

## SENATE—Wednesday, October 19, 1983

(Legislative day of Monday, October 17, 1983)

The Senate met at 9:30 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.

*Search me, O God, and know my heart; try me, and know my thoughts; and see if there be any wicked way in me, and lead me in the way everlasting.—Psalm 139: 23, 24*

God of truth and justice and righteousness, may this ancient prayer of the Israeli psalmist be taken seriously by each Senator as the moment of decision approaches. We know we have no secrets from Thee, O Lord, our lives are like an open book to Thee. Thou dost judge us not only for what we do but why we do it. Examine our motives, Lord, and give us grace to do what we believe is right for the right reasons.

Dear God, overrule every thought in our hearts that is contrary to Thy sovereign love and when this day is over may there be no regrets and may the Senate pursue its duty to the crucial issues which confront it. In Jesus name. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

## SENATE SCHEDULE

Mr. BAKER. Mr. President, today at 10 a.m. the Senate will resume consideration of the Martin Luther King, Jr., national holiday bill. A vote will occur at 4 p.m. today by unanimous consent unless a different time is established by unanimous consent. I do not anticipate that, and I expect the vote to occur at 4 p.m.

Mr. President, that will not be the end of this legislative day, however, nor our activities during this day. It is the intention of the leadership on this side to ask the Senate to turn to two other measures after the King bill is disposed of at 4 p.m. The Interior appropriations conference report, I believe, will be available. I hope so. If it is, it is privileged, and I will ask the Senate to turn to the consideration of that matter. I hope the Senate will agree to do so.

After the disposition of the Interior appropriations conference report, if we have it, I expect that the leadership on this side would ask the Senate once more to turn to the consideration of the unfinished business which is the State authorization bill.

Now, I am told by the distinguished manager of that bill, Senator PERCY, that there are some 30-some-odd amendments remaining but that maybe only 6 of them will require roll-call votes. I doubt we can do six votes yet today after 4 o'clock, so I have two hopes, wishes, aspirations, in that respect. The first is that that is not good information, there may be less than six. One will be ample, but if not one, then two, maybe three. Surely we can cut down so that there are not six roll-call votes remaining on this bill. I urge Senators to consider that. And second, Mr. President, that if we do not finish tonight we will come in tomorrow and do it, because after State authorization is finished it would be the intention of the leadership on this side to ask the Senate to turn to the State-Justice-Commerce appropriations bill. I am reluctant to take up the State appropriations bill until we have done State authorization, hence the drive to get the two bills out of the way yet this week.

As I indicated yesterday, Mr. President, I do not expect to ask the Senate to remain in session on Saturday of this week. A Saturday session next week is possible. I will consult further with the minority leader on that subject and the general subject of scheduling today. I will say for his benefit, if it is a matter of interest to him, that I am meeting with the chairmen of our committees today at noon, approximately, 11:45 a.m., and I will have a better idea of how well we can proceed not only for this and next week but for the balance of the time before November 18 and then an appraisal of the reality and practicality of the November 18 sine die adjournment target.

I plan to talk to the Speaker today on that subject after we have completed our inventory and to the minority leader in the House.

Mr. President, I think the Senate will be in today well past the usual hour. I regret to say that since this is Wednesday and not Thursday and Thursday is our regular late evening, but the last 30 days of the session require, in my opinion, that we discard the usual scheduling guidelines. So I urge Senators to consider we will be in

until 8 or 9 o'clock tonight if necessary in order to try to complete action, or at least get as far as we can on the Interior appropriations conference report and the State authorization bill.

## ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

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

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Now, Mr. President, let me try a new formulation on this arrangement. I ask unanimous consent that on tomorrow the usual proviso be made for the transaction of routine morning business until 10 o'clock a.m. Let me explain what I mean by that, Mr. President, for today's request and future requests. That will provide 10 minutes of time each for the two leaders under the standing order and the remaining time, whatever that may be, until 10 o'clock, will be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each. That is the abbreviation that I am trying to establish now, Mr. President.

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

Mr. BAKER. I thank the Chair.

## ORDER OF BUSINESS

Mr. BAKER. Now, Mr. President, I urge Senators to come to the floor at 10 and get on with the business at hand, which is the final consideration of the Martin Luther King bill. I will try to have a further announcement in the course of the day on matters of scheduling.

Mr. President, if I have any time remaining, I yield it to the control of the minority leader.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader. I will not now consume my time.

I would suggest that our respective cloakrooms notify Senators that the majority leader has indicated his intention, or at least a strong possibility that the Senate will be in until 8 or 9 this evening, I believe, so that all Senators may schedule their day accordingly.

Mr. President, I see no Senator who wishes time, so I yield back my time.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with statements therein limited to 2 minutes each.

#### NEW NUCLEAR NAVAL WEAPONS THREATEN STILL ANOTHER START FOR NUCLEAR WAR

Mr. PROXMIER. Mr. President, as long as we continue to test, build and deploy new nuclear weapons, we continue to develop new ways for a nuclear holocaust to begin. Many Americans have felt that a world war has become much less likely with the advent of a colossal nuclear arsenal in the hands of each superpower, because such a war would be obvious and immediate and mutual suicide. If all human developments were the consequence of careful reasoning and logic, that would be a reasonable conclusion. But they are not. Men and nations act as often on emotion—hate, fear or just plain stupidity—as they do on logic and reason. This is especially true when the decision to take a war-starting action can be in the hands of many individual military commanders, each of whom controls his own nuclear power. That may be developing with new naval nuclear weapons.

Both our Navy and the Soviet Navy are constantly deploying new nuclear weapons. The individual submarines and surface ships may be thousands of miles apart, separated from this country, and, as the Secretary of the Navy recently said:

We rub up against the Soviets every single day . . . We know how they're going to fight when it happens, and it ain't going to be "Star Wars."

Secretary Lehman went on to say:

Unlike land warfare, should deterrence breakdown and conflict begin between the Navies of the United States and the Soviet Union, it will be instantaneously a global naval conflict.

Consider the new U.S. nuclear weapons to be deployed in the next 5 years:

First. The long range, land attack version of the Tomahawk cruise missile will be deployed in 1984;

Second. Dual capable missiles with different missions will go aboard more than 100 ships and submarines; about

1,000 out of 4,000 will be for nuclear land attack;

Third. A new vertical launched anti-submarine rocket and a new standoff antisubmarine ship- and air-launched missile will also be nuclear armed and deployed starting in the mid-1980's.

In longer term development, with deployment not yet determined, are:

First. A nuclear warhead for the Phoenix air-to-air missile;

Second. A long-range anti-air and antimissile Outer Air Battle Missile;

Third. A nuclear torpedo;

Fourth. A nuclear warhead for the Harpoon short-range missile;

Fifth. A nuclear projectile for ship-board artillery.

In an article in the Bulletin of the Atomic Scientists for October, William Arkin, director of the Arms Race and Nuclear Weapons Research Project at the Institute for Policy Studies writes:

In addition to the increasing numbers of nuclear weapons, the increasing ambiguity over the presence of nuclear warheads on naval vessels will lower the threshold of nuclear combat at sea . . . Increased U.S. and Soviet naval nuclear capabilities and new flexible operations for the U.S. Navy increase the likelihood of the initial confrontation.

Arkin concludes with this spine-chilling observation:

Using naval forces as the spearhead of superpower global harassment will tax the peacetime rules under which the U.S. and the Soviet Navies operate and sour any chances of regional or functional arms control concerning Navies. In the longer term, the improvements in sensors and processing capabilities for ships will drive the naval commander, particularly with nuclear warheads available, to believe that getting the first nuclear shot in is the only chance for destroying enemy forces.

Once again, Mr. President, this Senator comes to the conclusion that this country and, indeed, this world are being swept along toward the cataclysms of nuclear war with new weapons development deployment rushing ahead on land, sea, and air. Certainly, any thoughtful review of what our Navy and the Soviet Navy are about should persuade us to put the nuclear freeze into effect just as soon as possible. A mistake of judgment by a naval commander, a misinterpretation, a computer failure anywhere in the far-flung fleets of the United States or the Soviet Union could light the match that incinerates the gasoline tanks of nuclear war.

I ask unanimous consent that the article to which I have referred, by William Arkin, be printed in the RECORD.

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

[From the Bulletin of the Atomic Scientists, October 1983]

#### NUCLEAR WEAPONS AT SEA

(By William M. Arkin)

Every day of every year, the superpowers directly confront each other in provocative

naval maneuvers. Cruising the borderless high seas, they test the other side, in preparation for what they hope will be a decisive and quick battle. "We rub up against the Soviets every single day," Secretary of the Navy John Lehman told an interviewer last June. "We know how they're going to fight when it happens, and it ain't going to be 'Star Wars.'"

"Unlike land warfare," Lehman told the Senate Armed Services Committee a few months earlier, "should deterrence break down and conflict begin between the navies of the United States and the Soviet Union, it will be instantaneously a global naval conflict." "Regardless of how or where a war with the Soviet Union might erupt," Admiral Thomas Hayward, former chief of naval operations told the same committee, "our Navy will have a global fight on its hands from the early moments of hostility."

It is also increasingly likely to be a nuclear war. The Navy is about to deploy a new generation of tactical nuclear weapons on its ships and submarines, justified in part by the growing nuclear capabilities of the Soviet Navy and resulting in part from entrenched development programs. The new weapons will fit into a more confrontational military policy toward the Soviet Union, of which the Navy is in the forefront. The new posture, according to Admiral Harry D. Train, commander of the Atlantic Fleet, demonstrates "the capability and the will to prevail in any naval engagement under any circumstances."

The naval build-up, according to the Department of Defense, seeks "increased and more diversified offensive striking power." This includes "the development of tactics for conducting nuclear warfare on, over, under and from the seas," as the head of naval strategic and theater nuclear warfare told Congress last year. Naval forces, according to Lehman, have been given primary responsibility for "isolating Soviet continental power from the rest of the world."

The development of new naval nuclear weapons has not been without controversy. A considerable research program began in the mid-1970s to develop new naval nuclear weapons systems. President Carter intervened in 1978 and directed an examination of the utility and arms control impact of these new systems, and for three fiscal years development work slowed significantly. The Navy argued that new nuclear-armed surface-to-surface, anti-air, and anti-submarine weapons were increasingly important in the face of the growing Soviet naval threat. Advocates of tactical naval nuclear weapons argued that nuclear conflict at sea would be less likely to escalate than land war given the limited and isolated nature of confrontations. Opponents of naval nuclear weapons cited increasingly capable conventional weapons technology and the serious degradation of U.S. naval electronics superiority (sensors, communications, computer processing) that would result after any nuclear explosion. But in 1980, in the last months of the Carter Administration, the chief of naval operations ordered "the revitalization of the Navy's tactical nuclear capabilities." On January 2, 1981, the Defense Department's final report on the utility of nuclear weapons in a war at sea concluded that developments in naval nuclear weapons should proceed.

Three major naval nuclear weapons systems will be deployed in the next five years. The long-range, land-attack version of the Tomahawk cruise missile will be nuclear-

armed and will begin to be deployed in the summer of 1984. Dual-capable missiles with different missions will eventually go aboard more than 100 ships and submarines; about 1,000 out of 4,000 will be for nuclear land attack. The dual-capable, high-acceleration Standard-2 surface-to-air missile will receive a nuclear warhead in 1987, to arm more than 50 surface ships with a failsafe defensive capability against enemy cruise missiles. The Standard-2 will replace the Terrier surface-to-air missile which is currently deployed aboard about 30 ships and will provide a quicker, higher rate of fire against nuclear-armed cruise missiles. New dual-capable anti-submarine weapons, derived from common designs, for ships, submarines and patrol planes will also be deployed starting in 1988. The anti-submarine Standoff weapon for submarines, under development since 1976, will replace the missile currently deployed on older submarines. A new vertical-launch antisubmarine rocket and a new stand-off anti-submarine ship- and air-launched missile will also be nuclear-armed and deployed starting in the mid-1980s.

In addition to these, a number of nuclear weapons have been considered or are in longer-term development and await decisions on deployment:

A nuclear warhead for the Phoenix air-to-air missile (feasibility study initiated in fiscal year 1983);

A long-range anti-air and anti-missile "Outer Air Battle Missile" derived from the Advanced Strategic Air Launched Missile (development initiated in 1983);

A nuclear torpedo (feasibility study initiated in fiscal year 1978);

A nuclear warhead for the Harpoon short-range cruise missile (development work on the warhead began in 1975); and

A nuclear projectile for shipboard artillery (development considered since 1980).

The distribution of nuclear weapons among more ships does not seem likely to increase deterrence. As the threat to ships and submarines increased, whether from improved conventional or nuclear weapons, the need to use nuclear weapons in defense (or offense) to carry out tactical missions will also grow. The attacker will need a barrage of anti-ship weapons to overwhelm sensors and high rates of defensive fire. Nuclear weapons may then prove necessary as the last ditch defense and may represent the only credible offense weapons (particularly to destroy well-protected U.S. carrier battle groups). In addition to the increasing numbers of naval nuclear weapons, the increasing ambiguity over the presence of nuclear warheads on naval vessels will lower the threshold of nuclear combat at sea.

Predicting the conditions in which conflict, if all these weapons were deployed, would escalate from conventional to nuclear is an unsatisfying exercise. Increased U.S. and Soviet naval nuclear capabilities and new flexible operations for the U.S. Navy increase the likelihood of the initial confrontation. Flexible operations, "Flex-ops," are the new naval operating rules. Adopted in 1982, they resulted from a "review of the rigidity of our current operational policy whereby we are constrained by certain artificial geographic boundaries." According to Lehman, Flex-ops "have completely reordered our methods of peacetime deployment of naval forces." Admiral Train told Congress last year that "flexible deployment allows us to readjust the deployment of our forces as the priorities of our missions change. These priorities are a function of the world situation and the actions of our likely adversaries."

Flex-ops are already being applied as naval forces are operating in more spontaneous "multicarrier operations" to enhance their political use and global offensive missions. Less important are the traditional Mediterranean or Western Pacific cruises to establish a permanent presence in support of allied commitments. Flex-ops demand more operations in the Northern Pacific, Norwegian Sea, South China Sea, Caribbean and South Atlantic, where the United States has only occasionally carried out maneuvers. The operations are meant to be anywhere the Soviets are and, in Lehman's words, to keep "the Soviets concerned with threats all around their periphery." One example of Flex-ops occurred earlier this year, when the United States carried out a three-carrier battle group exercise off the western Aleutian islands for the first time since World War II.

