforts to become more energy self-reliant and places the Federal energy tax credit off limits to many otherwise qualified individuals.

In my State of Oregon, thousands of veterans have been penalized for conserving energy in their homes for this very reason.

Despite the absence of any formal ruling, a recent IRS district counsel opinion held that State department of veterans' affairs home improvement loans for residential weatherization or renewable energy sources constitute a "principal purpose" of the department of veterans' affairs home loan program.

Furthermore, the IRS has applied this opinion retroactively, forcing many veterans who received both the loans and claimed the Federal tax credit to pay back the credits with interest in amounts up to $4,300.

Since the Veterans' Affairs home energy loans constitute less than one-quarter of 1 percent of the outstanding loan balance of the veterans home loan program, it stretches the imagination that these energy loans could be considered a "principal purpose" of the home loan program.

11-059 O-87-15 (Pt. 7)

Many of you may find programs in your own State similarly affected. Like Oregon's veterans, many who have made energy improvements and taken the tax credit in good faith may soon find themselves victims of the IRS unless we take action now.

Clearly, further legislative clarification is needed. Our bill would clarify the law and allow individuals to claim energy tax credits for energy improvements made with subsidized financing when that financing is not the sole objective of the program and constitutes a small fraction of program funds.

Energy conservation and the development of renewable resources are a vital component of our domestic energy security strategy. Let us not forget the painful lessons learned during the oil crises of 1973 and 1979 because the oil market now appears to be slack.

Energy incentives, like the Federal energy tax credit, reduce our dependence upon foreign oil, improve our national security, and in the long run prevent us from having to fund an expensive military buildup in the Middle East to protect our oil interests.

I urge my colleagues to lend their support to this bill and prevent the IRS from perpetuating an unfair application of the law and penalizing Americans who conserve energy.●

INDEXING—REPEAL WILL HURT THE WORKERS OF AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. KEMP. Mr. Speaker, in late July 1981, the American people took the initiative to convince their Members of Congress that they wanted lower taxes. As Prof. Paul Craig Roberts points out in today's Wall Street Journal, indexing the income tax rates was the critical difference between the President's tax cut package and the Democratic alternative.

Professor Roberts points out that indexing is a key element in maintaining our current economic recovery. He presents an accurate and timely discussion of the critical importance of maintaining this change in our tax policy. He demonstrates how all middle-class families would suffer sharp tax increases after 1985 if indexing were repealed and inflation is only 5 percent. He shows that the economic theory of increasing taxes to reduce the deficit has failed. In fact, tax revenues are up as a result of the portion of the tax cut enacted thus far.

I believe that Professor Roberts correctly and clearly presents the case for maintaining the indexing provision for the good of the economy and for the good of the American people. I therefore ask that his column be printed in the RECORD so that all of our colleagues may benefit from it.

Today the Senate Budget Committee is scheduled to begin plugging in the revenue numbers for the 1984 budget resolution. By the end of the day it may have repealed the Reagan revolution.

As the president realized in 1981 when he took his case for his tax cut to the American people, the Reagan revolution rests on the indexation of the personal income tax in order to prevent inflation from pushing taxpayers into higher brackets. On July 27, 1981, two days before the vote on the tax bill, Mr. Reagan unveiled a dramatic chart on national television. The Democrats' tax cut was better "if you only plan to live two more years." Under the Democrats' bill, taxes would begin rising again in 1983 and by 1984 the tax cut would have disappeared.

In contrast, with his bill the president pledged to "get your taxes down and keep them down." Mr. Reagan's chart showed that with his bill income tax on a fixed amount of purchasing power would fall until 1984 and then level off. Income taxes could not rise unless real income rose.

The indexing provision made the difference between the two bills. The morning of the vote, House Speaker Tip O'Neill declared: "We are experiencing a telephone blitz like this nation has never seen." Forty-eight Democrats voted with the Republicans to give the president and the American people a 238-195 victory.

By close of business today the median income family is likely to be facing a striking different tax future—one exemplified by a second chart. The reason is that Sen. Pete Domenici, chairman of the Budget Committee, is not a fan of indexing and is intent on adding revenues to the president's budget of an amount that could lead to repealing the provision. The Budget Committee cannot write the tax law, but it can give the Finance Committee a revenue figure that is otherwise hard to realize.

Without the indexing provision the Reagan revolution registers only as a minor short-lived dip in an ever-escalating tax burden. If the third year (1983) tax cut goes too, as House Democrates demand, Ronald Reagan might as well not have proposed to cut taxes.

With such a threat to the president's achievements from his own party in the Senate, you might think the White House would be busy twisting Budget Committee arms. So far there is no sign of this.

The president's economic program is endangered because his tax cut has been misrepresented by his own aids, as well as by his opponents, as irresponsibly large—so large that it "has eroded the tax base," with the result being large deficits for the next decade. The picture of the president painted in the press is one of well-meaning man who almost destroyed the economy with massive tax cuts. Little wonder that he was forced to accept last August the repeal of most of his tax cut for business and that Congress is now threatening to repeal the bulk of the individual tax cut.

It is a shame because the facts are on the president's side. According to his budget, tax revenues will average 19.2 percent of GNP for fiscal years 1983-86, higher than the 18.9 percent average for the 1970s and the 18.6 percent average for the 1960s. Moreover, the 19.2 percent figure is probably an understatement, because it is based on a forecast that does not forsee much of an economic recovery—or much effort to produce one.

Whereas the tax base has not been eroded, the president's tax cut has. Indeed, the 1981 tax cut is only a "cut" when measured against the rapidly rising tax burden under prior law. Table 1 shows that "the greatest tax cut in history" is an inadequate offset to bracket creep and payroll tax increases.

As Table 2 shows, all middle-income families will experience sharp tax increases after 1985 if indexing is repealed and inflation is 5 percent. At higher rates of inflation the tax increases would be larger. At a zero rate of inflation no revenues are gained by repealing indexing, which should tell you something about the prospects for inflation if indexing goes.

TABLE 1.—TAX INCREASE OR DECREASE (—) AFTER BRACKET CREEP AND PAYROLL TAX INCREASES

Income	1981	1983	1985	1987
$15,000	146	41	80	106
$25,000	261	−60	−37	−6
$30,000	317	−86	−57	−22
$40,000	520	56	168	321

TABLE 2.—TAX INCREASES IF INDEXING IS REPEALED

Income	1985	1986	1987	1988
$15,000	125	195	251	320
$25,000	67	205	319	475
$30,000	86	268	423	620
$40,000	355	740	1,084	1,516

In a sense one can understand the Budget Committee's position. Without automatic tax increases the failure to control spending leads to larger budget deficits. The indexing provision puts pressure on the Budget Committee to prevent spending from growing faster than the economy. On the other hand the spending constituencies are always demanding more, and it is not pleasant to be caught between a rock and a hard place.

Bad economics is playing a role, too. Once again the Republicans are trying to fix the budget prior to fixing the economy. The large tax increase of last August did not narrow the deficit projections as the Office of Management and Budget promised. Instead the economy worsened, and the deficit projections doubled.

Many Republicans are now fooling themselves that the repeal of indexing will reassure the financial markets that the deficits will be reduced. This is supposed to allow interest rates to fall more, thus helping the recovery. However, the repeal of indexing cannot appreciably help the deficit unless inflation accelerates, and interest rates are unlikely to fall in the face of rising inflation.

The politics of the issue are even worse for the Republicans. They are already accused of favoring the rich, and the repeal of indexing will hit the lower income earners the hardest. This is because the lower brackets are narrower than the higher brackets. Therefore, inflation pushes lower income people upward more rapidly through the brackets.

The Democrats want to repeal indexing, and instead of doing it for them, the Republicans should fight. The fact that the Democrats want to repeal indexing and to inflate is the best issue President Reagan has for the 1984 campaign, but his party in the Senate is about to take it away.

The repeal of indexing can raise revenues only by wrecking the economy. Consider something important like the competitiveness of American labor. Without indexing it takes larger wage increases to keep a worker even with inflation. For example, without indexing it costs an auto firm about $1.83 to give a worker a $1 cost-of-living raise after payroll and federal, state and local income taxes. With indexing it costs about $1.45. The corresponding figure in Japan is $1.30.

Last year the Republicans lost the tax fight early when they voted for a budget resolution that provided for a tax increase. When the tax bill itself came up, they were already in the bag. Party leaders told them they "couldn't go against the tax increase now." The three-dollar spending cut that they were supposed to get for every dollar of tax increase dwindled away to almost nothing. A repeat performance and the Republicans will have made Reagan irrelevant, economic recovery or not.●

JOHN SCALI HONORED FOR LIFETIME ACHIEVEMENTS IN JOURNALISM—A TRIBUTE TO EXCELLENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. BIAGGI. Mr. Speaker, last Saturday I had the distinct honor and privilege to participate in a national conference which was designed to examine ethnicity and the media. Jointly sponsored by the Commission for Social Justice, Order of the Sons of Italy in America and the National Italian American Foundation, this meeting brought together—for the first time—a number of respected journalists, scholars, community leaders, and ethnic organizations to examine the importance of the positive portrayal of Italian Americans in the media.

The highlight of the day-long conference—which was a significant success—was the granting of the first lifetime achievement award in journalism to ABC senior correspondent John Scali. John not only has distinguished himself in the field of reporting the news—but has also been a newsmaker long before he came to journalism, as an Ambassador to the United Nations during the Cuban missile crisis. He emulates the highest levels of personal and professional accomplishment and has selflessly given of his time and energy to a number of causes of profound importance to Italian Americans.

I would like to place John Scali's remarks in the RECORD so that we all might be able to reflect upon his ideas and recognize him for the giant that he truly is—and will continue to be.

His remarks follow:

REMARKS BY JOHN SCALI, ABC SENIOR CORRESPONDENT

I am honored to accept this award for lifetime achievement in journalism. But in so doing I suggest you hold off the goodbye festivities, the gold watch, the fireworks and color ads showing that happy, retirement condominium down south. Put all those thoughts aside because I want it known I still have a lot of living to do. And, God and the network willing, I intend to be around a long time, reporting, analyzing and interpreting the news and trying to make some sense out of this topsy turvy world.

But I am willing, indeed I am proud to accept, this award for whatever it is I have done so far that merits the praise and the generous words you have been so kind to shower on me tonight.

News of this award will be welcome to my fan club. Yes, I do have a fan club. It is tiny but active, sometimes in a bewildering way. One of its members, a lady in Sumter, S.C., to whom I had once sent an autographed photograph of Ambassador John Scali recently sent it back. She said now that I had returned to the news business she wanted an autographed picture of reporter John Scali. I was pleased she had followed my career that closely until I noticed the picture she had sent back was of John Chancellor.

I wish to thank the Commission for Social Justice, the Order of the Sons of Italy and the National Italian American Foundation for organizing this unique conference and inviting me to be present. As I sat in on the workshops today I was deeply impressed by both the fervor and the caliber of discussion. I found many of the comments perceptive, practical and promising.

The problem we discuss tonight is not a new one. It is deeply imbedded in the very fabric of our society. To illustrate this point, I considered for a while opening my remarks with the same words Franklin D. Roosevelt used back in 1938 when he addressed the Daughters of the American Revolution. Fellow immigrants was the way President Roosevelt described those fine ladies who were so proud of how far back they could trace their American heritage.

But I felt it would have been unfair to compare our present difficulties with that period of time, when antiforeign discrimination was often blatant, pervasive, often a common part of every day life. Since the day when President Roosevelt spoke out, I think we can all agree there has been substantial progress toward the goal of genuine equality for all ethnic groups in our Nation.

A combination of factors have been responsible for these steps forward—first of all leadership of fair-minded men and women who have recognized discrimination for the poison it is, and fought for genuine equality of all ethnic groups. They in turn built up the support needed for the array of laws banning discrimination, making it an offense not only against humanity but a crime punishable by law.

Lastly, but potentially even more important today, the action of the ethnic groups in protesting and even denouncing the false or distorted image of Italian Americans as they appear in films, television and in print.

But the progress achieved by this uncoordinated approach has been uneven. Some racial and religious groupings have been assimilated and accepted as a welcome part of mainstream America far faster than others. I think generally this is true of most Americans of Italian background.

Americans of Italian descent now can be found among the most distinguished citizens of our land—among the professions, the doctors, lawyers, educators, businessmen, industrialists, in every field of the arts, in government and politics on the national, State and local levels.

It is a pretty impressive cross-section of America today and Italian Americans can be proud their sons and daughters not only have endured and survived hardships but they have excelled.

I think we Americans of Italian descent who have achieved some modest success, mostly through our own efforts, owe some obligation to those who come after us, our children and their children's children to make their path a little easier.

This is why I am here tonight, belatedly to thank those early Italian immigrants and their children who fought the good fight. They did not have a mayflower pedigree to bestow upon us that could automatically open doors to opportunity. They urged us to move forward despite obstacles, taught us that being something is more important than having something.

Frank Capra, one of the giants of Hollywood directors, recalled this past Columbus Day how, as a boy of 6, he came to the United States with his father aboard a ship which barely survived 13 stormy days. Vividly, he remembered how his father hauled him from deep in the hold to the deck of the ship when they finally reached the Statute of Liberty. With the others, he knelt on the deck in prayer as his father described the Statute of Liberty like a saint that would help them in the new land.

Capra eventually did succeed in becoming perhaps the greatest film director Hollywood has ever known. He succeeded because of his own enormous talent, that would not be denied, his unwillingness to allow anything to deter him. He competed and he excelled, surmounting prejudice and discriminations so many Italians confronted in those days.

What did he do to keep alive a spirit of Italy, things Italian, in his home while his own sons were growing up in California? "Not a damn thing," Capra replied when he was asked. His sons were not interested in being reminded of their father's foreign background, they wanted to be as American as any of their friends. They wanted to belong.

Frank Capra felt the best way to help his two sons succeed was to play down the fact that their father was Italian, so they could compete on equal terms with others. I could not help but contrast this with what the Hispanic police lieutenant on Hill Street Blues, Rene Enriquez, said this week when he was asked on Good Morning America why he was so proud to have a feature role in this splendid series. It is because of so many Hispanic people watch the program, he said. "They can dream and think the American dream is possible because I am part of it."

These two comments I think speak eloquently of how times have changed, how finally being an ethnic today can sometimes help, be a positive force, instead of a handicap. In their young lifetime, my three daughters have not had to face any prejudice they can remember.

So too, I believe, can there be a change for the better in how we deal with the problem of negative portrayals of Italian Americans. The days of resorting to writing an indignant letter to the editor or making an angry telephone call to a network, are now outdated and ineffective.

If further changes are to be made, there is a need for informed, rational criticism, rather than emotional tirades. It must be made clear no one wishes to stultify the cre-

ative process or to impinge on the first amendment to the Constitution which guards our freedom of speech.

The approach should be, I believe, that of a dignified dialog. A few dialogs of this nature are already underway. There should be more where each side discusses his views calmly in a spirit of conciliation not confrontation. Small, knowledgeable groups can eventually create an attitude of understanding and trust that advances each toward the goal of accuracy, a sensitivity which will serve all the American people.

But, if we are to move with a quickening pace toward our goal, there is one essential ingredient we must bring into each discussion, when we seek to right a wrong.

Know your facts when you speak, not just generally, partially, or superficially, you must know as much in detail of the problem, its history, its future, and how these fit into the real world you are seeking to change.

Facts some times are elusive, slippery little devils. But you can, with enough effort, find them so you then speak on equal terms with whomever you are seeking to convince. But we must recognize that having the best set of facts doesn't guarantee success.

A few years ago, two diplomats I know set out to negotiate a treaty of Friendship. They succeeded in writing most of it, then got hung up on whether a particular sentence should end in a semi-colon or a period. For four days, they argued back and forth, growing more and more exasperated. Finally, they decided on a two day break.

When they resumed, the diplomat who had been insisiting on a semi-colon, said he had changed his mind and would accept the period. The other diplomat promptly said: "No, I wont accept it." In the past four days you've been such a nasty so-and-so, that I've now concluded that if you're giving up the semi-colon, it must be because you're planning to double cross me in some other way." The other exploded and walked out in a huff and the treaty never was finished.

We must beware of that kind of dialog. Success will depend on continuing goodwill on both sides, especially when discussing the most sensitive issues.

Within ABC, and I'm sure at other major networks, there already is in place a corps of trained serious men and women who deal with problems of discrimination and predjudice. They are ready to listen and take corrective action when necessary.

Among the quiet unofficial changes ABC has put into practice, for example, is the fact there now is a ban on the use of the word Mafia. And if you notice, the gangsters that get on the air at ABC don't all have Italian names.

Small changes to be sure but to Americans of Italian descent they represent a signficant step in the goal of building a positive image.

As one who has traveled and reported from some 70 countries, I know first hand of the power of American television. Virtually every important dramatic series appears on foreign television screens, the voices dubbed in the local language.

Foreigners learn far more of life in the U.S. from American television and movies than all the newspapers, magazines, books and speeches combined.

It was an eerie feeling last week for my wife and I to watch a re-run of an old John Wayne series in Rome just before bedtime.

The scene I'll never forget is when John Wayne is leaving the saloon and as he opens the swinging doors, he turns and calls to his sweetheart, "CIAO, Bambino."

This is why as we say CIAO tonight it is important to remember the success of this meeting on the impact of American television at home, depends not so much on what was said here today but on the follow up in the months ahead.

If the spirit of unity and desire for acting I saw in evidence today moves us to greater, coordinated effort, we can one day say we participated in an historic meeting.●

JOE PECHMAN'S ANNUAL MASTERPIECE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

Mr. ALEXANDER. Mr. Speaker, there are a number of durable institutions in this country that are famous to every American schoolchild—the Congress, the White House, the Supreme Court, the Washington Redskins, to name just four.

Those of us who work in this Capital City can name another institution that deserves considerable fame and respect and has had, in its own way, a measurable impact on the history of our times. I mean, of course, the Brookings Institution, which has been providing guidance and policy options for some of us in Government since 1927. One of the most valuable Brookings services in recent years has been the series called setting national priorities which, under the astute editorship of Joseph Pechman, has provided analysis of fiscal and budgetary policy each year since 1970.