Using naval forces as the spearhead of superpower global harassment will tax the peacetime rules under which the U.S. and Soviet navies operate (codified in the "Incidents at Sea" agreement signed in 1972) and sour any chances of regional or functional arms control concerning navies. In the longer term, the improvements in sensors and processing capabilities for ships will drive the naval commander, particularly with nuclear warheads available, to believe that getting the first nuclear shot in is the only chance for destroying enemy forces. As ships and submarines begin to carry long-range cruise missiles, they will represent not only tactical assets to be neutralized but also regional and strategic nuclear forces to be destroyed at all costs.

The "revitalization" of tactical naval nuclear capabilities was in part a response to "the continuous strengthening of Soviet naval nuclear muscle," the Navy stated. In addition, some naval officers believed that nuclear war at sea was more controllable than land conflict and less likely to escalate. The fiscal year 1984 Defense Guidance of Secretary of Defense Caspar Weinberger rejected that, stating, "It will be U.S. policy that a nuclear war beginning with Soviet nuclear attacks at sea will not necessarily remain limited to the sea."

#### IRANIAN SITUATION HIGH-LIGHTS NEED FOR GENOCIDE TREATY RATIFICATION

Mr. PROXMIRE. Mr. President, in the course of my daily advocacy of the International Genocide Convention, I have repeatedly criticized Iran's persecution of its Baha'i citizenry. Many Baha'is have been subjected to various forms of discrimination. Others have been summarily arrested and executed.

The situation reportedly became much more serious, however, when Iran's Attorney General recently banned "all the collective and administrative activities of Baha'ism in Iran." For years, the Iranians have explained their actions against Baha'is in political terms: Persecuted individuals were labeled subversive enemies of the state. Now, however, the Khomeini regime has explicitly directed its enmity toward Baha'ism itself. Although private, individual practice of the Baha'i faith is theoretically still legal, this new policy, if enforced, will

effectively dissolve the Baha'i subculture.

This barbaric edict, Mr. President, constitutes another large step toward genocide. These persecutions, arrests, and executions have all been specifically directed toward an ethnic and religious group. More than ever, it appears that the Khomeini regime may be guilty of genocide, as defined by the International Genocide Convention.

This new development certainly makes U.S. ratification of the Convention all the more urgent. Ratification will strengthen our position against human rights violations and bolster our efforts to stop them. Furthermore, ratification will prevent our opponents from citing as hypocritical our own failure to ratify a treaty which we would have others obey.

I hope, too, that this recent turn of events in Iran will further convince my Senate colleagues that genocide is not a thing of the past. Sad as it may be, whole populations are this very day living under the threat of this most severe violation of human rights. I hope the Senate will react appropriately to the current situation in Iran, and I strongly suggest that a vital step is to ratify the International Genocide Convention.

#### AMERICAN CONSERVATION CORPS

Mr. MATHIAS. Mr. President, I wish to draw the attention of my colleagues to a resolution recently approved by the Montgomery County Council in support of legislation, S. 27 and H.R. 999 to establish the American Conservation Corps (ACC). This resolution is indicative of the strong grassroots support for the creation of a national youth conservation corps to enhance and rehabilitate our Nation's public lands and to provide meaningful jobs and work experience for unemployed young people.

I am sure that my colleagues are aware that the House has already acted on its version of this legislation. The Senate Energy and Natural Resources Committee is currently working on its version of the House-passed measure. I am optimistic that the full Senate will have the chance to debate and vote on this important legislation in the near future. At that time I urge my colleagues to give this legislation prompt and favorable consideration.

Mr. President, I ask that the text of the Montgomery County Council resolution be printed in the RECORD at this point for the benefit of all Members of the Senate.

The text follows:

#### RESOLUTION NO. 10-388

Whereas, unemployment among youth continues to exceed 20 percent despite signs of economic recovery; and

Whereas, such high and continuing unemployment is not only a waste of human resources, but is damaging to morale and the future productivity of young people; and

Whereas, in the 1980's the need for work to conserve, protect, and restore America's natural resources, parks, and blighted neighborhoods is even greater than it was in the 1930's and

Whereas, H.R. 999, to establish a new American Conservation Corps with an annual authorization of \$300 million, has passed the House of Representatives and awaits action this fall by the Senate. Now, therefore, be it

*Resolved by the County Council for Montgomery County, Maryland,* That the Council applauds the support given by Senators Mathias and Sarbanes to this initiative, and urges prompt action on enactment of H.R. 999 or a similar measure, and an appropriation of the full \$300 million authorized. Be it further

*Resolved,* That the Montgomery County Council urges support of this effort by Governor Hughes and further asks his support in promptly establishing a Conservation Corps for the State of Maryland, as the needs are urgent and the benefits of previous programs have fully demonstrated their value.

#### TRIBUTE TO JAMES NEVILLE HOLCOMBE OF SPARTANBURG, S.C.

Mr. THURMOND. Mr. President, it is with deep sorrow that I rise today to pay tribute to my very close friend, James Neville Holcombe of Spartanburg, S.C., who passed away on October 5, 1983, at the age of 81. To his loving and devoted wife, Fannie Louise, his four charming daughters, and other family and friends, I extend my sincerest condolences.

Neville Holcombe, by his very nature, epitomized those qualities of the complete man. He was intelligent, yet always ready to learn; he was strong in character, yet a gentleman at all times; he possessed a great appreciation for history, yet was a man of vision and foresight; and he was a man who served his God, country, community, and fellow man.

A native of the small town of Woodruff, S.C., this quiet, yet energetic individual established an excellent record of academic performance early in life. Although this bright young student could have attended virtually any university he wanted, Neville chose to study at Wofford College in Spartanburg. After graduating from Wofford, he continued his education at the Harvard School of Law. Neville displayed exceptional skills at Wofford and Harvard, graduating Phi Beta Kappa at both of these fine institutions.

Neville Holcombe's ability to absorb and understand information quickly proved to be an asset to him throughout his life. His academic talents became useful to our country when Neville later joined the U.S. Navy to become a naval intelligence officer during World War II.

Once his military service was completed, Neville returned to Spartanburg to begin his legal career. He soon established a reputation as a capable and compassionate attorney, and business associates knew that his future was one destined for great achievements.

No matter what the task was, Neville was committed to doing it well. Excellence was his trademark, and today the evidence of his contributions to the community and State are highly visible.

As mayor of Spartanburg from 1953 to 1961, Neville Holcombe was considered to be one of the finest public servants in the city's history. He literally revolutionized Spartanburg with his progressive policies and programs. Recognizing the enormous potential for growth and prosperity that Spartanburg offered, Mayor Holcombe was instrumental in having the city boundaries extended, thus paving the way to even greater commercial expansion.

During his administration, Mayor Holcombe made significant changes which strengthened Spartanburg's economic base. Under his leadership, the city planning commission was established to recommend important improvements and developments designed to stimulate commerce. Among his numerous accomplishments as mayor, Neville Holcombe was instrumental in the construction of the new city hall and central fire department, and he made great strides with urban renewal projects. Indeed, Neville Holcombe's tenure as mayor was an era of unprecedented progress.

Neville Holcombe's extraordinary abilities were not exclusively utilized at his law practice or at city hall. Indeed, this man of action was involved in many worthwhile organizations designed to serve mankind. Neville was president of 10 civic organizations, served on several boards of foundations and companies, held important positions at his church, and worked with other community causes.

Woven into the character of Neville Holcombe was an unceasing hunger for knowledge. Out of this desire sprang his great interest in higher education, and a concern to help colleges maintain superb standards. As a member of the trustees for Converse College and Voorhees College, he proved to be a valuable source of direction and insight. However, Neville always loved his alma mater of Wofford College, and was committed to perpetuating the traditions of excellence that greatly influenced his own life. In recognition of his support of Wofford and outstanding contributions to society, he was presented the Wofford College Distinguished Alumni Award. Wofford also bestowed an honorary doctor of laws degree upon Neville for his many noteworthy accomplishments.

Mr. President, I have enjoyed a long friendship with Neville Holcombe for over a half-century. Our first encounter was during the South Carolina Bar examination in 1930. It is interesting to note that he and I tied for scoring first place in that exam. Since that time, our friendship grew, and our mutual respect and admiration flourished.

I truly believe that no State could ask for a finer citizen, a more worthwhile citizen, and a truer patriot than Neville Holcombe. He was a gentleman of impeccable personal integrity, outstanding character, and great courage. Neville had a large circle of friends who mourn his passing, and I feel a great sense of personal loss in his untimely death. I was proud to call him my friend.

Mr. President, in order to share more about this dedicated public servant and remarkable man, I ask unanimous consent that several articles from his hometown newspaper, the Spartanburg Herald-Journal, and an editorial from our mutual friend, Walter Brown, founder of WSPA-Radio and Television, be included in the RECORD.

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

[From the Spartanburg Herald-Journal,  
Oct. 6, 1983]

#### NEVILLE HOLCOMBE MOURNED—COMMUNITY LEADER DIED WEDNESDAY AT AGE 81

James Neville Holcombe was a man rich in friendship. He was an inspiration to Spartans for nearly four decades. He was a gentleman, always.

Holcombe, mayor of Spartanburg from 1953 to 1961 and a well-respected, progressive community leader, died Wednesday. He was 81.

He was, as a close friend extolled him, "like a real Trojan." He was a man of strong perseverance. Things talked about got done whenever he was at the helm.

He was "a gentleman of impeccable personal integrity," U.S. Sen. Strom Thurmond, R-S.C., said from the floor of the U.S. Senate 20 years ago.

The senator added on that day, Sept. 10, 1963, that Holcombe "is one who made particular contributions to the improvement of his community as a dedicated and forward looking public servant."

The senator, after attending a dinner in Washington Wednesday evening for West German President Karl Carstens, said of the death of Holcombe, "No state could ask for a finer citizen, a more worthwhile citizen or a truer patriot than Neville Holcombe."

Thurmond first met Holcombe when they stood the South Carolina bar exam together in 1930 in Columbia.

"I was told later that he and I tied for first place on the bar of examination. We became fast friends," Thurmond said.

"He was a man of outstanding character and integrity, a man of great courage and tremendous capacity," he said. "He had a large circle of friends who will mourn his passing, and I feel a great personal loss in his death."

Though age slowed Holcombe the past several years, a 1960s tribute would have been pertinent:

"Once a man named Neville blew into town from Woodruff via some Yankee school and hung out a shingle as a counselor-at-law.

"He spent some years at this and picked up enough political savvy from somewhere to run for and win the mayor's post. That was Spartanburg's good fortune.

"It is probably by dint of personal persuasion on his part and careful organization of goals and resources that Spartanburg has enjoyed the most fruitful years since the first railroad hit town."

Those were the words of Rudy Rivers, then a columnist for the Herald-Journal and now editor of the newspaper.

Holcombe's contributions to the Spartanburg community were many.

During his fruitful administration, the Morgan Square beautification and modernization project became a reality.

His administration was marked by accomplishments evident throughout the city today.

It was under the late Mayor Holcombe that the city expanded its boundaries for the first time since 1889. The present City Hall and the Central Fire Department were built. City Planning Commission was established.

He brought off-street parking, slum clearance, urban renewal and immense traffic and street improvements.

Those eight years—1953-1961—during which he served as mayor of Spartanburg, were the foundation of a new prosperous era for his community.

"As mayor, he was dedicated to anything that would improve and help develop Spartanburg," said Walter S. Montgomery, close friend and chairman of the board of Spartan Mills.

"His contributions to the betterment of our area are innumerable," Montgomery said. "All of us will miss his wise counsel. I feel the loss of a dear friend and neighbor."

Holcombe, husband of Fannie Louise Vermont Holcombe of 700 Otis Boulevard, was a native of Woodruff. He was son of the late Dr. Benjamin Eugene and Louisa Rogers Holcombe, and he was a member of the Episcopal Church of the Advent.

He is survived by four daughters, Mrs. Marion McMillan Jr. of Spartanburg, Mrs. Austin Chapman of Jacksonville, Fla., Mrs. Joseph Michael Saul of Virginia Beach, Va., and Mrs. Gordon Sinyard of Charlotte.

Also surviving are two sisters, Miss Hazel Holcombe of Orangeburg and Mrs. Richard L. Edwards of Aiken; seven grandchildren.

Funeral services will be held at 5 Friday at the Episcopal Church of the Advent by the Revs. Henry Barton and Robert Sawyer. Burial will follow in Greenlawn Memorial Gardens.

In lieu of flowers, memorials may be made to Neville Holcombe scholarship funds at Converse and Wofford colleges, or the Neville Holcombe Memorial Fund, in care of the Spartanburg County Foundation.

J. F. Floyd Mortuary is in charge of arrangements.

Holcombe was a U.S. Navy veteran of World War II, coming to Spartanburg in 1946 to open a law office with Horace L. Bomar. They came out of the Navy about the same time.

Holcombe served as Naval Intelligence Officer, attached to the Eastern Sea Frontier.

"He's always been a fine gentleman and an excellent lawyer, and, of course, a leader

in the community. We'll all miss him very much," Bomar said.

He recalled the years Wednesday. "He gave a good deal of his time to the city. He made some progressive moves. He never was one who was short with his time, and if he had a project, he gave whatever necessary to see the project through, and I guess one of the most important things he did was to extend the city limits, which was needed very badly."

Holcombe became an inactive member of the law firm about a year and a half ago for health reasons.

"He was the epitome of a public servant. He was a gentleman at all times. He had a brilliant mind," said Lachlan Hyatt, chairman of Spartanburg County Council and member of City Council during Holcombe's second term as mayor from 1957 to 1961.

"Spartanburg lost one of its greatest citizens. He always came through like a real Trojan," Hyatt said.

Others remembering Holcombe Wednesday:

"I got to know him as a gentleman. He was, in every instance, a gentleman, and he's the type of person who doesn't get replaced in the community very easily," said John Evans, president of the Spartanburg Area Chamber of Commerce. Evans served on the South Carolina National Bank Board with Holcombe.

"He was one of Spartanburg's finest leaders. Under his leadership as mayor, we had the first annexation program in over 50 years, the first slum clearance program, the first urban renewal program and the first building code, all of which started Spartanburg's upward progress," said former Spartanburg Mayor Bob Stoddard.

"I always admired Mr. Holcombe. He was one of the finest mayors Spartanburg ever had. His administration probably was one of the most productive in modern Spartanburg history," said Spartanburg's present mayor, E. Lewis Miller.

"I knew Neville when I was a student at Wofford. I've always found him to be a superior person intellectually, morally and spiritually. He was a giant among men in his own profession. He was the kind of person many people in this community could emulate because he personified good citizenship. This community is going to be poorer for having lost him but richer for having had him," said Dr. G. B. Hodge. Holcombe was a close friend and taught Hodge a law course at Wofford.

Holcombe was a Phi Beta Kappa graduate of Wofford College and Harvard Law School. He was a member, former trustee and vestryman for his church.

Among Holcombe's many civic duties were the past presidencies of 10 organizations.

He served as president of Wofford College National Alumni Association; Piedmont Council, Boy Scouts of America, and recipient of the Boy Scout Silver Beaver Award; Spartanburg County Bar Association; United Way of Spartanburg County; Spartanburg Area Chamber of Commerce (construction of present headquarters started under his administration).

He was president of the Spartanburg Civic Music Association; Municipal Association of South Carolina (elected a life member upon completion of term); Spartanburg Kiwanis Club; Harvard Club of Western South Carolina; and Greenville-Spartanburg Chapter of Phi Beta Kappa.

He served as chairman of the Spartanburg County Foundation Board of Trustees and chairman of the Board of Trustees for the S.C. School for the Deaf and Blind.

Holcombe also was South Carolina Commissioner on Uniform Legislation, trustee of Voorhees College, director emeritus of South Carolina National Bank.

He was selected "Man of the Year" in 1980 by the Spartanburg Board of Realtors.

More recently, he was a trustee of Converse College, general counsel for the Spartanburg County Foundation and board member of Spartanburg Area Development Corporation.

Also, he was recipient of Wofford College Distinguished Alumni Award and honorary degree of Doctor of Laws from Wofford.

[From the Spartanburg Herald-Journal, Oct. 6, 1983]

#### GENTLE CITIZEN, NEVILLE HOLCOMBE

A gentle, devoted citizen of Spartanburg and of South Carolina and of the nation died yesterday. The loss hurts, but his contributions to the future of our community go on.

Neville Holcombe was 81 and for most of those years he devoted himself to many causes that meant well-being and progress in his community.

Friends will be comforted in each memory of this quiet but firm, able and energetic man. His outward gentleness never revealed the inner energies that drove him to give his time, vision, intelligence and leadership so tirelessly. He was a rare citizen—willing to participate in any endeavor that benefitted this area, the state or the nation.

In two terms as Mayor of Spartanburg he, and the people he persuaded to work with him, changed the face of the city to better cope with community needs—expanding the city's limits, widening streets, providing off-street parking facilities and initiating slum clearance programs. At the same time, he conveyed to others his optimism about the city's future growth and his vision of a moral, happy place to live and work. He strove in all things to help produce a community of beauty, cultural advancements, business growth and neighborly concern. That optimism came to be shared and was an inspiration to many hundreds of other citizens.

Neville Holcombe's leadership was more than political. His was active and a leader in nearly all of the civic and social groups in this community, lending each of them his strength and energies to the fullest. In 1980, when he was named Citizen of the Year by the Spartanburg Board of Realtors, we commented that no one could be more deserving, indeed, that he could be regarded as the "Outstanding Citizen Of At Least Two Decades."

Perhaps the greatest tribute to this man is that he sought no rewards for his work except results, those results that contributed to the moral, spiritual and economic growth of this area.

In our community, we do not build monuments to good citizens. Neville Holcombe would be embarrassed by and opposed to the very notion. In his life he provided the monument that outshines all others—a selfless devotion to and tireless work for a community he loved.

We share the sorrow of his family and his many friends. We believe we share with them, also, the comfort of his example in life.

## A TRIBUTE TO NEVILLE HOLCOMBE

(Editorial by Walter J. Brown, President of WSPA Radio/Television of Spartanburg, S.C., October 6, 1983)

When I think of Neville Holcombe, I am reminded of the lines of Ralph Waldo Emerson when he said: "The only reward of virtue is virtue; the only way to have a friend is to be one."

Certainly, those of us who live in Spartanburg have seen many vivid displays of Neville Holcombe's virtues in his public, professional and private life. Likewise, we know the reason he has so many friends is that he has been a friend to so many people.

I have often thought of how he demonstrated the virtue of courage when he permitted the beautiful trees that once lined West Main Street to be cut down to provide widening of this artery of traffic for a growing city. People love trees, and nothing can put as much heat on a mayor or any other official as the cutting down of beautiful old trees regardless of the extent that they block progress.

Then another time I remember Neville being on a hot seat was when he was trying to develop Morgan Square. This involved moving the Morgan Monument and it brought out the D.A.R. in force. They insisted General Daniel Morgan face Cowpens where he won his great victory in the Revolution. While all of this argument was going on, the General was hanging up on a crane, waiting to be placed in a way which would satisfy all concerned. Finally, Neville convinced the Daughters of the American Revolution that it would be better to position the General as he stands there today facing West rather than facing a store building.

I doubt if there is anyone here who has not felt directly or indirectly the touch of Neville Holcombe's friendship.

Certainly I have in many ways. But along with that was his devotion to the City and people of Spartanburg. The road was never too long or the night too dark for him to help a friend or serve the city he loved so much.

In honoring him, you honor yourselves, and I congratulate both on this award. Neville Holcombe is not only a Citizen of the Year, but he is a Citizen of the Decades in the eyes of those who appreciate his contribution to the good government on all levels and service to worthy causes that benefit all the people.

ADDRESS BY WILLARD C. BUTCHER, CHAIRMAN OF CHASE MANHATTAN BANK

Mr. HATCH. Mr. President, I have recently read a speech by Willard C. Butcher, chairman of the Chase Manhattan Bank, delivered at the Los Angeles World Affairs Council. Mr. Butcher's statement is an excellent summary of the fiscal policies and events that have produced a burden on the U.S. economy, leading to a slowdown in capital investment, home construction, labor productivity, and eventually to higher inflation.

The solution provided in the conclusion of this statement would not be painless for my colleagues to contemplate. The solution is a reduction in Federal spending. Indeed, I have forced my colleagues as late as last spring to contemplate and vote on

such a proposal. Since that time nothing has changed. The rate of growth for the economy for this year that I predicted at that time, higher than the projected rate employed by the Budget Committee, has come to pass, but even that higher rate will not eliminate the huge deficit currently projected. This large amount of Federal borrowing is raising real interest rates and slowing investment in the productive capital needed to sustain a growing national income. This statement by Mr. Butcher brings home the same point once again, and I urge my colleagues to read it carefully.

Mr. President, I ask unanimous consent that the statement by Mr. Butcher be included in the RECORD following my remarks.

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

THE CHALLENGE OF THE DEFICIT: AMERICA AT A CROSSROADS

(By Willard C. Butcher)

Thank you Alan (Puckett).

Good afternoon ladies and gentlemen. While I always enjoy returning to Los Angeles, today's visit is particularly pleasant for several reasons.

First, the Chase Manhattan Bank now has 200 employees in the greater Los Angeles area. I'm pleased to note that many of them are with us this afternoon. I'm even more pleased that they brought their customers with them!

I was also happy to learn in reviewing the Council's speaking schedule that my talk today comes between addresses by the President of Finland on Monday and the Foreign Minister of Malaysia on Friday. Both, I can report, are good customers of the Chase. (These days, of course, that means they haven't asked us to reschedule their debt!)

Finally, I'm honored to be here because of the nature of the Los Angeles World Affairs Council itself. For over 30 years, the Council has earned a reputation as one of our nation's most prestigious public forums.

The fundamental creed of the Los Angeles World Affairs Council is that, "In a democracy, agreement is not essential; participation is."

It is in that spirit that I have chosen as my topic an economic issue that dominates public discussion today and one on which few people agree; namely, our nation's burgeoning federal budget deficit.

On one side of this issue are those who insist that our runaway deficit has become unstoppable and that because of it, our nation is headed for economic disaster. On the other side are those who dismiss the deficit as little more than a meaningless "media event". (I must say I find this latter view incomprehensible, especially after even a cursory analysis of the Third World debt crisis.)

Lately, both sides have prompted a great venting of national debate and frustration on the deficit issue. But as Will Rogers once pointed out, "The problem with letting off steam is that it clouds up the windows!" And by and large, despite the great national deficit debate, most people continue to be confused about two things: First, the significance of the deficit and second, what to do about it.

This afternoon, I'd like to devote my remarks to examining those two questions.

Let's start at the beginning.

Our number one economic goal in the United States and the world is to sustain a strong and steady economic recovery. To accomplish this goal, we need two things: first, stable prices that both consumers and business investors can count on and second, an ample flow of funds so that consumers can make the purchases and businesses the productive investments that lead to a prosperous economy.

A deficit runs counter to these two requirements. Deficits must—and will—be financed. To finance them means that the government must either induce unstable prices by printing more and more money or sop up available funds by restricting money growth, keeping interest rates high, and "crowding out" individuals and companies from the financial market.

That's exactly where our nation stands today. We are caught between the Scylla of renewed inflation on the one hand and the Charybdis of reduced investment and recession on the other.

This is why deficits in the U.S. and in other industrialized nations are the principal roadblock on the path to sustained economic growth. Indeed, in Europe, from which I've just returned, people are as concerned with the immediate adverse impacts of their own national deficits as they are with the ripple effects of the U.S. deficit.

Our own deficit problem is illustrative. Over the last three fiscal years, U.S. government spending increased more than \$230 billion to \$810 billion this year. Meanwhile, the government's revenue level has risen only \$80 billion. As a consequence, this fiscal year we will have overspent our government's income—that is, your and my taxes—by more than \$200 billion; making our deficit greater than President Nixon's total 1970 budget.

Meanwhile, our national debt is over \$1 trillion and is rapidly approaching \$2 trillion. The interest on our present debt is nearly \$100 billion per year; equivalent to President Kennedy's total 1961 budget.

Just three years ago, in 1980, we considered it "disastrous" that our nation's deficit had risen to the \$60 billion level. In 1983, yesterday's "disaster" is now being spoken of as today's "objective".

Indeed, today's deficit accounts for just over six percent of gross national product, while total personal savings in the U.S. average only about seven percent of GNP. This means that to finance the deficit will require the government to borrow the bulk of our nation's savings, leaving precious little for private investment.

And that ladies and gentlemen is the true significance of the deficit problem.

With the government absorbing the bulk of private savings, we face an inexorable push in the years ahead toward poorer productivity, diminished investment, high unemployment, higher interest rates, slower gains in real income, declining growth, reduced U.S. competitiveness abroad, and a steadily-eroding standard of living.

Clearly, such an outcome is unacceptable. The question is: What can we do about it?

There is only one real answer. And it is not, as some in Washington would have us believe, to launch a pell-mell program of higher taxes.

What is needed now—what all of us in this room should be appealing for—is a serious, long-term program to cut federal spending.

Let's put the growth of federal spending and the growth of federal revenues in some perspective. The \$230 billion increase in

spending over the past three years amounted to a 12 percent increase per annum. By contrast, the average annual increase in GNP over these three years has been about 7½ percent. In other words, spending has increased at a rate far faster than the economy that must pay for it. Most of that increase in spending was unrelated to the recession per se.

At the same time, tax revenues have increased about 5 percent per year—just under the level of GNP growth. Clearly then, our deficit problem is not due to a lack of tax increases.

Rather, it is the high growth in government spending that has brought us to this fiscal crisis. We have promised our way into spending money we simply do not have.

Beginning in the 1930s and climaxing in the 1960s and 70s, the U.S. Government created noble social programs of sweeping promise and lofty intent. Too late, we discovered that voters eager for benefits were unwilling to pay the full price. Their representatives chose to borrow the difference, and the direct result was the swollen deficit with which we are now afflicted.

Part of the blame lies at the door of "indexing"—the automatic pegging of benefits to certain economic indicators. By indexing the payment of benefits, we injected our social programs with a potent "synthetic growth hormone" whose effects were unpredictable.

Also at fault was the so-called "entitlement" character of many social programs. The basic income-support legislation of the 1960s defined who was eligible for what without appropriating a fixed amount to pay for particular purposes. As the number of eligible people rose and the cost of services soared, the amount to be appropriated had to rise as well.

This process has become insidious. Gradually, a so-called "structural" deficit is becoming ingrained, even at a "full-employment" level.

Medicare is a typical example. In 1967, the program's first full year, it cost the federal government just over \$3 billion. Last year, we spent \$50 billion on Medicare—an average annual growth rate of over 20 percent.

Medicare is typical of how government spending has rocketed out-of-control, and why, if we wish to avoid crippling deficits in the years ahead, we must act now to solve our escalating problem.

We will not find the solution by imposing wholesale tax increases. To the contrary, history shows that attempting to reduce deficits by raising taxes not only doesn't work but is counterproductive to economic growth.

For example, in the period from 1975 to 1979 when tax receipts were 19 percent of GNP, the government spent nearly 22 percent of GNP with a deficit of 2½ percent. In the period of 1980 to 1982, when tax revenues increased to 20 percent of GNP, the situation was worse. Government spent close to 24 percent of GNP, and the deficit rose to nearly 4 percent.

Most tax increases reduce the real reward for providing labor or capital and thus increase the cost of production. Raising the cost of production, in turn, leads to declining work incentives, reduced savings, and a fall-off in other growth-generating activities. So rather than fostering economic recovery, trying to reduce the deficit by raising taxes only helps kill the goose that lays the golden egg.

I would allow however, that raising certain consumption-oriented taxes may, at

some point, be appropriate. But make no mistake. Increasing taxes—or as former Congressman Henry Reuss once called them, "user fees on income"—will not solve our deficit problem. Rather, higher taxes will just take more resources out of private hands and encourage the government to spend still more.

Indeed, when politicians suggest novel "laundry lists" of new taxes—as one presidential candidate did a few weeks ago—rest assured that it will be the private economy that is ultimately "taken to the cleaners".

All government spending, in fact, comes out of the private economy one way or another—through taxes, borrowing, or the inflationary printing of too much money. So the true burden of government isn't what it collects but what it spends.

And if our nation really believes in the virtues of a private economy—then we have no choice but to cut government spending.

Clearly, the place to focus our effort is in the three areas which together account for nearly two-thirds of federal spending—Social Security, medical care and defense.

Social Security benefits today account for over 8 percent of GNP—double what they were in 1960. Here I'd pick up where the 1983 Social Security Commission left off.

Specifically, because people today live longer than when Social Security was conceived, we should consider increasing the retirement age more quickly to 67 and 65. At the same time, we should consider eliminating the benefits for early retirement, except in the case of disability. In addition, we should scrutinize more closely eligibility procedures for Social Security. Such refinements could save \$20 billion annually at current income levels.

As to medical programs, the government's medical bill today equals over \$80 billion. In 1960 by contrast, government spending on medical services was less than a billion dollars.

To get at this, we need more measures like the recently-enacted changes in Medicare, where the government now pays uniform prices to treat particular ailments. Without this step, the Medicare Trust Fund would have gone bankrupt before the end of the decade. Similar actions are desperately needed.

The whole area of indexing government benefits also should be reconsidered—particularly the practice of automatically linking benefits increases to the annual rise in the consumer price index. This routine does little more than help institutionalize inflation.