Last week the Washington Post reviewed the 1984 edition of Mr. Pechman's annual masterpiece and found it a "reasoned and careful road map toward a solution" in this time of budgetary crisis. Having recently profited from a study of this volume, I wholly concur, and I would commend the volume to all Americans as being, indeed, what the Post says it is; an "Antidote to Pessimism."

[From the Washington Post, April 6, 1983]

AN ANTIDOTE TO PESSIMISM

Contemplating the huge deficits in President Reagan's budget, a good many people in Congress seem to have succumbed to hopelessness. If the deficits projected into the future are so large, why cast unpopular votes for spending cuts that can make only minor differences? If the deficits are out of control, why get yourself into trouble by struggling with them? As a response to that kind of pessimism, the Brookings Institution's annual study of the budget is particularly valuable this year.

The Brookings analysis argues that the consequences of letting the deficits run are not tolerable. "Deficits of such a size are unprecedented since the Second World War," Joseph A. Pechman, the editor of the book, writes, "and will cause serious, painful side effects." The analysis provides a reasoned and careful road map toward a solution.

On the central question of defense spending, it takes the position that the Soviet military buildup is a serious challenge to the United States, and requires a serious response. William W. Kaufmann, who contributes a chapter on the military programs, concludes that the country could achieve a stronger defense than the Pentagon currently proposes at somewhat less cost. He asks, for example, whether it is useful to include budget allocations for a protracted nuclear war. He observes that supplying too many highly advanced and unfamiliar weapons to the armed forces too fast may reduce their state of readiness rather than improve it. Mr. Reagan proposes to spend $1,550 billion for defense over the next five years. Mr. Kaufmann suggests that the figure could be safely cut by about $135 billion while actually raising the country's defense capability beyond the level that the Pentagon's current plans foresee.

With that kind of limited and cautious reduction in defense spending, the budget's structural deficit could be eliminated by a tax increase that rises in steps to bring in about $110 billion a year by 1988. That's a large increase, but by no means unrealistic. It is about double the contingent tax increase to which Mr. Reagan has already given his support.

Eliminating the structural deficit does not necessarily mean balancing the budget. The structural deficit is the hypothetical deficit that the government would run if the economy were running well and the unemployment rate were down to 6 percent. It is now about $155 billion, and, the White House calculates, it will be over $300 billion a year by 1988 if there's no change in the present course. That's a formula for very high interest rates, very high unemployment and industrial decline. Changing that course is not only necessary. It is also possible, the Brookings analysts have demonstrated, and it is possible well within the limits set by the very real requirements of national security.

[From the Washington Post, April 6, 1983]

BROOKINGS SAYS REAGAN COULD BUY THE SAME SECURITY FOR LESS

(By John M. Berry)

The government could buy the same level of national security as could the Reagan administration's five-year $1.55 trillion defense program for $155 billion less, according to the Brookings Institution's annual study of the federal budget. Portions of the study were released yesterday.

William W. Kaufman, an MIT professor who was an adviser to secretaries of defense in every administration from John F. Kennedy to Jimmy Carter and who wrote the defense chapter, said that the Reagan program is "not realistic" and questioned whether it is "adequately related to the dangers that may lie ahead for the United States and its allies."

But Kaufman also raised questions about his own conclusions. He said the administration probably has underestimated the cost of its planned defense procurement by about $28 billion over the next five years, and has underestimated the cost of operating and maintaining the complex new weapons systems by a far larger amount.

To maintain the new weapons in a state of "high readiness" through 1988 could require as much as an additional $230 billion, Kaufman said.

The annual volume, called "Setting National Priorities: The 1984 Budget," urged

Congress to enact some combination of defense and non-defense spending cuts and tax increases to reduce future budget deficits.

Economist Joseph A. Pechman, editor of the book, warned that if the deficits are not lowered once the current economic recovery is well under way, a renewed clash between stimulative fiscal and restrictive monetary policy could mean more years of high interest rates and economic stagnation.

"This is the major economic problem we face," Pechman said. "Unless Congress does something about the budget this year, we are not apt to have a satisfactory economic performance for some years to come."

The book said, "If the Federal Reserve Board were to increase the money supply enough to hold down interest rates, the deficits would generate inflation. If, as seems more likely, the Federal Reserve refused to accommodate that much fiscal stimulus, interest rates would rise sharply and economic recovery would be retarded."

In the longer run, the failure to reduce deficits will mean less investment by business in new plants and equipment and less by individuals in housing because the government will be using a large portion of total national savings to finance the deficits, the book said.

In the defense chapter, Kaufman proposed major modifications of the Reagan program, which he termed the "hot-rod" version of the Carter defense plan. The suggested changes, which would save $223 billion in new obligational authority and $155 billion in outlays between 1984 and 1988 include:

Scrap the MX missile but leave research and development funds available for a new missile.

Cancel several aircraft programs, including the B1 bomber, the F14 and F15 fighters, the C5B transport, and the AV8B air support aircraft.

Cancel construction of 32 planned Navy ships, including three aircraft carriers, nine cruisers, 11 nuclear attack submarines and nine guided missile destroyers, and renovation of two battleships.

Reduce several Army programs, including the M1 tank, the M2 armored fighting vehicle, the AH64 attack helicopter, as well as the Patriot air defense program, the binary chemical munitions program, and a truck purchase program.

Reduce programs to stockpile conventional munitions.

Freeze military manpower at 1983 levels.

Kaufman criticized as not realistic and unnecessarily costly the administration's attempt to create the ability to simultaneously fight a protracted nuclear war, to esclate a conventional attack in one part of the world by another country by attacking that country or one of its allies in another part of the world—called horizontal escalation, and to fight a conventional conflict of indefinite length.

JOBS WITH PEACE WEEK

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GRAY. Mr. Speaker, I am pleased to join in the observance of Jobs With Peace Week. This coming Saturday, Philadelphia Jobs With Peace will participate in drawing national attention to the issue by convening hearings in Philadelphia to consider the impact of military expenditures on people's lives and on the local economy.

As an early cosponsor of House Resolution 46, the jobs with peace resolution initiated by Congressman DON EDWARDS, I know that conversion to a true peacetime economy is vital to the survival of our country and our world. Adding steadily to the arsenal of overkill—while denying decent employment, housing and public services to millions of Americans—is a cruel distortion of our Nation's basic principles.

Each of us knows of unmet human needs in our own communities. I believe that each of us should know, too, that more bombs and more weapons have no real relation to our society's long-term security.

I commend all of the people who are participating in various Jobs With Peace Week events. Through the committed efforts of concerned citizens, this country can at last pursue enlightened policies leading to permanent peace and prosperity.●

AMERICA CAN ORGANIZE ITS RESOURCES TO BOLSTER TRADE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. PORTER. Mr. Speaker, Mr. Joel D. Honigberg, the president of J. D. Honigbert & Associates and the past president of the International Business Council MidAmerica, recently wrote to me expressing his suport for the Export Trading Company Act, which was signed into law by the President in October of last year. He enclosed a most enlightening article which he wrote on the subject. I commend him for his excellent work and call my colleagues' attention to this most informative piece:

Americans have always cherished the tradition of responding to a national challenge. In peacetime or during the dark days of war, it is something we have always done well. History recounts numerous examples when this country has organized its resources to achieve national goals.

Today, American business faces, perhaps, its toughest challenge in decades—survival in a fiercely competitive global market. At stake is the economic strength of our country and the prosperity of its people. Some experts, observing the devasting invasion of domestic markets by foreign competitors, claim that U.S. executives appear helpless, rushing to react to developments instead of directing them; that as a result American business can never again be a force in international markets.

A challenge of this magnitude reminds me of the missile gap in 1957 when the Soviets launched Sputnik. If we could generate the same fervor and single-minded determination to organize our trade resources and improve our competitive position in foreign markets, we would surely avert the economic crisis which is predicted, and overcome the debilitating trade deficits this country has experienced for the last five years.

To accept the inevitability of the decline and fall of U.S. prominence in world trade circles at a time when the Congress has legislated the Export Trading Company Act and the Administration has moved briskly into an active role of implementation, is to fly in the face of hope.

In Long Beach Harbor on Oct. 8, watching President Reagan, with a single pen stroke, sign the Export Trading Company legislation into law, I became acutely aware that the months and years of committee deliberation, of debate and compromise had ended.

A national policy had been unequivocally signaled to the business community that export promotion benefits all Americans, that trade is a worthwhile activity.

Standing on that pier, surrounded by the optimism and hope that so many share for what this bill may mean to the future of American export trade, my mind was already on the practical business of translating rhetoric into sensible applications.

The law is revolutionary in the sense that besides encouraging all forms of private business, including banks, to act, it authorizes state and local government entities and other non-profit organizations to form or join trading companies.

It legally designs a system to permit the financial resources of banks, the international expertise of multinational companies, and the export management industry, to work together in organizing thousands of small and medium-sized companies to stake out a share in foreign markets.

The many new, creative combinations of investment capital, export product, and foreign market expertise made possible by this legislation would form the basis for strong trade recovery.

In addition, I am convinced that it will transform the global approach of many American companies. There has been little change in foreign business strategy since the end of World War II. Direct foreign investment, joint ventures with foreign nationals, technology transfer and licensing have been dominant options.