In this context, we should take a careful look at the proposal of Senators Danforth, Boren and Wallop that calls for indexing federal payouts to the CPI minus 3 percentage points. I personally not only support such a measure but believe it should go further—even if this involves making compromises along the way.

As to defense, I suspect there are few Americans today who wish to see our nation's military power compromised. In point of fact, our nation's military spending, in relative terms, has declined in recent years.

Under President Kennedy, defense spending totaled \$51 billion, representing 48 percent of the budget and over 9 percent of GNP. Today, military spending is \$245 billion and has declined to 29 percent of the budget and 7 percent of GNP.

At the same time though, it makes no sense to harbor a "foot-in-cement" attitude about the inflexibility of the defense budget. Rather, we must find savings in defense—even as its budget grows.

Specifically, we should give higher priority to which weapons systems we need and how we plan to pay for them in rational, multi-year procurement programs. Competitive bidding, overlapping systems, and systems modernization—rather than replacement—also should be given higher priority. Finally, we should take a hard look at military pensions, which are growing by almost 13 percent per year and today cost about \$15 billion.

The point is that while we need a stronger defense and an expanded defense budget—we must confront that budget too with an eye toward increased efficiencies and cost savings.

These are but a few suggestions from one who does not pretend to be an expert on the intricacies of the federal budget. But I am certain of this. Without such pointed measures, perhaps not our children—but certainly their children—may inherit an economy in shambles.

In 1960, federal spending and taxes both represented about 19 percent of our GNP—and we had a balanced budget. This year, federal taxes are still 19 percent of GNP and spending is 25 percent. Thus, even after the tax cuts, we are paying as large a share of taxes as we did 20 years ago while spending soars into the stratosphere.

The clear and unmistakable truth from all this is that unless we rein in federal spending today, these expansive government programs that have stifled our economic growth in the past will imperil the standard of living of our citizens in the future. As the philosopher Yogi Berra once put it, "You can see an awful lot by just looking."

Clearly, this is not only a time for "looking" at our problem but also for doing something about it. And the deficit is the place to start. Yes, I believe our budget is capable. It is controllable. It is cuttable.

The wrong way to cut the deficit is to raise taxes. The right way to cut it is to combine continued economic growth with a renewed urgency to cut spending.

But we can't begin to cut the deficit until Republicans and Democrats, liberals and conservatives alike agree, as House Budget Committee Chairman Jim Jones has put it, "to give up a little bit in the national interest."

America does, indeed, stand at a crossroads. One road leads to sustained, non-inflationary, long-term economic growth; the other to the junkyards of ever more serious economic ills. How we deal with the deficit may well determine the direction we take.

#### DRUG ABUSE IN MEDICAL PROFESSION

Mrs. HAWKINS. Mr. President, behavior experts have identified several working conditions that can make a person more vulnerable to drug abuse on the job: Long hours, little personal contact, and physical and emotional stress. In the case of doctors, nurses, and other health-care professionals, however, there is another complicating factor: Drug availability.

According to a recent study by the University of California, doctors and nurses training to administer anesthesia are far more likely to abuse narcotics than other medical personnel; and, according to a survey published by the Journal of the American Medical Association,

ciation, anesthesiologists and anesthesiologists are more likely to abuse narcotics because of their access to, familiarity with, and sophisticated knowledge of drugs. People forget that at the turn of the century 30 percent of cocaine addicts were physicians and dentists—who used the drug on patients as a painkiller.

But bartenders are not thought to abuse alcohol more than, say, Sunday school teachers. Computer operators are not more likely to play video games than construction workers. Why do 75 percent of the training programs for anesthesiologists report at least one case of drug dependence? Why are nearly 4 percent of all doctors and nurses throughout the country dependent on narcotics—a rate 30 to 50 percent higher than the general population? Obviously, the danger is not only to the victim but to his or her patient as well. And the cost to society is so much more.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles on drug abuse in the medical profession.

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

[From the Los Angeles Times, Aug. 19, 1983]

#### ANESTHESIA STUDENTS TOP DRUG-ABUSE LIST (By David Freed)

SAN DIEGO.—Doctors and nurses learning to administer anesthesia in the operating room are more likely to abuse prescribed narcotics than medical personnel in other health specialties, according to a study released Thursday by the University of California, San Diego.

The study, based on a questionnaire mailed to the directors of the 289 anesthesia training programs in the United States, found that 74% of the programs had at least one suspected incident of drug dependence involving doctors, nurses or instructors.

Some training programs had five or more cases in which medical personnel were hooked on drugs.

The report stated that chemical dependence among those involved in administering anesthesia "may be more common than generally held and perhaps more common than in other areas of medicine, partly due . . . to the ubiquitous availability of remarkably potent drugs."

#### MOST FREQUENTLY ABUSED DRUGS

The most frequently abused drugs were found to be meperidine and fentanyl, two short-acting synthetic narcotics with a potency 90 to 100 times that of morphine. The drugs are administered through injection.

Other abused drugs (ranked in order of frequency) included morphine, diazepam, narcotics such as cocaine, alcohol and droperidol.

Results of the study, written principally by Dr. Clarence F. Ward, a UCSD medical instructor and himself an anesthesiologist, were published in today's edition of the Journal of the American Medical Assn.

"There is indeed a problem in anesthesia," Ward, 39, said in an interview Thursday. "The number of anesthesiologists (nurses) and anesthesiologists being referred to drug rehabilitation facilities is three or fourfold

what their overall population should reflect proportionately."

Ward's survey estimated that between 1970 and 1980, there were 29,666 doctors, nurses and instructors associated with anesthesia training. The survey found 376 cases of suspected drug abuse and 334 cases of confirmed abuse. However, because of inexact survey methods, Ward said he believes that the actual number of drug dependence cases may be more than 1,000.

#### 104 CASES INVOLVED RESIDENTS

Of the reported cases, 104 involved residents (doctors training to be anesthesiologists) while 163 cases occurred among nurses certified as or studying to be anesthesiologists. Anesthesiologists generally administer only local anesthesia while under the supervision of an anesthesiologist.

Fifty-four cases of abuse occurred among anesthesia instructors. That statistic surprised Ward, who had expected to find that drug dependence was largely confined to younger physicians and nurses who were faced with "the stress of being a student."

Yet "the incidence of abuse was higher in instructors than students, suggesting that increasing age and professional education do not necessarily grant increasing immunity," Ward wrote.

[From the New York Times, Aug. 19, 1983]

#### DRUG ABUSE FOUND IN MEDICAL TRAINING (By Lawrence K. Altman)

The problem of drug abuse in the medical professions was dramatically underlined yesterday with the first published national survey of drug use within a single specialty.

The survey, published yesterday in The Journal of the American Medical Association, was made among doctors and nurses training in the specialty of anesthesiology as well as their instructors.

It found that over a 10-year period almost three-quarters of the anesthesiology training programs that responded to the survey had "at least one suspected" case of drug dependency among students or instructors. The researchers wrote that they had been surprised to learn that the problem was most prevalent among the older anesthesiologists, the instructors.

Some hospitals had more than five cases. Of the total of 334 confirmed or suspected cases of drug dependence among doctors or nurses, 30 deaths were attributed to drug overdoses.

The researchers from the University of California's San Diego Medical Center said they knew of only a few "mishaps" among patients that could be attributed to the drug dependency problems of doctors and nurses.

#### PROBLEMS IN SAN DIEGO

Anesthesiologists were singled out for the study because of problems observed in the San Diego training program. Dr. Lawrence J. Saidman, a principal researcher in the study who also heads the university's department of anesthesiology, said in an interview that about five nonfatal cases of drug dependence were detected among his professional staff and students over a period of about seven years.

"We asked ourselves: Is our experience unique?" he said. "Is there something in our environment or in the way we practice medicine or the people we elect that encourages or somehow specially recruits people who are drug-prone?"

Despite the absence of comparative data among other medical specialties the choice of this specialty for the survey was apt. For

years, anesthesiologists have been considered the most vulnerable group because of their sophisticated knowledge of drugs as well as their ready access to them.

The drug dependence problem "may be more common than usually thought in anesthesia, perhaps in part because of drug availability," Dr. Saidman and his co-authors, Dr. C. F. Ward and Gretchen C. Ward, said.

The two drugs most often reported to have been abused in the study were meperidine and fentanyl. They are synthetic narcotics. Fentanyl, a short-acting drug that is about 100 times more potent than morphine, often leaves little detectable evidence of its use in urine samples.

#### 184 REPORTED POSSIBLE PROBLEM

The study was based on responses to questions from 247 of the 289 programs that train physician anesthesiologists and nurse anesthetists in the United States. At least one instance of confirmed or suspected drug abuse was reported in 184 of them, or 74 percent of those answering the survey. About half such programs train nurses, the other half doctors, Dr. Ward said. Few train both.

According to the American Medical Association, 15,934 anesthesiologists were actively practicing as of 1981. Of these, 2,930 were in training. In addition, the American Association of Nurse Anesthetists said that as of this year it had 18,492 practicing members and 2,016 trainees.

The researchers concluded "that chemical impairment in anesthesia may be more common than generally held and perhaps more common than in other areas of medicine, partly due, in our opinion, to the ubiquitous availability of remarkably potent drugs."

The researchers pointed out that the medical profession in general and anesthesiologists in particular were paying increasing attention to drug addiction in their ranks. Dr. Saidman said in an interview that the American Society of Anesthesiologists had set up a committee to address chemical dependence and drug related problems among its members.

"In the past when it was called the Committee on Environmental Health, the primary issue was that of operating room pollution," the ill effects of anesthetic gases released into the room," Dr. Saidman said. "Now most people are changing their focus and feel that the primary environmental hazard to anesthesiologists is not O.R. pollution but alcohol and drug related problems."

Dr. Saidman said he believed the results of his team's survey "significantly underestimate the problem."

"Over the past three years or so, medicine in general and anesthesia in particular have become much more concerned and aware of the magnitude of the issue," he said. "I don't think we were as good at ferreting out the problem in 1970 as we are now. I am sure a lot of people graduated from programs with big time drug problems."

"Only 25 percent of the respondents notified the state licensing authority" regarding the cases, the authors said.

#### THE BUILD-DOWN PROPOSAL

Mr. GORTON. Mr. President, since last spring, I have been a strong advocate of the nuclear build-down proposal developed by Senators COHEN and

NUNN. I have discussed this issue with them at great length, and I have encouraged them and supported them wherever possible in their efforts, along with Senator PERCY, to make the build down a part of the U.S. negotiating position in the START talks. I am delighted that the three Senators, in turn, worked so effectively with Congressmen ASPIN and GORE and with Congressman DICKS from my own State, to develop a position now accepted by the administration.

I support the build down because it responds effectively to the peculiar and complex requirements of arms control. Its most profound benefits stem from the fact that—alone among popular arms control initiatives—it specifically ties the modernization of strategic weapons to reductions.

As real and as beneficial as the stabilizing effects of the build down are, however, they are difficult to understand and even more difficult to explain. I have been following this issue closely for many months, and if I can say that I have a pretty good understanding of how the build down promotes stability and why it is better than the other alternatives which have been presented, I must admit that I still find it difficult to explain these issues in a concise and effective manner.

This has proven particularly true in dealing with supporters of the nuclear freeze proposal. It is because of these people that the issue of arms control has been raised to the top of the public agenda where it belongs. They represent the firm and deep commitment of the American people to ending the arms race and to strengthening the advocates of peace around the world.

It has been suggested that there is fear in some quarters that the build down is nothing more than an effort to divert attention from the freeze proposal, and in fact this has been suggested to me by a number of constituents.

As I said a moment ago, Mr. President, I am firmly convinced that this is not the case, but it is not an easy proposition to explain. Consequently, I was very interested to read an article in this morning's New York Times entitled, "Build-Down Puts Up Scaffolding for Accord." The article was written by Alton Frye, who is the Washington director of the Council on Foreign Relations, an early, strong advocate of the nuclear freeze proposal.

Mr. Frye's article offers the most concise, clear explanation of the stabilizing effects of the build down which I have seen to date. I found it immensely helpful, and I commend it to my colleagues.

Mr. President, I ask unanimous consent that this article be printed in the RECORD in its entirety.

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

[From the New York Times, Oct. 19, 1983]

BUILD DOWN PUTS UP SCAFFOLDING FOR ACCORD

(By Alton Frye)

WASHINGTON.—Now that President Reagan has proposed a build-down in strategic forces, it remains to be seen whether Moscow and Washington have the will to negotiate in earnest.

Washington has framed new proposals that ought to be negotiable in Geneva. Previous proposals were designed to require a restructuring of Moscow's strategic nuclear forces by imposing enormous and unequal reductions in large land-based missiles—weapons in which Moscow has unwisely invested heavily. Whatever improvements in strategic stability Washington's earlier proposals held out, most analysts and officials knew Moscow would never accept them.

The latest initiatives promise to be more negotiable because they are more equitable. First, they do not dictate the composition of either country's forces. The proposed build-down would link any deployment of new ballistic-missile warheads to destruction of a greater proportion of existing warheads. It would seek a stable military balance through incentives to replace less survivable weapons with a smaller number of more survivable weapons. In other words, mobile and/or single-warhead missiles, such as the Midgetman, would be preferred over fixed launchers with multiple warheads. As each side reduced, it would retain freedom to compose its forces as it chose. But there could be no major modernization without cuts—if you have newer, you will have fewer, and if you have fewer you must make sure they can survive. Gradually, the imperatives of survivability should induce changes that could not be directly negotiated.

Moscow should also see that, for the first time, Washington has outlined a fair approach to controlling strategic bombers as well as missiles. This change was crucial, and to his credit, Mr. Reagan explicitly accepted the necessity of trading off America's bomber advantages for the Soviet Union's missile advantages. Bombers and missiles are quite different—particularly because bombers are slower and face active defenses—but now both can be reasonably treated in a common negotiating framework. Moscow was reluctant to cut its missile forces unless Washington limited its programs to expand bomber capabilities by adding several thousand air-launched cruise missiles in the next decade. The new American approach opens the way to a comprehensive accord on strategic forces; otherwise, there was not likely to be any strategic arms agreement.

While these features improve the negotiability of our position, some critics fault the build-down because it does not immediately halt the MX missile system. Such criticism is misdirected and shortsighted, for the build-down neither mandates nor prohibits any specific weapons system. What it would do, if accepted by Moscow, is create a totally different setting for future decisions on how forces should be modernized.

If warheads were subject to a build-down, the MX system, with its 10 warheads per missile, and similar Soviet systems would make less and less sense. Under America's proposed quota of 5,000 warheads, it would be foolhardy to expose a large portion of a

missile force by deploying multiple-warhead missiles in vulnerable silos. This logic would reinforce the urgency of moving to smaller, single-warhead missiles. Indeed, some proponents of the MX first opposed the build-down because they knew it would have this effect. Similarly, if Moscow is worried about the MX, it should realize that prompt acceptance of the build-down is its best insurance against a sizable, open-ended deployment of such weapons.