I strongly believe that the American business community has the courage to accept this challenge. It has the resiliency to adapt to the global trade realities of the 1980s. At a time when the pot of protectionism is boiling over, President Reagan's appeal to the business community is to create a modern, viable trading company system, without the benefit of federal government grants or subsidy, forged from the provisions contained in the Export Trading Company Act of 1982.

Unless we begin to make a stronger showing in overseas markets, we may not have the strength to stand up in the ring later to face challengers. If the possibility exists that an international trade war is brewing, this is the time to mobilize our resources to bolster America's share of the global market.●

REFORM OF ICC RAILROAD RATE PRACTICES URGENTLY NEEDED

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. RAHALL. Mr. Speaker, I rise to bring to the attention of this body the roguish and irresponsible manner in which the Interstate Commerce Commission is implementing provisions of the Staggers Rail Act of 1980.

During our consideration of this railroad reform legislation, I and others worked to strike a balance between the revenue interests of the railroads with those of coal and other captive shippers by maintaining an appropriate degree of rate regulation. Since enactment of the Staggers Rail Act, I have watched as the Commission considered and decided how to interpret and promulgate key provisions of the act. I have repeatedly called for congressional oversight hearings on this process. And, I have issued alerts when I felt the Commission was ignoring the intent of the law.

However, these efforts and the intent of Congress to provide captive shipper protections, have been for naught. The ICC has taken a cavalier attitude toward implementing provisions of the act meant to protect captive shippers from monopolistic pricing practices and has mounted a campaign to administratively deregulate rail pricing for captive traffic; that traffic which lacks viable transportation alternatives and is captive to the railroads. In a number of proceedings the ICC has subverted the meaning of market dominance, sanctioned a 15 percent per year increase above inflation on coal movements, has determined that captive, or market dominant, movements may be made to pay for other less profitable traffic carried by the railroads and has exempted from any type of regulation export coal to the east, gulf and west coasts.

To the detriment of coal producers and users such as the utility industry which purchases about 80 percent of all coal produced and depends on this coal for 52 percent of its electrical generation, the ICC's various and sundry actions have lead to:

Unrealistic and illegal definition of rail market dominance by including product and geographic competition, leaving captive shippers with little prospect for recourse before the Commission;

Adoption of a cross-subsidization scheme which enables a carrier to charge a disproportionate amount of its fixed costs to captive shippers so that it can move less profitable and more competitive traffic;

A ruling that rail rates on coal may increase by the arbitrary amount of 15 percent per year above inflation despite the fact that Congress in the Staggers Rail Act already provided for inflation-based increases and a zone of rate flexibility which allows an additional 6 percent per year increase;

Unrealistic definition of railroad revenue adequacy based solely on the current cost of capital, despite past use of other relevant tools of financial analysis, which has resulted in the determination that only two class I railroads are revenue adequate; and

Exemption from regulation of coal export traffic despite the fact that U.S. coal is already 15 to 20 percent more expensive on the world market largely due to transportation costs.

In short, the ICC has declared an open season on capitive coal traffic. Already faced with escalating railroad transportation costs—a 50-percent increase over the past 3 years—coal shippers and the electric utility and export markets they serve have nothing to look forward to for effective relief from oppressive market conditions. At stake is the basic fabric of a sound national energy policy. Over 65 percent of all coal produced is transported by rail with 85 percent of this amount captive to the railroads. Without a doubt, higher transportation costs for electric utilities using coal to generate over 52 percent of the Nation's electricity will be passed on to the consumer.

According to a recent study conducted by the National Economic Research Associates, Inc., deregulated rail transportation rates for coal would be anywhere from 30 to 60 percent higher than regulated rates. In 1981, the railroads earned about $6 billion in revenues for hauling coal with coal accounting for 27 percent of carloadings and 20 percent of gross freight revenues. Of this $6 billion, electric utilities paid about $4.7 billion. The NERA study indicates that if coal rates were deregulated in 1981, this would have translated into an extra delivered coal cost to utilities of between $1.4 to $2.8 billion, by 1990, an extra $2 to $4 billion. It should be noted that currently on the average 30 percent of the delivered price of coal to a utility is due to railroad transportation costs.

Mr. Speaker, I submit that this is not the scenario Congress envisioned in enacting the Staggers Rail Act of 1980. The act was intended to provide the financial mechanism for the restoration, maintenance, and improvement of the rail system. The shortage of capital to invest in rail plant has largely disappeared and the major coal-hauling railroads are now in fact highly profitable:

[In percent]

Railroad and coal revenues (total revenue)	Profitability (return on equity)	Growth (earnings per share)
Burlington Northern (29.4)	10.5	18.2
CSX Corp. (28)	11.3	8.1
Norfolk & Western (50.4)	17.5	16.7
Southern Railway (15.8)	15.6	14.9
Union Pacific (12)	13.7	18.0
Rail industry medians	13.2	15.7

The Staggers Rail Act has served its purpose with respect to railroad revenues. Now, it is time to attend to another purpose of the act, that of providing captive shipper protections.

Today, I am introducing amendments to title 49 which will accomplish this task. In light of the recent decisions made by the ICC—decisions which run roughshod over captive shippers—it appears it is time to clarify what exactly is meant by market dominance, provide commonsense business standards for determining revenue adequacy and insert additional guidance with respect to developing standards for rail rates. In no way do these amendments run counter to the intent of the Staggers Rail Act. Rather, they enhance and reinforce the provisions of this act intended to protect captive shippers.

The amendments would establish three basic tests in the determination of market dominance. As in current law, making a showing of market dominance is a prerequisite for the ICC to investigate a rate. The first test is the revenue-to-variable cost ratios which establish the threshold for ICC jurisdiction over rail rates contained in the Staggers Rail Act. Second, the Commission would consider whether the shipper has a substantial investment in railroad related plant and equipment and third, whether 70 percent or more of a specific movement was handled by the rail carrier. The latter two tests were used by the Commission prior to its recent proceeding on market dominance in which it decided to include both product and geographic competition during consideration of the presence of market dominance.

It should be made clear that the Staggers Rail Act did not require a change in approach to market dominance and in fact retained the definition of market dominance contained in the 4-R Act (Railroad Revitalization and Regulatory Reform Act of 1976). As such, market dominance is defined as "an absence of effective competition from other carriers or modes of transportation for the traffic or movement to which a rate applies * * *" The Commission's inclusion of product and geographic competition went far beyond the transportation competition definition of market dominance provided by both the 4-R and Staggers Acts. As such, the recent Commission proceeding did not reflect any directives of the act or the intent of the

act, but rather the attitude of the present members of the ICC. This was confirmed by the Fifth Circuit Court of Appeals which—keeping in line with its ruling in the 1980 Coleto Creek case—has since remanded that proceeding because of the inclusion of the product and geographic competition factors.

In the same sense, the Staggers Rail Act did not require the ICC to rely solely on a rate of return on investment equal to the current cost of capital in determining revenue adequacy. As it did with market dominance, the act retained the definition of revenue adequacy established in the 4-R Act. The Staggers Rail Act, rather, placed emphasis on taking into consideration the adequacy of a carrier's revenues in determining the maximum reasonable rate. In addition, many of the new rate freedoms contained in the act are tied to revenue adequacy. And, the act said that the ICC had the authority to revise its standards and procedures as necessary.

The Commission, however, took that authority and substituted as the sole measure of revenue adequacy a rate of return on net investment equal to the current cost of capital. Under this standard, almost every railroad—including those thought by the investment community to be financially sound—are considered to have inadequate revenues and it is primarily captive shippers the railroads look to obtain the increased revenues they are allowed under this formula to achieve revenue adequacy. A rate of return based solely on the current cost of capital provides for an unrealistically high standard since much of the railroads' investment base contained property that is unproductive, obsolete, and inflated by capacity exceeding current market needs. Also, due to the use of betterment accounting, the rate of return for the railroad industry is understated as compared to returns for other industries which use standard depreciation accounting. It should be noted that the 1981 tax law prohibits the railroads from using betterment accounting for tax purposes.

My amendments provide guidance to the Commission in formulating revenue adequacy determinations by requiring the use of standard depreciation accounting and ratios indicative of financial health such as return on investment and bond ratings. Prior to the ICC's latest proceeding on revenue adequacy, it was relying heavily on such financial ratios.

Finally, the amendments contain additional standards for determining whether rail rates are reasonable. The Commission would have to consider the relationship of the rate to the cost to the railroad of providing the service and whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs. These provisions are aimed at mitigating cross-subsidization and serve to further the intent of the Long-Cannon amendment to the Staggers Rail Act.

Mr. Speaker, those Members who were present during the long debate on the Staggers Rail Act of 1980 will remember efforts to address excessive rates for all commodities. They will remember the other body's adoption of the Long-Cannon amendment and the adoption by this body of the Eckhardt-Rahall amendment and the subsequent compromise Staggers-Rahall-Lee-Loeffler amendment. These actions evidenced our struggle to achieve a balance in railroad ratemaking. It is time we make good on those efforts.

I ask that a section-by-section analysis of the bill and the bill itself be printed following these remarks:

SECTION-BY-SECTION ANALYSIS

Section 1: Rail transportation policy.—States that competition for transportation services is to be used to establish reasonable rail rates and that rail rates on captive traffic must be kept at a reasonable level.

Section 2: Standards for rail rates.—In making a determination of revenue adequacy, the ICC must take into consideration factors such as the relationship of the rate to the cost of providing service, the impact of the rate on the attainment of national energy goals and the extent of additional revenues required for the carrier to achieve revenue adequacy. This section also imposes the burden of proof on the carrier to establish the reasonableness of a railroad rate where the rate in question exceeds 190 percent of variable costs in conformity with the "Long-Cannon" amendment to the Staggers Rail Act of 1980.

Section 3: Rules and practices.—This section requires adherence to sound business practices and procedures in considering whether a carrier has adequate revenue such as ratios indicative of financial health (bond ratings, return on investment) in addition to having the ICC use standard depreciation accounting practices when determining depreciated costs in the investment base for purposes of computing return on investment.

Section 4: Rail cost adjustment factor.—Simply requires the ICC to consider railroad productivity, volume and output mix during its compilation of the Index of Railroad Costs.

Section 5: Market Dominance.—This section makes it clear that product and geographic competition are not to be considered in the determination of market dominance. It places into law the standards for determining market dominance and forbids the ICC from exempting from regulation any market dominant traffic not carried under contract.

Section 6: Railroad Accounting Principles Board.—Simply reauthorizes the Board which was created by the Staggers Rail Act of 1980 but never funded.

Section 7: Requires the ICC to conclude a proceeding to implement these amendments within 180 days after enactment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10101a(1) of title 49, United States Code, is amended by striking out "and the demand for services" and inserting in lieu thereof "among carriers to provide transportation services".

(b) Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a);"

SEC. 2. (a) Section 10701a(b)(2)(B) of title 49, United States Code, is amended to read as follows:

"(B) The rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate is greater than that authorized under section 10707a of this title and the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; or

"(ii) such rate results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title.".

(b) Section 10701a(b)(2) of such title is amended by adding the following new subparagraph at the end thereof:

"(C) The rail carrier shall have the burden of going forward with evidence responsive to the factors set forth in subparagraphs (B) and (D) of paragraph 3 of this subsection.".

(c) Section 10701a(b)(3) of such title is amended to read as follows:

"(3) In determining whether a rate described in paragraph (1) of this subsection is reasonable, the Commission shall consider, among other factors, evidence of the following—

"(A) the relationship of the rate to the cost to the rail carrier of providing the service;

"(B) whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs;

"(C) the impact of the rate on the attainment of national energy goals; and

"(D) the extent of additional revenues, if any, required by the carrier in order to achieve adequate revenues as established by the Commission under section 10704(a)(2) of this title, while taking into account the factors described in section 10707a(e)(2)(C) of this title.".

SEC. 3. Section 10704(a)(2) of title 49, United States Code, is amended by inserting "(A)" after "(2)", and by striking all that follows the first sentence and inserting the following new subparagraphs:

"(B) Such standards and procedures shall provide for consideration of—

"(i) indicators of financial health including but not limited to bond ratings, return on investment, return on shareholders' equity, return on total capitalization, fixed charge coverage, debt-to-equity ratio, and operating ratio;

"(ii) the current cost of equity capital; and

"(iii) the actual cost of debt capital at the time such debt was incurred.

"(C)(i) In computing return on investment, the Commission shall include in the investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing railroad transportation service, less the amount of the railroads' deferred tax reserves.

"(ii) The Commission shall commence within 60 days of the date of enactment of this Act a rulemaking proceeding in which the burden of proof shall rest upon the rail

carriers to determine for each of the Class I railroads the extent to which its railroad assets are used and useful in providing railroad transportation service. The Commission shall update its evaluation of each rail carrier's investment base each year in connection with its annual revenue adequacy determination.

"(iii) Until a railroad's investment base has been properly determined in accordance with this subparagraph, the Commission shall consider as a major factor in its revenue adequacy determination funds flow analyses projecting the extent to which available funds will fulfill its fund requirements.

"(D) Revenue levels established under this paragraph should—

"(i) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(ii) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(E) The Commission shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed in this paragraph, recognizing, however, the need to maintain rates at reasonable levels where there is market dominance as defined in section 10709(a).".

SEC. 4. Section 10707a(a)(2)(B) of title 49, United States Code, is amended by inserting ", and changes in railroad productivity, volume and output mix" after "labor" in the parenthetical clause.

SEC. 5. (a) Section 10709(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate has market dominance over the transportation to which the rate applies if—

"(A) the rate charged results in a revenue-variable cost percentage for such transportation that is more than—

"(i) 170 percent during the period beginning on the effective date of this paragraph and ending September 30, 1983;

"(ii) 175 percent during the period beginning October 1, 1983, and ending September 30, 1984; and

"(iii) the cost recovery percentage during each 12-month period beginning on or after October 1, 1984; and either

"(B) within the 12-month period immediately preceding the beginning of such determination process, more than 70 percent of the transportation to which the challenged rate applies was by railroad; or

"(C) a shipper, with respect to the transportation of whose property the challenged applies, has made a substantial investment in railroad equipment or rail-related plant which prevents or makes impracticable the use of a mode of another rail carrier or transportation other than railroads; or

"(D) on the basis of other factors and circumstances there is an absence of effective competition for the transportation to which the rate applies.

For purposes of clause (iii) of subparagraph (A) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost precentage of 180 percent.".

(b) Section 10709(d) of such title is amended by adding the following new paragraph at the end thereof:

"(6) No person, class of persons, transaction, or service may be exempted by the Commission under section 10505 of this title from the application of a provision of this subtitle with respect to any transportation unless a rail carrier is determined under this section not to have market dominance over such transportation, unless such transportation is pursuant to a contract entered into under section 10713 of this title.".

(c) Section 10709 of such title is amended by adding the following new subsection at the end thereof:

"(e) In determining the existence or absence of effective competition for purposes of this section, the Commission shall consider only transportation competition for movement of the same commodity from the same point of origin to the same destination.".

SEC. 6. Section 11161(f) of title 49, United States Code, is amended to read as follows:

"(f) The members of the Board shall be appointed by the Comptroller General within 120 days after the enactment of this subsection. The Board shall cease to exist three years after its members have been appointed.".

SEC. 7. Except as otherwise provided, the Commission shall conclude a proceeding to establish procedures for the implementation of the amendments made by this Act within 180 days after the date of enactment of this Act.●

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McKERNAN. Mr. Speaker, it is with great honor that I join my colleagues in rising to recognize an event that is taking place in Washington: The American Gathering of Jewish Holocaust Survivors. Between April 11 and 14, the Nation's Capital is hosting a gathering of over 12,000 survivors of the Holocaust and their families. This week was chosen for the reunion because, according to the Jewish calendar, it coincides with the 40th anniversary of the uprising of the Warsaw Ghetto.

One clear purpose of the gathering is to mourn and to remember. When we pay homage to those who perished, and when we keep alive our recollection of the horror and destruction, we remain vigilant in our respect for the rights and sanctity of the human being.

But another purpose of this event is to celebrate. Holocaust survivors are joining together to share a celebration of the life they have found in this country. Today, second and third generations carry on, their very existence witnessing the indestructible spirit of the Jewish people.

And in remembering those who died, we also remember their lives. Many tales of the victims survive. We know of Emanuel Ringelblum who organized a historical society in the Warsaw Ghetto so that even if he and the ghetto perished, their testimony would remain. Mordecai Anielevitch and his compatriots understood that although they lacked the freedom to avoid death, they still had the choice of what statement to make by their death. Challenging the might of the many, they commenced their resistance on the second night of Passover—the festival of freedom—and withstood the German Army longer than did the armies of France and Belgium combined.

Whoever kills a person shatters an entire world. In the Jewish Holocaust, 6 million worlds were shattered—men, women, and children were lost, along with their descendants for all generations. The event that is taking place this week, however, is an amazing celebration of the vital force of the Jewish people. This gathering is in many ways a victory—the Holocaust sought not only to exterminate all of the Jews in the world, but to erase even the memory of their existence. The Nazi crime is thwarted by collective memory. The survivors who have gathered together show a profound, yet intuitive decision to answer death by affirming life, by creating life.

Mr. Speaker, I am indeed honored to join my colleagues in paying tribute to the American Gathering of Jewish Holocaust Survivors. I know that I add my voice to an event that will be heard around the world.●

FEDERAL-STATE JOINT BOARD PROCEEDING

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GORE. Mr. Speaker, this week marks another important step in the evolution of our Nation's telecommunications policy as the Federal/State Joint Board meets to continue the process of restructuring the telephone industry. I am deeply concerned that the changes in the separations and settlements process involved in the Federal Communications Commission's access charge decision and the pending Federal/State Joint Board proceeding will have a severe impact on universal telephone service at reasonable rates.

As you recall, the House Energy and Commerce Committee spent an enormous amount of time over the past 6 years drafting telecommunications legislation. Much of our effort was incorporated in the outline of the Modified Final Judgment of the Divestiture of AT&T as proposed by the U.S. Department of Justice. However, the provisions dealing with the tens of millions of rural Americans and those in high-

cost urban areas have not been sufficiently defined to assure that rates will not dramatically increase.

The House Telecommunications Committee wrestled with this issue a few years ago in H.R. 6121 and 5158. At my recommendation we devised a rural safety net for rate increases pegged at 110 percent of the national average for comparable services. Beyond that amount a national pool would provide revenues to keep rural rates reasonable.