Advocates of a build-down understand this relationship. Their stated aim is to discourage future deployments of destabilizing multiple-warhead missiles. For the short run, they agreed to tolerate an initial outlay for the MX—procurement of 21 missiles, to be precise—as the price of eliciting Administration proposals that, in the long run, would severely prejudice the future of such systems. Procuring MX's now need not mean deploying them later.

There are powerful arguments against the MX and against indiscriminate cuts in strategic forces. But those are not arguments against a discriminating build-down to promote stability.

The superpowers' nuclear forces are expanding rapidly with thousands of additional warheads. In this situation, even dubious programs such as the MX may well go forward, for Americans decline to accept Soviet monopoly of large I.C.B.M.'s. No matter how persuasive the strategic arguments, it is doubtful that America will unilaterally curb the MX.

Perceived correctly and pursued conscientiously, the proposal for a build-down can break this pattern. By making major reductions possible, it can eventually make the MX and its Soviet counterparts unnecessary—and imprudent.

TRIBUTE TO BETTY HUGHES

Mr. BRADLEY. Mr. President, I rise today to pay tribute to a great woman and an outstanding New Jerseyite—Betty Hughes. Today New Jersey said goodbye to our former first lady, but she will be long remembered by those of us who knew and admired her.

Betty Hughes was known as a forthright, caring woman with a delightful sense of humor. Former Governor Brendan Byrne called her "a cheerleader for New Jersey." Her marriage to Governor Richard J. Hughes was the second one for both of them. Each had lost a spouse and was caring for several children. Together with the children they subsequently had, the former Governor and Betty Hughes raised 10 children. Her enthusiasm for her family, her work, New Jersey, and life were apparent in everything she did.

During her husband's tenure as chief justice of the State supreme court, Betty Hughes maintained an active life as a TV commentator and newspaper columnist. From 1968 to 1973 she hosted a television talk show on WCAV-TV in Philadelphia called "Betty Hughes and Friends." And friends were one thing she never lacked. Her genuine love of people was communicated to all who knew her. But most of all, Betty Hughes was de-

voted to her husband, to her 10 children, and to her mother who lived with her from the time she and the Governor were married.

She was a straightforward woman who always spoke the truth as she saw it. When President Lyndon Johnson and Premier Aleksei Kosygin met at the famed Glassboro Summit, Betty Hughes' "State dinner" consisted of hamburgers and potato salad. Her comment was "Why put on airs?"

Particularly during the last 2 years, Betty Hughes suffered severe health problems. Nevertheless, she always maintained an optimistic outlook. She will be greatly missed by her devoted husband, by her many wonderful children, and by all of New Jersey.

#### LEE METCALF WILDERNESS AND MANAGEMENT ACT OF 1983

Mr. BAKER. Mr. President, last evening there was a desire to take up the Lee Metcalf Wilderness and Management Act of 1983, S. 96, which the two Senators from Montana agreed to postpone until today in order to accommodate the full clearance process on both sides. It is a mere formality. I was certain, of course, that there would be no problem, but it did permit us to continue with the usual and regular routine, and I thank both Senators from Montana and I thank the minority leader.

I am prepared now, if the minority leader and the Senators from Montana are prepared, to ask the Senate to proceed to the consideration of S. 96.

Mr. BYRD. Mr. President, both Senators from Montana are on the floor and are eager to proceed, and there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 96.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 96) entitled "An Act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

#### DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and fifty-nine thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee

Metcalf Wilderness—Proposed", and dated October 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary", accordance with the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further*, That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

(c) The Congress finds that certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including critical grizzly bear and elk habitat. In order to conserve and protect these values, the area lying adjacent to the Monument Mountain and Taylor-Hilgard units of the Lee Metcalf Wilderness as designated by this Act and comprising approximately thirty-eight thousand acres, as generally depicted on the map entitled "Lee Metcalf Wilderness—Proposed", dated October 1983, shall be managed to protect the wildlife and recreational values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto. The area shall further be administered by the Secretary of Agriculture to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized equipment only for activities associated with existing levels of livestock grazing, administrative purposes (including snowmobile trail maintenance) and for snowmobiling during periods of adequate snow cover but only where such uses are compatible with the protection and propagation of wildlife within the area: *Provided*, That the Secretary may, in his discretion, also permit limited motor vehicle access by individuals and others within the area where such access is compatible with the protection and propagation of wildlife and where such access was established prior to the date of enactment of this Act. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

#### DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest

and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(2) The lands covered by subsection (c)(1) of this section are as follows:

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The boundary of the Absaroka-Bear-tooth Wilderness, Montana, as designated by Public Law 95-249, is hereby modified to exclude from the wilderness approximately forty acres in the West Fork of Mill Creek and approximately twenty-seven acres in the Passage Creek drainage as depicted on a map entitled "Absaroka-Bear-tooth Wilder-

ness-West Fork Mill Creek and Passage Creek Deletions", dated August 1983.

(e) The boundary of the UL Bend Wilderness, Montana, as designated by Public Law 94-557 is hereby modified to exclude from the wilderness approximately twenty-eight acres as depicted on a map entitled "UL Bend Wilderness Deletion", dated July 1983.

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by the Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such right or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

#### LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Government. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana  
Principal Meridian

Section 13: All,

Township 6 South, Range 2 East

Section 1:  
Lots 13, 14,  
North half,  
West half southeast quarter,  
Section 19: All fractional,  
Section 27: All,  
Section 29: All,  
Section 31: All fractional,  
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,  
Section 3:  
Lots 1 and 2,  
South half northeast quarter,  
Section 11: North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,  
Section 15: All,  
Section 17: All,  
Section 21: All,  
Section 25: All,  
Section 27: North half,  
Southeast quarter,  
East half southwest quarter,  
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East

Section 25: North half,

Township 8 South, Range 2 East

Section 1: All fractional,  
Section 3: All fractional,  
Section 9: All,  
Section 11: All,  
Section 13: All,  
Section 15: All,  
Section 17: All,  
Section 19: All fractional,  
Section 21: All,  
Section 23: All,  
Section 25: All,  
Section 27: All,  
Section 33: East half,  
Section 35: All,

Township 8 South, Range 3 East

Section 5: All fractional,  
Section 7: All fractional,  
Section 17: All,  
Section 19: All fractional,  
Section 21: West half,  
Section 29: All,  
Section 31: Lots 1 and 2,  
Northeast quarter,  
East half northwest quarter,

Township 9 South, Range 2 East

Section 1: All fractional,  
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thousand eight hundred and ten and forty-seven one-hundredths acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana  
Principal Meridian

Section 24: South half,

Section 26: All,

Section 34:

Lots 1, 2, 3, 4,  
Southeast quarter,  
Section 36: All, less HES 187 and 190,

Township 5 South, Range 2 East

Section 30: All fractional,  
Section 32: All,  
Section 34: South half,

Township 6 South, Range 1 East

Section 2: All fractional,  
Section 12: All,

Township 6 South, Range 2 East

Section 2: All fractional,  
Section 4: All fractional,  
Section 6: All fractional,  
Section 8: All,  
Section 10: All,  
Section 12: All fractional,  
Section 14: All,  
Section 16: All,  
Section 22: All,  
Section 24: All,

Township 6 South, Range 3 East

Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) for so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accruing from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided*, That the rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (one hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 1910 (seven thousand three hundred and sixteen and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Hammond Administrative Site—November 28, 1956.

Public Land Order Numbered 909—Jack Creek Administrative Site—July 13, 1953.

#### FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of Lee Metcalf Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and National Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*,

That correction of clerical and typographical errors in such legal descriptions and maps may be made.

#### AUTHORIZATION OF APPROPRIATIONS

Sec. 6. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Sec. 7. (a) Subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is amended to read as follows:

"(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary."

"(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used."

Mr. MELCHER. Mr. President, I wish, first of all, to thank both leaders for allowing us to have this opportunity to complete final action on this bill here in the Senate. It is a bill that is long overdue. We failed to pass it in the Senate just by a few moments in the last Congress, and now we have this opportunity to put the final OK

to it here in the Senate and sent it on its way to the President.

It is a fitting tribute to our late departed colleague, Senator Lee Metcalf, who was long a champion of the conservation movement, particularly wilderness areas. It is a very fine addition to the wilderness system and contains with it several other parts, one of which is notable in wildlife management and an area adjoining the Lee Metcalf Wilderness Area.

Finally, I wish to take note that an amendment to another wilderness area in Montana, the Rattlesnake Wilderness Area, that is necessary on the land swaps involved there is also attached to this bill.

The final package is most welcome by Montanans and as a result of the initiative of Senator Lee Metcalf, our former colleague, and also the result of the work of literally thousands of Montanans who put their time and effort into gaining passage of the bill.

Regarding the rattlesnake amendment, I wish to inform the two leaders that I have in my office two rattlesnake rattles which I will be delighted to present to our two distinguished leaders, one each.

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

Mr. MELCHER. I am glad to yield.

Mr. BYRD. Mr. President, I wish very much to have the rattle that the Senator has set aside for me.

I have rattlesnake rattles in my violins. There is an old saying among the mountaineer fiddlers in West Virginia that rattlesnake rattles in violins improve the tones of the violin.

I would appreciate it if the two Senators from Montana do honor me by providing me with an additional rattlesnake rattle. I do not want the rattlesnake; I just want the rattle.

Mr. MELCHER. The Senator will get the safe end of the rattlesnake. We will be delighted to present it to each of the leaders.

I am well aware of the theory, and perhaps it is more than a theory, that a rattlesnake rattle inside of a violin improves its tone, and we will all benefit from that, I might add, when we listen to the Democratic leader in his musical renditions.

Mr. BAKER and Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, before the junior Senator from Montana takes the floor, I feel at a loss to know what to say. I cannot honestly say that I recall ever having been given any part of a rattlesnake before. But I have to commend the Senator. If he has two rattlesnake rattles his eminently fair distribution of them between the majority and minority is in the best Senate traditions. The symbolism involved, I am sure, is appropriate, and I have no violin in which to

put my rattle, but I will find something.

I thank the Senator.

Mr. MELCHER. I thank the majority leader.

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

#### LEE METCALF WILDERNESS

Mr. BAUCUS. Mr. President, over 17 years ago, Senator Lee Metcalf first proposed that the Spanish Peaks Primitive Area be protected. It is a fitting tribute to this great conservationist that this area not only be designated a wilderness area, but that it be forever known as the Lee Metcalf Wilderness. I can think of no more fitting tribute than the naming of this massive mountain range for the man who did so much to conserve Montana's wilderness heritage.

#### RECORD OF SENATOR LEE METCALF

Before I discuss the proposal for the Lee Metcalf Wilderness, let us take a moment to look at the incredible record of Lee Metcalf. During the 26 years that Senator Metcalf served in the U.S. Congress, he was undoubtedly one of the Herculean leaders of the conservation movement. His efforts to protect the natural resources of this country include the Wilderness Act, the Clean Air Act, the Surface Mining Control and Reclamation Act, and innumerable other measures to protect this country's great heritage. It is my belief that these wildlands fittingly pay tribute to this remarkable record.

#### WILDERNESS PROPOSAL

The Lee Metcalf Wilderness and adjacent wilderness management areas comprise four distinct areas. They stretch from the Beartrap Canyon along the Madison River—a tributary of the Missouri River—on the north, to the Monument Mountain area adjacent to Yellowstone National Park, including the Spanish Peaks and a major segment of the Madison Range. The Spanish Peaks, an area with some 25 peaks over 10,000 feet, has been managed as a primitive area for over half a century.

In sum, the wilderness creates a remarkable landscape; a place where hunters, fishermen, backpackers, and those seeking the solitude and beauty of untrampled land can go for the rejuvenation we all so dearly need.

#### WILDERNESS AND MANAGEMENT AREA

The 259,000-acre wilderness area, coupled with the 38,000-acre management area west of Monument where wildlife habitat can coexist with the major recreational use of snowmobiles, is a fitting addition to the national wilderness system. It does not include all the areas that I felt warranted protection, but it does represent a carefully worked out compromise in which the views of the timber industry, the wilderness people, and the motorized rec-

reationists have been carefully weighed and accommodated. The entire Montana congressional delegation has worked diligently to bring this compromise to fruition.

#### MOVING FORWARD TO RESOLVE RARE II

We need now to put this bill behind us and get on with the larger question of resolving the RARE II question. Any further delay in enacting the Lee Metcalf Wilderness will only make the resolution of these larger public lands questions that much more difficult.

Mr. President, this Senator from Montana is very happy to join in providing the distinguished leaders of our body with rattlesnake rattles.

I might say, Mr. President, that my home in Montana is in the Rattlesnake Range. So I can speak with great authority about rattlesnake rattles. In fact, in my family ranch in Montana we have a huge board with all sizes of rattlesnake rattles mounted on it.

Each year a rattlesnake grows an extra rattle. The largest we have has 15 rattles. I am sure we can find appropriate rattles for the distinguished Senate leaders. I do not know whether the larger ones should go to the majority side or minority side. But nevertheless, we can find appropriate rattles.

Mr. President, as the senior Senator from Montana mentioned, this bill has been through a fairly arduous process. The Senators from Montana as well as the Montana delegation in the House of Representatives, are very, very thankful to the various groups in our State who have been very patient and diligent in working out an agreement on this bill.

It has been a long process. But in the spirit of compromise, in the Montana spirit of getting along and working things out, various groups, the conservation groups, the development groups, the snowmobilers, the backpackers, the Forest Service, you name it, have come together and have worked with the Montana delegation very effectively in a very agreeable way. All of us are very thankful for that effort and cooperation.

Mr. President, Senators in this body know full well the ardor, the energy, and love which the late Lee Metcalf devoted to conservation issues. Lee Metcalf was a Senator who devoted his life to the preservation of natural resources and natural beauty for present and future generations. He was a very distinguished man, a man of whom Montanans are very, very proud. Lee Metcalf left an exemplary record for us in the State of Montana and for all Senators to follow.

Mr. President, I think it is altogether fitting that this area bear his name so that Montanans and all Americans will be reminded of his efforts and the degree to which he dedicated his life to conservation.

I must say, Mr. President, I feel particularly thankful and humble to be standing here because it is his seat that I now occupy. I thank the Senate for agreeing to pass this bill in Lee Metcalf's honor.

I thank the leaders of the body for allowing this time.

Mr. BAKER. Mr. President, I thank both Senators from Montana.

There is a House amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Judging by the statements made by the two Senators and the notations I have on my clearance calendar, I believe we are ready to accept the House amendment, and I see no contrary expression of opinion.

Therefore, Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank both Montana Senators and I congratulate them on their efforts in this respect.

Mr. President, there are a number of other items.

Mr. BYRD. Mr. President, will the Senator yield before proceeding to other items?

Mr. BAKER. I yield.

Mr. BYRD. I wish to associate myself with the majority leader's remarks and commend the two Montana Senators, thanking them also.

We all had tremendous respect for Lee Metcalf. I was just commenting to Senator MELCHER a moment ago that Senator Metcalf was a great presiding officer. When he cracked that gavel, he meant to get order in the Senate and Senators could hear him even though they might have been conversing among themselves. He was a good presiding officer.

I thank the Senators.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

#### THE CALENDAR

Mr. BAKER. There are a few other items here. First I invite the attention of the Senate to Calendar No. 476, which is Senate Resolution 245. We are prepared to go to that bill placed on the Calendar last evening by unanimous consent, if the minority leader has no objection.

Mr. BYRD. There is no problem with that.

Mr. BAKER. I thank the Senator.

#### CONGRATULATING THE BALTIMORE ORIOLES ON WINNING THE WORLD CHAMPIONSHIP

Mr. BAKER. I ask the Chair to lay before the Senate, Senate Resolution 245.

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

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 245) to congratulate the Baltimore Orioles on winning the world championship.

The Senate proceeded to consider the resolution.

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

Mr. BAKER. I yield.

Mr. MATHIAS. Mr. President, I hope the Senate will join with me and my colleague from Maryland (Mr. SARBANES) in approving this resolution honoring the world champion Baltimore Orioles.

Their victory this year in the World Series is testimony to their sportsmanship, skill, and professionalism. It is also a tribute to the Orioles' many loyal fans in the city of Baltimore, the State of Maryland, and throughout the country.

To my good friends from Pennsylvania, I would like to say that their Philadelphia Phillies were worthy opponents but that this was the year of the Orioles.

Mr. SARBANES. Mr. President, I join my colleague from Maryland (Mr. MATHIAS) in support of the pending resolution congratulating the world champion Baltimore Orioles for winning the 1983 World Series.

The performance of the Orioles this year brought not only pride and happiness to its many fans but respect from others throughout the Nation. The Orioles demonstrated what it means to be a team—a championship team—and reflected quality in their play and in their conduct. It is fitting that they should be honored by this resolution and I urge its adoption.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution together with the preamble follow:

**S. RES. 245**

Whereas the Baltimore Orioles are the winners of the eightieth World Series and are the 1983 world champions of baseball;

Whereas the 1983 world championship was a total team victory for the Baltimore Orioles and all players contributed to the ninety-eight regular season, three American League championship series, and four World Series victories;

Whereas the Baltimore Orioles catcher Rick Dempsey who exemplifies the team spirit of the Orioles joined former Orioles Frank Robinson and Brooks Robinson by being named the most valuable player in a World Series;

Whereas the Baltimore Orioles are one of only four teams in the history of major league baseball to win four straight World Series games after losing the first one;

Whereas the Baltimore Orioles have the best won-lost record over the last quarter century of major league baseball;

Whereas the Baltimore Orioles in nine 1983 postseason games scored thirty-seven runs and limited their opponents to twelve runs to establish a team earned-run average of 1.10;

Whereas the Baltimore Orioles, thanks to the leadership of Manager Joe Altobelli, General Manager Hank Peters, and owner Edward Bennett Williams, are the best organization in major league baseball;

Whereas the Baltimore Orioles fans are unsurpassed in all baseball as demonstrated by the 1983 season attendance of two million, by the thirty thousand who met the team at Memorial Stadium the night of the World Series victory, by the over two hundred thousand who watched the parade October 17, 1983, and by their unmatched enthusiasm and support; and

Whereas the Baltimore Orioles have brought great pride to the citizens of the city of Baltimore and to Maryland; Now, therefore be it

*Resolved*, That the United States Senate congratulates the world champion Baltimore Orioles for winning the 1983 World Series.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the president of the Baltimore Orioles Baseball Club.

**COMPACT RELATING TO THE RESTORATION OF ATLANTIC SALMON IN THE CONNECTICUT BASIN**

Mr. BAKER. Mr. President, I would say to the distinguished minority leader that I would like to go to H.R. 3044, the Atlantic salmon agreement.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3044) to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to

participate as members in a Connecticut River Atlantic Salmon Commission.

The Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, today the U.S. Senate is passing legislation that will grant congressional consent and approval to the Connecticut River Atlantic Salmon Compact. This is an auspicious event that should help pave the way for continued progress in the effort to restore Atlantic salmon to their former abundance in the Connecticut River.

Attempts to restore the salmon date back to 1867. However, success did not begin until 1967, when passage of the Anadromous Fish Restoration Act provided new impetus and funds for the effort. Since 1974, approximately \$150 million in State and Federal funds have been spent to restore Atlantic salmon to New England rivers. The resulting return of the salmon to the Connecticut River necessitated a management plan for the future. In 1977 the States of New Hampshire, Vermont, Massachusetts, and Connecticut, as well as the U.S. Fish and Wildlife Service and the National Marine Fisheries Service sat down to negotiate a management compact.

By January 1982, the legislatures of all four States had ratified the compact, and the Federal agencies had agreed to it. The compact creates a commission with the duty and authority to: First, recommend stocking programs, management procedures and research; second, coordinate interstate management and research projects; third, promulgate regulations for salmon fishing in the Connecticut River; fourth, issue and charge for Atlantic salmon fishing licenses; fifth, accept gifts and grants. In addition, a technical committee will advise the Commission. Each State will provide \$1,000 annually for the first 3 years, and no Federal funds are required.

Here in the Senate, I first introduced legislation to grant consent to the compact in 1982, during the 97th Congress. A companion bill in the House was introduced by Congressman SILVIO CONTE of Massachusetts, and it has been a great pleasure to work with him on this project. We reintroduced legislation in the 98th Congress, determined to achieve enactment so that the salmon restoration effort could move forward.

During Senate Judiciary Committee review of the bill, some constitutional questions were raised because the State of Massachusetts reserved the right to withdraw from the compact after giving 6 months notice to the other members. There was concern that because none of the other States reserved this right, the States perhaps were not in "substantial agreement." We have resolved this problem by reaching a compromise with the interested parties. In exchange for either

Massachusetts agreeing to repeal its special provision or the other three States enacting similar provisions, we have agreed to limit congressional consent to the compact to 20 years. This solves our potential constitutional problem, and also provides some satisfaction to those who were afraid that the Commission to be created by the bill would become an unaccountable Government body.

I am pleased to report that legislation has already been introduced in the Massachusetts Legislature to repeal the extra provision, and its passage by that body is fully expected. Hence, it is my hope that within a short period of time all impediments will be cleared away, and the Commission will be able to officially begin its work.

When the compact expires in 20 years, the States and Congress can evaluate the Commission's work and decide whether or not to renew the compact. By that time, four full life cycles of the Atlantic salmon will be completed, and we will be in a good position to judge the overall success of the restoration effort.

Mr. President, this legislation enjoys the support of all the Senators from the four States involved, and we commend it to President Reagan for his signature. Of course, expedited passage of this legislation would not have been possible if it were not for the kind cooperation and assistance of Senator THURMOND, chairman of the Judiciary Committee. To him I wish to express a special thanks for helping us with a bill so important to sportsmen, conservationists, and all New Englanders who look forward to the day when Atlantic salmon will once again flourish in the Connecticut River.

The PRESIDING OFFICER. If there are no amendments, the question is on the third reading of the bill.

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

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

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

The motion to lay on the table was agreed to.

**SENATE JOINT RESOLUTION 139 PLACED ON CALENDAR**

Mr. BAKER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of Senate Joint Resolution 139, Eleanor Roosevelt Commemoration, and it be placed on the Calendar.

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

### CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business, I believe, has expired, and under the arrangements of the moment the Senate will resume consideration of the Martin Luther King legislation, will it not?

The PRESIDING OFFICER. The Senator is correct.

Morning business is closed.

### MARTIN LUTHER KING, JR., HOLIDAY

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 3706, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

#### AMENDMENT NO. 2335

(Purpose: To make the birthday of Martin Luther King, Jr., a legal public holiday to be observed on the third Sunday in January of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2335:

On page 1, line 7, strike out "Monday" and insert in lieu thereof "Sunday".

Mr. HUMPHREY. Mr. President, it seems the Senator from California (Mr. WILSON) was waiting to offer an amendment and I did not realize that.

I ask unanimous consent to temporarily set aside the pending amendment and that it be in order to proceed to that amendment after the disposal of the amendment of the Senator from California.

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

Mr. WILSON. I thank the Chair and I thank my distinguished friend from New Hampshire for his courtesy.

#### AMENDMENT NO. 2269

(Purpose: To limit the number of legal public holidays to ten)

Mr. WILSON. Mr. President, I rise to offer an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 2269:

At the end of the bill add the following new section:

"Sec. 3. Section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number."

Mr. WILSON. Mr. President, I allowed the clerk to read the amendment in full because it is so brief and because I think the language should be quite clear.

This amendment, Mr. President, contemplates the passage of the basic legislation that would create a holiday of the birthday of Martin Luther King, Jr. It further contemplates that in the future the United States, through the Congress, may very well wish to honor other members of our society, other leaders whom we may wish to commemorate by other events.

The purpose of my amendment is to simply say that contemplating that, what presently number nine paid legal holidays will increase to no more than 10 in number even though it may be that we wish to honor as many as 20, 30, 40, 50 great Americans or commemorate additional events by some kind of national observance.

Mr. President, I think giving deserved national tribute is an appropriate thing for Congress to do, an appropriate thing for our society to do. It is appropriate to recognize achievement, to offer role models so that the celebration of some great American's birthday by the observance through appropriate ceremonies is entirely appropriate.

There is, however, a cost to pay for the legal holidays, a very great cost. I am advised that it amounts to \$18 million each time there is a paid holiday for Federal employees. That \$18 million is the net cost after we discount the actual cost of \$24 million from what may be saved by not operating the air-conditioning or heating.

Eighteen million dollars a day of taxpayers' money, Mr. President, amounts to quite a lot for 10 holidays, \$180 million annually.

My point is a very simple one: It is indeed proper that we give deserved tribute to great national figures, and I contemplate that as history wears on the Congress of the United States it will wish to add to the number whom we so honor, quite appropriately. But I think it is also appropriate that we set a limit upon the number of paid legal holidays because this affects not only Federal taxpayers in terms of the costs to the Government for Federal employees, it is also true that most State governments, with very few exceptions, follow the example of the

Federal Government in granting holidays.

So that what become holidays for Federal employees become as well holidays for State employees and indeed most of the private sector observes these holidays, so that the costs to the American taxpayers as United States and State taxpayers are increased still further by the costs they pay as consumers and otherwise indirectly for the cost of these holidays enjoyed by those employed in the private sector.

What this would do, Mr. President, is simply impose upon future employers and employees the responsibility, as the number of people whom we so honor increases, to say which of the 10 days throughout the year will be paid holidays.

I think that is appropriate. I also think it is necessary. Because unless we do that, there seems to be virtually no end to the amount of the cost in terms of paid legal holidays. That is all that this amendment does, Mr. President. I hope that there would be a large vote in favor of it.

It is true that, since it is not a constitutional amendment, some future Congress can change that number, can expand it, but at least having this on the statute books, it seems to me, serves notice to ourselves and to future Members of the Congress that there is a cost to these holidays. While we do not wish in any way to detract from deserved national tributes, we can do that and still limit the cost to the taxpayers, as appropriately we should.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Does the Senator from California yield the floor?

Mr. WILSON. Of course.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I think the Senator from California makes a great deal of sense, as he always does, in explaining this amendment. I think there is clearly a danger, in moments of enthusiasm or emotion or sentiment, that we could go overboard in establishing holidays. And, as the Senator from California says, there is an economic impact that has to be considered when a holiday is established.

I think, however, there are some practical objections to the amendment in the manner in which it has been proposed. It would be general legislation added to this rather specific and special bill to establish the Martin Luther King holiday. It has some relation to the bill before the Senate, but

its impact is far more comprehensive and general.

It would be my judgment that it could be placed in a separate piece of legislation which I myself would be glad to see introduced and which could be given a hearing in the Judiciary Committee. I think the concept that the Senator from California is advancing is worth that kind of careful and thoughtful committee consideration. I would use whatever influence I have with the chairman of the Judiciary Committee in order to see that it would receive a hearing if the Senator would prefer to follow that route.

Now, if you do go the route of a separate piece of legislation, and if it is enacted into law, I think it has a great deal more force than if it is simply tacked on to the Martin Luther King bill as an amendment. As every Senator knows, we cannot bind succeeding Congresses. Our successors are going to use their own judgment in such matters. And if they decided to have 30 national holidays, no amendment to the Martin Luther King bill would stop them. The mere enactment of a succeeding holiday bill would override the provision of the amendment that the Senator from California has offered.

I think that the moral force of a separate bill would be much greater. I am wondering if the Senator from California would consider embodying his amendment as a bill rather than pressing this amendment on the Martin Luther King bill.

Mr. WILSON. I would be happy to discuss that with my friend from Maryland. If it is possible, Mr. President, to temporarily lay this matter aside, I would be willing to do that in order to discuss that with him.

The PRESIDING OFFICER. That action will require unanimous consent. Is such consent requested by the Senator from California?

Mr. WILSON. In that case, I ask unanimous consent that we may temporarily lay aside the measure to permit me to have that discussion with the Senator from Maryland.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. 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. MATHIAS. Mr. President, has the Chair ruled on the unanimous-consent request of the Senator from California?

The PRESIDING OFFICER. The Chair has not. Without objection, the unanimous-consent request of the Sen-

ator from California to temporarily withdraw his amendment is agreed to.

AMENDMENT NO. 2335

The PRESIDING OFFICER. The question reverts to the amendment sponsored by the Senator from New Hampshire. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, the amendment changes one word in the bill pending before the Senate. It changes the word "Monday" to the word "Sunday."

The purpose of the amendment is to reduce the burden that this holiday will place upon the taxpayers. The cost figure cited is \$18 million. Indeed, the policy committee legislative notice on this side of the aisle cites that figure. It is, however, highly misleading. I hope that Senators on both sides of the aisle will be aware that the cost of this holiday, any holiday, is very substantially more than \$18 million, the cost to the taxpayers.

The Congressional Budget Office, at the request of Members of the House, when that body was deliberating the bill, conducted a study which found that the additional net budget outlay necessary to finance the holiday was indeed \$18 million. That is in overtime and things of that nature, less savings in utility costs. But the CBO study also went on to say—which the proponents have not discussed, as far as I know—they also went on to say that the cost of salaries and benefits for employees for that lost work day is very much more than the \$18 million. Indeed, it is a quarter of a billion dollars; to be exact, \$223.5 million. That is the amount in pay and benefits that will be paid to Federal employees for doing nothing on this holiday.