The access charge plan follows some of our recommendations. It creates a universal service fund (USF) to provide revenues to rural areas and other high cost areas to prevent undue rate increases. However it does not specifically accept our benchmark in 1984 of rural rates going on higher than 110 percent of national rates. It assesses a flat monthly charge on residential and on business users. Over 7 years these monthly rates will increase to $7 on a national average, and will be proportionately more for high-cost rural areas. This will recover the full amount of the joint and common costs or nontraffic sensitive costs—for the local telephone loop between user and central switching office.

The FCC plan left for the Federal/State Joint Board the decision on how much of the joint and common costs—the traditional separations process—will be allocated between local and long-distance revenue requirements. The effort to switch common costs from the long distance carriers—AT&T, MCI, Sprint, ITT, et cetera, who want to change lower toll rates to heavy business and residential users. The burden of making up these cost shifts are falling on small business and most residential users.

Congress has clearly mandated in the Communications Act of 1934 that the FCC "make available, as far as possible, to all the people of the United States a rapid efficient, nationwide, and worldwide wire and radio communications service with adequate facilities at reasonable charges. * * *"

Unless the FCC carefully structures the access charge scheme's USF to the recommendations of the Federal/State Joint Board, universal service at reasonble rates will be in jeopardy.

Therefore, I urge the Joint Board to include all the nontraffic sensitive local loop costs in the high-cost factor designed to prevent rural subscribers from paying disproportionately high access charges. The high-cost factor will be recovered in charges to interstate, or long distance, carriers under the universal service fund mechanism.

If the FCC incorporates my 110 percent rural rate safety net in the formula it would keep rural rate increases at no more than 110 percent of the national average. Since the amount of money required to keep rural rates comparable with other areas is only about 1½ percent of the total telephone industry revenues, no one will be significantly impacted. It can be collected from customers of long-distance carriers.

After decades of neglect between the two world wars the congressional policy of universal telephone service is now nearly a reality. Everyone benefits from the integrated national telephone network, both the business and private sector. The FCC should not adopt a Joint Board proposal unless it is assured that universal service at reasonable rates will be continued. We in Congress cannot shirk our responsibility to our constituents and must assure that sound national telecommunications policy will be continued which will benefit all Americans and not just the affluent business and residential users.●

HOW TO DEAL WITH WITHHOLDING ON INTEREST AND DIVIDENDS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, I recently came across an article in Money magazine that contained information that will be helpful to many of our constituents who will have taxes withheld from their interest and dividend income.

The article addresses such issues as filing exemption forms and adjusting estimated taxes to compensate for withholding.

The article follows:

NEW WITHHOLDING TACTICS

Despite the repeal campaign waged by bankers, withholding for taxes of 10% of your interest and dividends is likely to begin July 1. The new law will be felt by almost everyone who has savings or investments. You won't owe any more taxes in the end, of course, but you will lose a little yield on your savings because the IRS will be taking out money that otherwise would have been compounding interest. More important, if you collect a lot of dividends or interest, your withholding may be large enough to raise tax-planning considerations. For instance:

You may want to adjust your withholding allowances at work. The new W-4 certificates let you reduce the tax withholding on your pay by the amount you expect to be withheld on your interest and dividends.

If you file quarterly estimated tax payments and will have dividends and interest withheld after June 30, you can lower each quarterly payment beginning April 15 by 25% of your total anticipated withholdings in 1983, according to Albert Ellentuck, national tax partner for the accounting firm of Laventhol & Horwath.

You no longer will need to file quarterly estimated tax payments after June 15 if the amount withheld from your dividends and interest plus that taken out of your paycheck comes within $300 of your tax bill for the year. The lower your tax bracket, the more likely you will be able to avoid estimated payments.

If you won't be subject to the new withholding taxes, be sure to file an exemption certificate with every source of your interest or dividends. You're exempt if you will pay $600 or less in income taxes for 1982 ($1,000 for married couples filing jointly) or, if you're 65 or older, your 1982 tax bill will not exceed $1,500 ($2,500 for married couples). You also may need to complete an exemption certificate if you own utility stock that qualifies for the special tax exclusion for reinvested stock dividends. If you are taking the deduction on your tax return and haven't received an exemption form from the utility by May, call and ask for one.

If you will earn less than $150 in interest in a savings account, NOW account or moneymarket account, tell your banker you want that money to be exempt from withholding. He doesn't have to grant the exemption, but he probably will after you fill out an exemption certificate. You may be tempted to divide your account into several smaller ones to keep your earnings from every one of them below the $150 cutoff, but for most people that's hardly worth the time and trouble. Withholding on $10,000 in a money-market account earning 9 percent would, at most, cut your net annual yield from $900 to $895.

If you have more than one account at a bank, suggests Sam Starr, a Washington, D.C., tax manager with the accounting firm of Coopers & Lybrand, try to work out an arrangement so withholding taxes will be taken out of your checking account. That way you won't lose any yield on your interest-bearing accounts.

Instead of spreading out your withholdings over the year, ask your banker to take them all at once, on Dec. 31. Unlike money-market funds, banks have the option to do just that, and a lump-sum withdrawal allows your savings accounts to work for you throughout the year.●

MAJOR CONCERNS OF AMERICA'S WOMEN

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Ms. FERRARO. Mr. Speaker, on April 11, I had the honor of sharing the dais at the luncheon of New York Women in Communications with the senior Senator from Massachusetts, EDWARD M. KENNEDY.

The event brought together some of the most influential and distinguished women in journalism, literature, and communications. We were all galvanized by Senator KENNEDY's excellent speech in which he forcefully and effectively linked the major concerns of America's women—a secure peace and a fair economy—which provides equal opportunity to Americans of both sexes.

I would like to share the Senator's speech with my colleagues:

ADDRESS OF SENATOR EDWARD M. KENNEDY

I want to thank Jeannine Dowling for that warm introduction, and to say how grateful I am to be here today and for her

tireless effort in making this luncheon a success.

And I also want to acknowledge two others whose leadership in the New York chapter has contributed so much to the success of Women in Communications here and across the country—your President, Carolyn Carter, and your President-Elect Madeline Amgott.

And I am honored to share this dais with one of the finest representatives that Queens has ever sent to Washington, the very able and highly respected Congresswoman from this city, Geraldine Ferraro.

I also want to commend another leader who has done so much to advance the cause of women here, a key adviser to Ed Koch, the Chair of the New York City Commission on the Status of Women, Marcella Maxwell.

This truly is an extraordinary occasion, because of the excellence and high achievement of this year's award recipients:

Maya Angelou is one of the most sensitive and perceptive authors of our time.

Kay Koplovitz is creating the new frontier of cable that is already transforming sports and television.

Patricia Martin and Charlotte Kelly Veal are among the most respected advertising leaders in the nation, and they have pioneered the expanding role of women in the industry.

And I suspect that we would all be better off today if Donald Regan were writing columns for Newsweek—and Jane Bryant Quinn were making economic policy for the nation.

And then there's Mary McGrory, a friend and critic whose Pulitzer Prize winning columns are renowned for both eloquence and insight, and who more than any other writer is the conscience of Washington on the great issues of our time.

I have come to speak with you today about the continuing struggle for the full economic rights of women.

But first I want to discuss a separate issue that women have done so much to bring to the forefront of national and international debate. It is an issue that cuts across every line of party, philosophy and region in America. It is the most fundamental issue of our time, and the greatest issue of all time—the prevention of nuclear war.

I am deeply concerned about the course of arms escalation on which the present administration has embarked. We cannot, and we must not, continue to play this endless game of nuclear poker with the Soviet Union, in a contest where the mounting piles of bargaining chips are measured in MX missiles, and where the slightest miscalculation may bring megadeaths not only to the peoples of our two nations but perhaps to all the earth.

It is neither sensible statesmanship nor constructive negotiating strategy for the two great superpowers to posture against each other across the nuclear divide, and to abuse the language of fair debate with the rhetoric of heedless invective and needless confrontation. There is no morality in the mushroom cloud; the silent black radioactive rain will fall equally on the just and the unjust; and the world that is left in the ashes of Armageddon will little note nor long remember which was the evil empire.

Women and men in growing numbers across the country have come to understand that there must be a better way. But women have always had a special role in the great peace movements across the generations. For by heritage and history, women have been the true pioneers in the search for alternatives to war. In this century, from Jane Addams before World War I, to Randall Forsberg and Helen Caldicott in the 1980's, women have often found themselves shut out of the political process. But they have fashioned other effective ways to press their human and humane perspective—and to gain a higher priority for the lives of sons and husbands, friends and families and fellow citizens.

The peace movement today is neither pacifist nor unilateralist. The vast majority of women in many lands who demonstrate for peace are not denying that their nations will ever fight; they have always recognized that relentless militarism must be met with a military response. Many who marched for peace in Vietnam also became Gold Star Mothers. But before accepting the inevitability of war, they have insisted that we must truly explore all the possibilities of peace.

That tradition of leadership in the search for peace has a special relevance today. Instead of launching a new arms race into outer space, instead of seeking only to manage the escalation of superpower competition to higher and higher levels of danger and instability let us strive instead to stop the nuclear arms race now, once and for all time. That is why I favor an immediate agreement between the United States and the Soviet Union for a mutual, comprehensive, and verifiable freeze on the production, testing and deployment or nuclear weapons, followed by deep reductions in the arsenals on both sides. The people of this country deserve a national leadership with a sincere commitment to genuine arms control. This administration should spend less time preparing for nuclear war, and more time preventing one. And if the government does not heed that message, then the people will change the government.

There is another great enterprise before us here at home. Second only to the challenge of nuclear peace is the difficult struggle we face on many fronts to revive our economy and return America to the historic path of economic progress and social justice.

Our first priority must be to turn the capsized economy rightside up, to put unemployed men and women back to work, and to curb the wasteful surge in military spending.

A sound economy is the greatest social program America ever had; and so our goal today must be to do all we can to assure that the present upturn becomes a broad and a lasting recovery from this worst of all recessions in the post-war ear. And in our platform, a key plank with growing bipartisan support in Congress is a new and higher priority for a comprehensive plan to secure the full economic rights of women.

The centerpiece of that effort is still the fundamental goal for which millions of Americans of both sexes have struggled for so long—the Equal Rights Amendment. The effort begins again this Spring in earnest, and this time it will be won—not just because we will the Equal Rights Amendment in Congress, but because we will not rest until E.R.A. is ratified in the states. I pledge to you that I will speak out on this issue again and again, until the constitution at long last holds this truth to be self-evident—that not only all men, but all people, are created equal.

I am optimistic that we will send E.R.A. to the states before Congress adjourns next year. It is not too soon, therefore, to begin planning for the ratification campaign. In all likelihood, the legislatures elected next year in the states will decide the fate of E.R.A. in this decade. And the way to assure the victory is to elect women in greater numbers to state legislatures in 1984. I am convinced that if there had been more women in state senates and state assemblies and state houses of representatives in the 1970's, the Equal Rights Amendment would have joined the constitution years ago.

And E.R.A. is only lesson number one. The fair participation of women in our democracy will bring other victories as well. Today, women make up 51% of our total population—but only 11% of all elected officials. It is fair to wonder why other democracies are so far ahead of us in this respect, and to wonder when America will join India, Israel, Britain, and other nations that have chosen a woman for the highest office in the land. It is time for our two great political parties to start talking about women candidates for President and Vice President.

You do not need a masters degree in mathematics to realize that if we lower the barriers to women in public life, we will double the ability and energy we bring to the countless challenges facing us in foreign and domestic policy. And once those barriers are finally down, we will have at last a government in this country that is as responsive to the needs of women as it is today to the needs of men.

It is as though a great dam is finally cracking, with a rush of opportunity that is sweeping women to places of prominence in professions and careers that had always seemed out of reach before.

All of you know this phenomenon first hand, because you are living witnesses to it in communications. Just the other day, I happened to see some remarkable statistics in other fields. In the decade of the 1970's alone, the number of women graduating from college with degrees in engineering rose from 500 to over 7,000. In law, the number climbed from 800 to nearly 11,000. And in business, the number soared from 9,000 to 63,000.

As President Kennedy liked to say, each individual can make a difference, and everyone must try. Millions of women in their own communities have already made an important difference on nuclear arms control. And that same potential is waiting to work its healing influence on so many other issues that confront us.

On critical matters such as law enforcement, we must have a government that cares as much about rape and domestic violence as it does for other criminal conduct.

On health care, we must have a government in the future that displays as much concern for safe birth control devices as it does today for safe pacemakers.

We must have a government that truly addresses the needs of the unseen improverished elderly, three-quarters of whom are women.

We must reform the outdated laws of earlier generations of property and taxation, on Social Security, on insurance and inheritance, and bring those laws into the modern world of women and families in today's economy.

We must have a nation that pays women a fair wage for a fair day's labor, instead of denying equal pay for work of comparable worth.

Instead of relegating women to second class status in the boardroom or the classroom, we must reward ability in management with responsibility in the boardroom or the classroom, we must reward ability in management with responsibility in the exec-

utive suite, and pay a living wage to those who teach our children how to read.

Above all, we must have a nation where vast numbers of women in the work force are no longer consigned to jobs with the lowest skills, the poorest fringe benefits and the fewest opportunities for advancement. Job segregation by race or sex is unacceptable in any workplace in America.

We are familiar with the depressing statistic that women earn only 59 cents for every dollar earned by men; but it is even more distressing that this ratio is actually five cents worse in the 1980's than it was in the 1950's, thirty years ago, when women earned 64 cents for each dollar earned by men. In spite of all the social progress that women have achieved in this generation, the earnings gap is wider than it was before.

And that gap is worst for those who have the least. Today, one out of every seven full-time working men earns less than $7,000 a year; but for women, the figure is one in three. The feminization of poverty is not simply an academic theory of sociologists, but a grim and worsening reality that is unfairly pressing women down and that no American should ignore.

It is wrong for any President, as President Reagan did a year ago, to dismiss the record levels of unemployment by blaming women in the work force. A job today is no more and no less a luxury for a woman than for a man. Two-thirds of all the women in the workforce—over thirty million women—are there for precisely the same reasons that men are there—because of economic necessity, because they are the breadwinners for themselves and their families, or because their husbands earn less than $15,000 a year. And for women, as for men, the right to a job should be readily available as a source of personal growth and self-fulfillment.

To remedy the inequities that exist, the working women of America deserve their own Bill of Economic Rights. They deserve protection for hard-won gains when times are bad, and a pledge of surer progress when times are brighter.

Let me speak briefly about just some of the possibilities that lie well within reach toady, if Congress and the administration have the courage and commitment to grasp them.

We must insist that the pension system shall fairly protect the rights and needs of both working and non-working women. Too often under present law, a woman is denied her pension because she has not worked at the same job long enough to become vested in a plan. And harsh rules too often permit employers to cancel the pensions of workers who suffer untimely death, with the unconscionable result that thousands of elderly women are condemned to endure their remaining years in want and need. Congresswoman Ferraro has been a truly outstanding and outspoken leader in these concerns. I was proud to stand with her last month in introducing legislation to achieve the far-reaching reforms essential to end the abuses and injustices of the present system. No woman who works should lose her pension because she interrupts her career to bear a child. No woman should be denied retirement benefits because she works part-time or works part-year. No woman whose husband has earned retirement income should be compelled to live her golden years in poverty.

Both the public and private sectors must also begin to look more favorably upon extended leave and more flexible hours for new fathers as well as new mothers. It is time to dispel the convenient male myth that child rearing and child care are women's work and the responsibility of women alone. And it is also time to eliminate the cruel choice that a new mother too often has to make between losing her job or returning to work when her newborn infant is barely a few weeks old.

We must expand child-care opportunities for working families. Half of all children under the age of six have mothers in the labor force, and the costs they pay for child care should be a legitimate business expense. It is impossible to justify a tax code that sets strict limits on child care, while there is no limit except the sky on the lavish tax breaks for oil.

We must guarantee equal access at equal premiums to life insurance and annuities. Insurance companies do not discriminate because of race; it is time to put the same prohibition in place against insurance discrimination based on sex.

Finally, there must be greater efforts by government in partnership with the private sector to assure equality for women in the new technologies and work opportunities of the future. Affirmative action is essential if women are to enjoy full access to math and science programs, to vocational education, and the pursuit of non-traditional careers. The computer revolution will mean new occupations in the home for women, the elderly, and the handicapped. But it may mean new dangers too. And so we must be vigilant against efforts by employers to substitute piece rates for hourly wages and salaries. The personal computer must not be misused as an excuse to return to the sweatshop days when impoverished women toiled for endless hours in their homes to meet the piecework quotas of the garment industry.

In time, all of these advances—and more—will come. But progress will not be easily won. And no progress of any worth will be achieved without unremitting sacrifice and enduring commitment, and without vigorous political action on every front—federal, state, and local.

For the first time in our history, women have begun to wield their enormous power at the ballot box on a range of vital issues. Women actually cast more votes than men in the 1982 elections—and the potential of those votes will be there in every future election in every community in America. Every candidate for public office now understands that when the votes are counted, women count—and our democracy is better for it.

In closing, let me add a few personal comments of my own. All around us, in communities across this country, we see the emerging challenges and opportunities for progress on equal rights. But closest to home is where the feelings run the deepest, and where our perceptions are the clearest.

The traditions of prejudice die slowly, whether their poison infects the streets of Cyprus or Northern Ireland or Chicago. When my grandfather was growing up in Boston, the street windows in the city stores still had signs that said "No Irish need apply."

I grew up in a family with many advantages. My parents instilled in their children a sense of compassion and caring for others, a belief in the worth of each individual, and a commitment to excellence in whatever endeavor we might choose. But I think back now with mixed feelings on those days, because I know that my own daughter, who graduates from Tufts University this Spring, has far more opportunities today than my mother ever had.

Nearly three-quarters of a century ago, one of our greatest Republican Presidents spoke about the man in the arena:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes short again and again; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who are the best knows at the end the triumph of high achievement, and who at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory or defeat."

There is only one thing I would change now in those words of Theodore Roosevelt. Today, it is women who are in the arena too. And as a result, women like those we honor here are at last able to dare greatly, and to earn in this new day and generation the triumph of high achievement.●

TRIBUTE TO WILL N. (BILL) BARLOW

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and recognition of a longtime friend and constituent of mine, Will N. (Bill) Barlow, of Gilbertsville, Ky., who died on February 23, 1983, at the age of 69 in Paducah, Ky.