It is to be a paid holiday, as the bill now stands. If my amendment succeeds, for which I do not express too much optimism due to the nature of this locomotive—if my amendment succeeds, that \$223 million expenditure for nothing can be saved. If we make the King birthday a Sunday holiday it in no way takes away from the symbolism or the effect of honoring Dr. Martin Luther King, Jr. In no way does it do that. But what it does do is to save the taxpayers the unnecessary expenditure of a quarter billion dollars this year and next year and every year out into infinity, a quarter billion dollars per year in savings.

I have to say that I consider it asinine, frankly, for the Senate, at a time when we are facing \$200 billion deficits, to be considering a holiday for anybody or anything. It is perfectly ridiculous. It embarrasses me and I am sure it embarrasses others. The least we can do if we must have this holiday is to reduce the cost to the people who bear the costs of this country, the taxpayers of the United States.

I urge my colleagues to accept this amendment. In no way does it change the symbolism of this holiday effort.

Let me also point out, Mr. President, that there are costs to be borne far beyond those of pay benefits to Federal employees. There are the costs to be borne by the taxpayers of another day off by State, county, and municipal employees. That is going to show up on the tax bills. Not the IRS tax bills but it will certainly show up on the tax bills issued by those entities. That is a substantial cost.

What about the cost to the economy for those industries and business activities that will have to suspend for a day? Here we are worried about being able to compete in the world, here we are losing industries to more competitive nations, and we are proposing to make our economy even less productive than it is today. Another day off, with pay in most cases, another day of lost productivity and increased inefficiency in our economy. It makes absolutely no sense from the economic point of view.

By accepting this amendment, which makes this tiny change, substituting the word Sunday for Monday, we can save all of these expenses, all of this waste, and we can regain, recapture, the lost productivity that will occur if the bill passes in its present form.

So I urge my colleagues to accept this amendment. It is sensible. It will save our reputation, at least to some degree. I think the taxpayers and our constituents are perfectly disgusted, and they are well entitled to be disgusted, with this body. We have refused to deal sensibly or honestly with the expenditure portion of our budget. We have failed. And here we are having almost completed details of the fiscal 1984 budget and we still fail to grapple with the issue, in spite of the discussions about deficits. We do not have the courage. Not only that, but now we are proposing to add yet another unnecessary expenditure. I think we can save that expenditure without affecting the intent of this legislation. I urge my colleagues to support the amendment.

Mr. MATHIAS addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, this amendment makes me think of that old song "What a difference a day makes, 24 little hours." I will spare the Senate the ordeal of listening to me sing it. But the words seem appropriate: "What a difference a day makes."

Well, a day does make a difference. Changing the King holiday from Monday to Sunday would, I think, vitiate the symbolism and the purpose for establishing the holiday in the first place.

As a matter of fact, an amendment of this sort was adopted in the other

body as an amendment to a bill that had been introduced by our former colleague, Representative Robert McClory of Illinois. The amendment, to designate the third Sunday in January as Martin Luther King, Jr., Day, killed the bill.

I know the Senator from New Hampshire does not want his amendment to kill this bill. I know that is not the spirit in which he offered the amendment. But that was the practical result of an identical amendment in the other body during the 96th Congress.

I would take issue with my friend from New Hampshire when he says that Federal employees and other employees would be paid on the Martin Luther King holiday to do nothing.

That is not really what this bill is all about. It is not to lay people off for the day. This bill, as I conceive it, has an important national purpose: We are commemorating a significant national achievement. After more than three centuries of separation of the races on the North American Continent, we have finally brought about a reconciliation; one century after the War Between the States, we have finally brought about reconciliation between the races.

That achievement was a result of the work of Martin Luther King, Jr., and of thousands of others. But it is symbolized by that moment when Martin Luther King, Jr., described his dream to the world.

We do not say to working men and women, "Take the day off and do nothing." We say, "Take the day off to recall a significant and important moment in American history, a day that should be recaptured and relived once a year so that we do not forget the historic moment and the historic achievement of Martin Luther King, Jr., so that we do not slip back into the practices against which Martin Luther King, Jr., fought."

I do not think that is doing nothing. I think it is advancing an important national purpose. For that purpose, I think it is worth what it may cost. Therefore, reluctantly I must oppose the amendment of the Senator from New Hampshire.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank the Secretary for his comments. In relation to his singing voice, I can understand from the event of this past Sunday, why the Senator would be inclined to sing throughout this entire week.

Mr. MATHIAS. Do not tempt me. I may break out with "What A Difference A Day Makes."

Mr. HUMPHREY. I hope the Senator will contain himself.

The Senator from Maryland makes the point that Monday is better than Sunday. I do not agree with that.

Mr. MATHIAS. If the Senator will yield, I do not make the point that Monday is more meaningful than Sunday. I make the point that to set aside a special day which would otherwise be devoted to work is more meaningful than to take the Sabbath, the day of rest, which is already consecrated for another purpose.

Mr. HUMPHREY. Indeed yes, Mr. President.

Mr. MATHIAS. That is what is more meaningful.

Mr. HUMPHREY. I understand the Senator's point. Nevertheless, I do take issue with the Senator's contention that we are not going to be paying Federal employees pay and benefits to do nothing. Indeed, that is the direct effect, that is the economic effect upon taxpayers and any paid holidays for any purpose will be paying Federal employees for doing nothing. The bill for that is a million dollars a day. That is a stark fact. I think that has to be recognized.

Mr. President, I would be willing to withdraw this amendment, I say to the Senator from Maryland—if the Senator from Maryland has his heart set on Monday, fine; let us make it Monday, but let us make it a payless holiday, nonetheless. If the Senator will withdraw his amendment, I shall withdraw my amendment.

Mr. MATHIAS. Mr. President, I do not think I can accept that as a deal. Again, I press the point to the Senator from New Hampshire that a holiday of this sort is not doing nothing. I recall—

Mr. HUMPHREY. Will the Senator yield? Does he think that a payless holiday known as Lincoln's Birthday is not meaningfully celebrated?

Mr. MATHIAS. I think it is celebrated with a great deal of sentiment, a great deal of meaning.

Mr. HUMPHREY. I think the King holiday could be celebrated just as meaningfully without paying Federal employees as Lincoln's Birthday is.

Mr. MATHIAS. Let me give this illustration that is not so bound up with the emotion of this issue.

I recall very well the bicentennial holiday, the 200th anniversary of the Declaration of Independence. My wife and I decided that we should do something which really memorialized that great event in human history. We went to the graves of the four Maryland signers of the Declaration of Independence on a single day and we put a laurel wreath on each grave. Our sons were somewhat younger then than they are today. I hope this is an event which will be meaningful to them and which will live with them throughout their lives.

To me, that kind of observance of a national holiday can have special

meaning; but it is not possible except when there is a general holiday. That is certainly what I have in mind as the sponsor of this bill. I think it is not inappropriate to suspend work 1 day for a paid free holiday. As the bill is conceived, it carries forth the symbolic purpose that is generally agreed to be appropriate in this situation.

(Mrs. KASSEBAUM assumed the chair.)

Mr. HUMPHREY. Madam President, I shall not take much more time. It is clear the Senator from Maryland is determined to pay Federal employees on Martin Luther King's birthday, irrespective of on which day of the week it may be celebrated. It is my view that it is not necessary to pay Federal employees for doing nothing, first of all; it is also my view that they can celebrate this holiday or any holiday adequately, solemnly, respectfully, joyfully, unpaid as well as paid.

It is not necessary to pay them to insure that they will celebrate the holiday properly. I think this point is perfectly clear to anyone. I simply say—no; I shall not say it, either; it might be ill advised at this point. So I shall conclude my remarks.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Madam President, I have one other amendment to offer which I hope I can offer at this time. I am perfectly willing, for the convenience of Senators, to stack votes or enter into any agreement that will streamline our business. It is not my wish to delay the workings of the Senate in any way.

Mr. MATHIAS. Madam President, I see no reason to delay the first vote. If the Senator wants a rollcall vote, I suggest we proceed with it at this time.

Mr. BOREN. Madam President, I ask the Senator from New Hampshire, I have an amendment which I was going to offer that involves several other Members, some of whom have some pressing time commitments this morning in a scheduled meeting with the President and others. I was hoping that perhaps, after this amendment, there might be a window in which we could offer this second amendment to accommodate the other cosponsors. That would be my only concern about offering two in a row.

Mr. HUMPHREY. Madam President, I have those problems with my schedule. I have four obligations at 10 a.m., only one of which I was able to show at, and the others are hanging fire. Those are the problems. I had anticipated trying to gain the floor after this next vote. Let me discuss it with my colleagues.

The PRESIDING OFFICER. It is the Chair's understanding that the pending amendment after the amendment of the Senator from New Hampshire is the amendment of the Senator from California (Mr. WILSON) that was laid aside for the consideration of the amendment of the Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. MATHIAS. I yield back my time, Madam President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER (Mr. WALLOP). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 16, nays 74 as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—16

Armstrong	Humphrey	Rudman
Cohen	McClure	Symms
Denton	Murkowski	Wallop
Exon	Nickles	Zorinsky
Garn	Pressler	
Hatch	Quayle	

NAYS—74

Abdnor	Bumpers	Dixon
Andrews	Burdick	Dole
Baker	Byrd	Domenici
Baucus	Chafee	Durenberger
Bentsen	Chiles	Eagleton
Biden	Cochran	Ford
Bingaman	Cranston	Glenn
Boren	D'Amato	Gorton
Boschwitz	Danforth	Grassley
Bradley	DeConcini	Hatfield

Hecht	Long	Roth
Heflin	Lugar	Sarbanes
Heinz	Mathias	Sasser
Hollings	Matsunaga	Simpson
Huddleston	Mattingly	Specter
Inouye	Melcher	Stafford
Jepson	Metzenbaum	Stennis
Johnston	Mitchell	Stevens
Kassebaum	Moynihan	Thurmond
Kasten	Nunn	Trible
Kennedy	Packwood	Tsongas
Lautenberg	Pell	Warner
Laxalt	Proxmire	Weicker
Leahy	Pryor	Wilson
Levin	Randolph	

ANSWERED "PRESENT"—2

East Helms

NOT VOTING—8

Dodd	Hart	Riegle
Evans	Hawkins	Tower
Goldwater	Percy	

So the amendment (No. 2335) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be laid aside and that Senator HUMPHREY be recognized to offer an amendment.

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

AMENDMENT NO. 2337

(Purpose: To make Lincoln's Birthday a legal public holiday to be observed on the second Sunday in February of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2337.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"Lincoln's Birthday Day, the second Sunday in February."

Mr. HUMPHREY. Mr. President, I am under no illusions. A colleague observed to me a moment ago that this bill is unamendable, that you could not even amend the pledge of allegiance to the bill, and I believe he is probably correct.

But I move, nevertheless, to offer one last amendment which would have the effect of honoring Abraham Lincoln in place of Dr. King.

It seems to me most unwise to honor any contemporary citizen with a national holiday. There are other fitting ways in which to honor Dr. King, with a monument, for instance, with a holiday that is not a national holiday, and better yet with something more constructive, for instance, scholarships.

There are better ways to do it than a national holiday.

I think it is unwise in any case to make a judgment about a contemporary American, one who is involved in some controversy. I think obviously there is no shortage of Americans about whom history is certain at this point who could be more fittingly honored with a national holiday if indeed we must have yet another national holiday. One such, of course, is Abraham Lincoln, who in his issuance of the Emancipation Proclamation, began the whole process of bringing about justice and equality in our Nation, a process which unfortunately is not yet complete despite the best efforts of many blacks, whites, members of other racial and ethnic groups. We hope that process will soon be completed and perhaps that is the motivation of those behind this bill. And yet I disagree with them, if they believe that will be the effect.

So I offer this amendment to substitute Abraham Lincoln as a person whom we will honor with this national holiday.

Consistent with my earlier amendment, the holiday would occur on a Sunday so as not to incur unnecessary Federal expenditures, so as not to incur unnecessary State and local expenditures, all of which will further burden hard-pressed taxpayers, and also so as not to further take away from the economic productivity of our Nation as is the case when national holidays fall on weekdays.

I have nothing further that I can add to those remarks.

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

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, is the Senator prepared to yield back his time?

Mr. HUMPHREY. Mr. President, if the floor manager is likewise prepared, I am.

Mr. DOLE. I yield back all my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

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

The result was announced—yeas 11, nays 83, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—11

Abdnor	Hatch	Pressler
Denton	Helms	Rudman
East	Humphrey	Symms
Garn	Jepsen	

NAYS—83

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

NOT VOTING—6

Dodd	Hart	Riegle
Goldwater	Hawkins	Tower

So Mr. HUMPHREY's amendment (No. 2337) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that we temporarily lay aside that amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO 2338

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2338.

At the end of the bill, add the following:  
 Sec. . . . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a legal public holiday is established under Federal law in honor of Thomas Jefferson on or about April 13 each year.

Sec. . . . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

Mr. HELMS. Mr. President, now we are talking about my No. 1 hero in American history, Thomas Jefferson.

The sage of Monticello needs no introduction by JESSE HELMS or anybody else. Nor does he really need a national holiday to keep alive his memory because his memory is vibrant in our total political discourse, our architecture, our commitment to the right to life—

The PRESIDING OFFICER. The Senator will suspend. Can we have order in the Senate, please? The Chair cannot hear the Senator from North Carolina.

The Senator may proceed.

Mr. HELMS. The right to liberty and the right to the pursuit of happiness free of government control.

But even so, the national observance of April 13, the birthday of Thomas Jefferson, our third President, would be salutary in an important way. It would provide a focal point for the American people to assess the extent to which their leaders are living up to the ideals of Jeffersonian government.

We all hear so many of the brethren and the sisters in the political world pay homage to Jeffersonian principles and yet we see the anomaly of some of the votes cast in the Congress of the United States.

One can imagine the consternation in many congressional offices as hundreds of thousands of constituents remind public officials that whenever any form of government becomes destructive of their rights, "[I]t is the Right of the People to alter or to abolish it." Some may call that rabble-rousing, Mr. President. If so, it was Thomas Jefferson's rabble-rousing, not mine. I wish I could claim credit for it but he said it first.

Mr. President, the pending amendment conditions the Martin Luther King holiday on two events: one, the establishment of a legal public holiday for Thomas Jefferson; and, two, assuring the taxpayers of this country that the total number of Federal holidays will not be more than nine.

Mr. President, I ask unanimous consent that a biographical sketch by Frank Freidel, Bullitt Professor of American History at the University of Washington, published by the White House Historical Association, be printed in the RECORD.