Barlow, an outstanding Kentuckian, was a member of the First Baptist Church of Benton, Ky., and the Masonic Lodge of my hometown, Mayfield.

Bill Barlow was helpful to me on many occasions, and I was proud to call him a friend as I represented him as his Congressman. Bill Barlow was one of those Americans whose contributions to his country and those with whom he came in contact were substantial.

Survivors include his lovely wife, Evelyn Barlow, his two sons, Gene Barlow, of Mayfield, and Donnie Barlow, of Owensboro, Ky., two sisters, Mrs. Mary Elizabeth Holshouser and Mrs. Lottie Coplen, both of Mayfield, and four grandchildren.

I extend my personal sympathy to the survivors and friends of this dear friend of mine who was truly an inspiration to those of us who knew and respected him.●

MAKING MONETARY POLICY RESPONSIVE TO SMALL BUSINESSES

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MAVROULES. Mr. Speaker, high interest rates and tight money have been the bane of the Nation.

Nowhere is this more apparent than among the men and women who own America's small businesses and farms. Small business failures alone amounted to a record number of 25,000 firms last year, largely due, according to the President's report on the state of small business, to today's tight money climate. Farms were also hurt by their inability to compete for credit.

Today, I am offering at least a partial remedy to this deplorable situation, one that also recognizes the invaluable contributions small business men and women and farmers are making to the Nation's economy.

Mr. Speaker, today I am introducing a bill that would place, at the earliest openings, representatives of small business and agricultural interests on the Federal Reserve Board, with the aim at making the Nation's monetary policy more responsive to these two groups.

The legislation represents a sound, first step toward reversing a disastrous trend that neither small businesses, nor farms, nor—more important—the Nation can allow to continue any longer.

The bill, I would stress, is not a radical departure from the existing guidelines established to aid the President in nominating members to the Federal Reserve Board. It merely calls for a minor adjustment in the language of the law, without requiring a change in direction of that law. But it would have a major and beneficial impact on the small business and agricultural sectors, struggling for the capital to keep their shops and farms going and their people employed.

The law now reads that the President must show "due regard * * * to a fair representation of financial, agricultural, industrial, and commercial interests," when making nominations for the Federal Reserve Board of Governors. My bill would amend the Federal Reserve to mandate the appointment of small business and agricultural representatives to the Board at the time of the next two vacancies. It is essentially an enforcing provision to the law now on the books.

I submit that no sustained economic recovery is possible so long as these two sectors, buffeted by tight money problems, remain an object of indifference to our economic planners. Small business men and women and farmers are key players on the Nation's economic scene. America's farms have made the Nation the breadbasket of the world, and small businesses, collectively, are the Nation's largest employer, account for close to half the gross national product, and are the leading edge of technological innovation. We must move to recognize these contributions and to keep them going. That is the intention of the bill I am filing today.

A more responsive monetary policy, boosting two of the Nation's most productive sectors, can put us on the road to economic recovery. For at stake, ultimately, are those things that have dominated the Nation's economic agenda for the last several years: Productivity, innovation, a favorable trade position, and jobs, jobs, jobs.

H.R. 2566

A bill to amend the Federal Reserve Act to provide for increased representation of small business interests and agricultural interests on the Board of Governors of the Federal Reserve System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting before the period at the end thereof the following: ", except that one member of the Board shall have a background in small business and shall represent the interests of small businesses and another member of the Board shall have a background in agriculture and shall represent the interests of agriculture".

SEC. 2. With respect to the first two members appointed by the President to the Board of Governors of the Federal Reserve System after the date of the enactment of this Act, one such member shall have a background in small business and shall represent the interests of small businesses and the other such member shall have a background in agriculture and shall represent the interests of agriculture.●

INTERNATIONAL DAY FOR ELIMINATION OF RACISM

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GRAY. Mr. Speaker, March 21 marked the observance of the International Day for the Elimination of Racial Discrimination. On that date, at a meeting of the United Nations Special Committee Against Apartheid, U.N. Secretary-General Javier Perez de Cuellar spoke eloquently of the "grave dangers of racial discrimination and the imperative need for international action to rid the world of that negation of human values and civilization."

Particularly in South Africa, but in other nations as well, the evils of racism continue to oppress and degrade millions of our fellow human beings. I urge my colleagues to reflect upon the Secretary-General's statement reprinted below, and I hope that we in the Congress will redouble our efforts to achieve the total disappearance of racism from the planet we all share.

SECRETARY-GENERAL'S STATEMENT ON INTERNATIONAL DAY FOR ELIMINATION OF RACISM

"The elimination of discrimination based on race has been one of the main preoccupations of the United Nations since the founding of the Organization.

Racism is contrary to the purposes and principles of the Charter of the United Nations and is an affront to the dignity and conscience of mankind. It is a serious hindrance to genuine international cooperation, has been a root cause of conflict and has to be eliminated by the continued efforts of all nations and peoples.

The International Day for the Elimination of Racial Discrimination coincides with the anniversary of the tragic shooting of peaceful demonstrators against racial discrimination in South Africa. That tragedy must constantly remind us of the grave dangers of racial discrimination and the imperative need for international action to rid the world of that negation of human values and civilization.

Indeed, the killings in Sharpeville and the accession to independence of African States have led to intensified efforts by the United Nations for the elimination of all forms of racial discrimination. I request all Governments and organizations, as well as the media, to co-operate in these efforts. I invite them to help ensure the success of the Second World Conference to Combat Racism and Racial Discrimination, to be held in August this year.

I urge all Governments which have not yet done so to accede to the International Conventions on racial discrimination and on apartheid.

Apartheid, a system of institutionalized racism, has been of particular concern to the international community since its represents a consolidation of a bitter legacy of discrimination in contravention of the obligations of Member States under the Charter.

I would appeal to the leaders and the people of South Africa to seek a truly lasting, just and peaceful solution to the situation in their country, in recognition of the human rights and fundamental freedoms of all people irrespective of race, colour or creed. They would thereby help avert a wider conflict in the whole region and make a great contribution to international co-operation.

I must, on this occasion, pay tribute to the work of the Special Committee and of its distinguished Chairman, His Excellency Alhaji Yusuff Maitama-Sule, for their dedicated work in promoting international action for the elimination of apartheid.

This Special Committee will soon be observing the twentieth anniversary of its first meeting in 1963.

It can look back with great satisfaction at its many initiatives and achievements, particularly in educating world public opinion on the evils of apartheid, and in promoting international assistance to the victims of racial discrimination. It has set a worthy example by its close cooperation with public organizations all over the world, and by its efforts to encourage artists, writers, sportsmen, entertainers and other leaders of

public opinion to join the campaign against apartheid.

But the task is not yet fulfilled. I am confident that the Special Committee will continue to explore all avenues to discharge the important mandate entrusted to it by the General Assembly. In this, it can count on my full cooperation."●

SAM ERVIN ON WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues a thoughtful and important letter written by our distinguished former colleague, Senator Sam J. Ervin, on the subject of interest and dividend withholding:

SAM J. ERVIN, Jr.,
Morganton, N.C.

TO SENATORS AND RESPRESENTATIVES IN CONGRESS: As an American who abhors tryanny, I urge you to repeal the law which will compel banks, savings and loan associations, and other financial institutions to withhold ten percent of the income of American taxpayers from dividends and interest beginning on the first of July, 1983.

The implementation of this law would constitute rank tyranny on the part of the federal government because it visits the sins of the guilty upon the innocent.

Under existing law every law-abiding taxpayer having income derived from dividends and interest already pays 25 percent of the federal income tax due on such income to the federal government every three months by filing an estimated tax return. It is totally unnecessary to have an additional withholding law which compels the withholding by banks, savings and loan associations, and other financial institutions of ten percent of such income as it matures.

In opposing the repeal of this law, the IRS is trying to get the banks, savings and loan associations, and other financial institutions to perform its duties. The IRS is kept informed by these institutions of the names and addresses of every taxpayer receiving such income. Hence, it knows the names and addresses of any taxpayers who may be cheating the government by failing to pay the taxes on this income. If the IRS would simply perform its duty and call upon the taxpayers who try to cheat on these items of income for their payment of the taxes, it could collect virtually all of the unpaid income on these items as a result of simple demands in franked letters. It could then insist on the prosecution in the federal courts of those who refuse to heed these demands.

The news media indicate that President Reagan, Secretary of the Treasury Regan, and Senator Bob Dole are promising some form of governmental retaliation upon banks, savings and loan associations, and other financial institutions for encouraging their customers to lobby for the repeal of this withholding law. They seem to be under the impression that these financial institutions are the only advocates of its repeal. They are sadly mistaken. The truth is that untold millions of law-abiding taxpayers deeply resent a law which visits upon them the sins of tax cheaters.

If the President, the Secretary of the Treasury, and Senator Dole would read the First Amendment, they would discover that it gives every institution and every person in America the right to petition the federal government for a redress of grievances. They might then realize that these banks, savings and loan associations, and other financial institutions, and millions of law-abiding taxpayers are merely exercising their constitutional right when they petition Congress to repeal this withholding law which is certainly a most annoying grievance.

SAM J. ERVIN, Jr.●