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

THOMAS JEFFERSON, THIRD PRESIDENT  
1801-09

In the thick of party conflict in 1800, Thomas Jefferson wrote a private letter, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

This powerful advocate of liberty was born in 1743 in Albemarle County, Virginia, inheriting from his father, a planter and surveyor, some 5,000 acres of land, and from his mother, a Randolph, high social standing. He studied at the College of William and Mary, then read law. In 1772 he married Martha Wayles Skelton, a widow, and took her to live in his partly constructed mountaintop home, Monticello.

Freckled and sandy-haired, rather tall and awkward, Jefferson was eloquent as a correspondent, but he was no public speaker. In the Virginia House of Burgesses and the Continental Congress, he contributed his pen rather than his voice to the patriot cause. As the "silent member" of the Congress, Jefferson, at 33, drafted the Declaration of Independence. In years following he labored to make its words a reality in Virginia. Most notably, he wrote a bill establishing religious freedom, enacted in 1786.

Jefferson succeeded Benjamin Franklin as minister to France in 1785. His sympathy for the French Revolution led him into conflict with Alexander Hamilton when Jefferson was Secretary of State in President Washington's Cabinet. He resigned in 1793.

Sharp political conflict developed, and two separate parties, the Federalists and the Democratic-Republicans, began to form. Jefferson gradually assumed leadership of the Republicans, who sympathized with the revolutionary cause in France. Attacking Federalist policies, he opposed a strong centralized Government and championed the rights of states.

As a reluctant candidate for President in 1796, Jefferson came within three votes of election. Through a flaw in the Constitution, he became Vice President, although an opponent of President Adams. In 1800 the defect caused a more serious problem. Republican electors, attempting to name both a President and a Vice President from their own party, cast a tie vote between Jefferson and Aaron Burr. The House of Representatives settled the tie. Hamilton, disliking both Jefferson and Burr, nevertheless urged Jefferson's election.

When Jefferson assumed the Presidency, the crises in France had passed. He slashed Army and Navy expenditures, cut the budget, eliminated the tax on whiskey so unpopular in the West, yet reduced the national debt by a third. He also sent a naval squadron to fight the Barbary pirates harassing American commerce in the Mediterranean. Further, although the Constitution made no provision for the acquisition of new land, Jefferson suppressed his qualms over constitutionality when he had the opportunity to acquire the Louisiana Territory from Napoleon in 1803.

During Jefferson's second term, he was increasingly preoccupied with keeping the Nation from involvement in the Napoleonic wars, though both England and France interfered with the neutral rights of American merchantmen. Jefferson's attempted solution, an embargo upon American shipping, worked badly and was unpopular.

Jefferson retired to Monticello to ponder such projects as his grand designs for the University of Virginia. A French nobleman observed that he had placed his house and his mind "on an elevated situation, from which he might contemplate the universe." He died on July 4, 1826.

Mr. HELMS. Mr. President, I also ask unanimous consent that an article on Thomas Jefferson from the *Encyclopedia Americana*, international edition, be printed in the RECORD.

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

JEFFERSON, Thomas, 3d president of the United States: b. Shadwell, Albermarle County, Va., April 2/13, 1743; d. Monticello, July 4, 1826. He was the son of Peter Jefferson, a successful planter and well-known surveyor, and Jane Randolph, who came of a famous Virginia family. He was well educated in small private schools, where he was thoroughly grounded in the classics, and (1760-1762) at the College of William and Mary, where William Small taught him mathematics and introduced him to science. He associated intimately with the liberal-minded Governor Francis Fauquier, and read law (1762-1767) with George Wythe, greatest law teacher of his generation in Virginia, himself becoming unusually learned in the law. Practicing (1767-1774) until the courts were closed by the American Revolution, he was a successful lawyer, though his professional income was only a supplement to his living. He had inherited a considerable landed estate from his father, and doubled it by a happy marriage (Jan. 1, 1772) with Martha Wayles Skelton, which also burdened him, however, with inescapable debt. He began building operations at Monticello before his marriage, but his famous mansion was not completed in its present form until a generation later.

His lifelong emphasis on local government grew directly from his own experience. He served as magistrate and vestryman, and at the age of 27 became county lieutenant. Elected to the House of Burgesses when he was 25, he served there from 1769 to 1774, showing himself to be an effective committeeman and skillful draftsman, though not a ready speaker.

From the beginning of the struggle with the mother country he stood with the more advanced patriots or Whigs, grounding his position on a wide knowledge of English history and political philosophy. His most notable early contribution to the cause of the patriots was his powerful pamphlet, *A Summary View of the Rights of British America* (1774), originally written for presentation to the Virginia convention of that year. In this he emphasized natural rights, including that of emigration, and denied parliamentary authority over the colonies, recognizing no tie with the mother country except the king. As a member of the Continental Congress (1775-1776), he was chosen in 1776 to draft the Declaration of Independence. He summarized current revolutionary philosophy in a brief paragraph which has been regarded ever since as a charter of American and universal liberties; and he presented to the world the case of the patriots in a series of burning charges against the king. The Declaration is rightly regarded as one of Jefferson's major claims to enduring fame.

Partly for personal reasons and also in the hope of translating his philosophy of human rights into legal institutions in his own state, he left Congress in the autumn

of 1776 and served in the Virginia legislature until his election as governor (June 1, 1779). This was the most creative period of his revolutionary statesmanship. Earlier proposals of his for broadening the electorate and making the system of representation more equitable had failed, and the times permitted no action against slavery except that of shutting off the foreign slave trade. But he succeeded in ridding the land system of aristocratic feudal vestiges, such as entail and primogeniture, and he was the moving spirit in the disestablishment of the church. With George Wythe and Edmund Pendleton he drew an elaborate and highly significant report on the revival of the laws (1779). His most famous single bills are the Bill for Establishing Religious Freedom (adopted in 1786), and the Bill for the More General Diffusion of Knowledge (never adopted as he drew it). His fundamental purposes were to destroy artificial privilege of every sort, to promote social mobility, and to make way for the natural aristocracy of talent and virtue, which should provide leadership for a free society.

As governor (1779-1781) Jefferson had little power, and he suffered inevitable discredit when the British invaders overran Virginia. An inquiry into his conduct in office, regarding the lack of military preparedness in the state prior to the British invasion, was voted by the legislature after his retirement in June 1781. He was fully vindicated by the next legislature, but these charges were afterwards exaggerated by political enemies, and he was hounded by them to some extent throughout his national career. The most important immediate effect of his troubles was to create in his own mind a distaste for public life, which persisted in acute form until the death of his wife (Sept. 6, 1782) reconciled him to a return to office, and an aversion to controversy and censure from which he never recovered wholly.

During this brief private interval (1781-1783) he compiled his *Notes on the State of Virginia*, which was first published when he was in France (1784-1785). This work was described at the time by competent authority as "a most excellent natural history not merely of Virginia but of North America." It afterward appeared in many editions, and was the literary foundation of his deserved reputation as a scientist. In the Continental Congress (1783-1784) his most notable services were connected with the adoption of the decimal system of coinage, which later as secretary of state he tried vainly to extend to weights and measures, and with the Ordinance of 1784. Though not adopted, the latter foreshadowed many features of the famous Ordinance of 1787. Jefferson went so far as to advocate the prohibition of slavery in all the territories.

His stay in France (1784-1789), where he was first a commissioner to negotiate commercial treaties and then Benjamin Franklin's successor as minister, was in many ways the richest period of his life. He gained genuine commercial concessions from the French, negotiated an important consular convention (1788), and served the interests of his own weak government with diligence and skill. He was confirmed in his opinion that France was a natural friend of the United States, and Great Britain at this stage a natural rival, and thus his foreign policy assumed the orientation it was to maintain until the eve of the Louisiana Purchase. The publication of his *Notes on the State of Virginia* was symbolic of his unofficial services to the French, and those to his

own countrymen were exemplified by the books, the seeds and plants, the statues and architectural models, and the bits of scientific information that he sent home. His stay in Europe contributed greatly to that universality of spirit and diversity of achievement in which no other American statesman, except possibly Franklin, ever equaled him.

Toward the end of his mission he reported with scrupulous care the unfolding revolution. His personal part in it was slight, and such advice as he gave was moderate. Doubting the readiness of the people for self-government of the American type, he now favored a limited monarchy for France, and he cautioned his liberal friends not to risk the loss of their gains by going too fast. Though always aware of the importance of French developments in the worldwide struggle for greater freedom and happiness, he tended to stress this more after he returned home and perceived the dangers of political reaction in his own country. Eventually he was repelled by the excesses of the French Revolution, and he thoroughly disapproved of it when it passed into an openly imperialistic phase under Napoleon. But insofar as it represented a revolt against despotism he continued to believe that its spirit could never die.

Because of his absence in Europe, Jefferson had no direct part in the framing or ratification of the American Constitution, and at first the document aroused his fears. His chief objections were that it did not expressly safeguard the rights of individuals, and that the perpetual reeligibility of the president would make it possible for him to become a king. He became sufficiently satisfied after he learned that a bill of rights would be provided, and after he reflected that there would be no real danger of monarchy under George Washington. His fears of monarchical tendencies remained and colored his attitude in later partisan struggles, but it was as a friend of the new government that he accepted the offer of the secretaryship of state.

During Jefferson's tenure of this office (1790-1793) Alexander Hamilton, secretary of the treasury, defeated the movement for commercial discrimination against the British (1791) which he favored; and connived with the British minister George Hammond so as to nullify Jefferson's efforts (1792) to gain observance of the terms of peace from the British, and especially to dislodge them from the northwest posts. Jefferson's policy was not pro-French but it seemed anti-British. Hamilton was distinctly pro-British, largely for financial reasons, and he became more so when general war broke out in Europe and ideology was clearly involved. In 1793 Jefferson wanted the French Revolution to succeed against its external foes, but he also recognized that the interests of his own country demanded a policy of neutrality. Such a policy was adopted, to the dissatisfaction of many strong friends of democracy in America, and was executed so fairly as to win the reluctant praise of the British. At the same time, Jefferson avoided an open breach with France.

Jefferson helped Hamilton gain congressional consent to the assumption of state debts, for which the location of the federal capital on the Potomac was the political return. His growing objections to the Hamiltonian "system" were partly owing to his belief that the Treasury was catering to commercial and financial groups, not agricultural, but he also believed that Hamilton was building up his own political power by

creating ties of financial interest and was corrupting the legislature. The issue between the two secretaries was sharply joined by 1791, when the Bank of the United States was established. They gave to the president their now-famous rival interpretations of the Constitution in this connection. The victory at the time and in the long run was with Hamilton's doctrine of liberal construction, but Jefferson's general distrust of power and his reliance on basic law as a safeguard has enduring value in human history.

By late 1792 or 1793 the opponents of Hamiltonianism constituted a fairly definite national party, calling itself Republican. Jefferson's recognized leadership of this group can be more easily attributed to his official standing and his political philosophy than to his partisan activities. In the summer and autumn of 1792, by means of anonymous newspaper articles, Hamilton sought to drive Jefferson from the government. The alleged justification was the campaign being waged against Hamilton by the editor of the *National Gazette*, Philip Freneau. Jefferson had unwisely given Freneau minor employment as a translator for the State Department, but he claimed that he never brought influence to bear on him, and there is no evidence that he himself wrote anything for the paper. But he had told Washington precisely what he thought of his colleague's policies, and had already said that he himself wanted to get out of the government. Early in 1793 the Virginians in Congress vainly sought to drive Hamilton from office or at least to rebuke him sharply for alleged financial mismanagement. Jefferson undoubtedly sympathized with this attack and he was probably consulted about it. A degree of unity was forced on the president's official family by the foreign crisis of 1793, which also caused Jefferson to delay his retirement to the end of the year.

During a respite of three years from public duties he began to remodel his house at Monticello and interested himself greatly in agriculture, claiming that he had wholly lost the "little spice of ambition" he had once had. Nonetheless, he was supported by the Republicans for president in 1796, and, running second to John Adams by three electoral votes, he became vice president. His *Manual of Parliamentary Practice* (1801) was a tangible result of his presiding over the Senate; and his papers on the megalonyx, and on the moldboard of a plow invented by him, attested his scientific interests and attainments. These papers were presented to the American Philosophical Society, of which he became president in 1797. A private letter of his to Philip Mazzei, published that year, was severely critical of Federalist leaders and was interpreted as an attack on Washington. His partisan activities increased during the quadrennium, especially 1798-1800. He deplored the Federalist exploitation of the French issue, following the publication of the XYZ Correspondence, but his sympathy with France had declined. He disapproved of the Adams administration chiefly because of the notorious Alien and Sedition Acts, and his grounds were both philosophical and partisan. The historic Republican protest against laws that attempted to suppress freedom of speech and to destroy political opposition was made in the Virginia and Kentucky resolutions (1798). Jefferson wrote the latter as James Madison did the former, though his authorship was not known at the time, and in them he carried his state-rights doctrines to their most ex-

treme point in his entire career. In invoking the states against law which he regarded as unconstitutional, his resolutions were in the tradition which finally led to nullification and secession; but he was championing freedom, not slavery, and they were also in the best tradition of civil liberties and human rights.

The defeat of John Adams in the presidential election of 1800 can be partially explained by the dissension among the Federalists, but as a party they were now much less representative of the country than the Republicans. Jefferson's own title to the presidency was not established for some weeks, since he was accidentally tied with his running mate, Aaron Burr, under the workings of the original electoral system. The election was thrown into the House of Representatives, where the Federalists voted for Burr through many indecisive ballots. Finally, enough of them abstained to permit the obvious will of the people to be carried out. Jefferson's own designation of the Republican victory as a "revolution" was hyperbolic. He had no intention of upsetting the financial system which was now firmly established, and he regarded himself as more loyal to the Constitution than his foes, though he was less a strict constructionist in practice than in theory. But he had checked the tide of political reaction, and he brought to his office a spirit of humane liberalism which was then exceedingly rare among the rulers of the world.

The political success of Jefferson's first term was attested by his easy re-election. Apart from foreign danger, his rather negative interpretation of the functions of the federal government suited the times. He exercised real leadership over Congress, but this was tactful and indirect. He restored the party balance in the civil service, but he was conciliatory in spirit and maintained essentially the same personal standards as his predecessors. In Madison, his secretary of state, and Albert Gallatin, his secretary of the treasury, he had lieutenants of the first caliber. He was relatively unsuccessful in his moves against the judiciary, which had been reinforced by fresh Federalist appointees at the very end of the Adams administration. He treated as null and void late appointments which seemed of doubtful legality, and the Republicans repealed the Judiciary Act of 1801 with his full approval, but he was rebuked by Chief Justice John Marshall in the famous case of *Marbury v. Madison* (1803). The effort to remove partisan judges by impeachment was a virtual failure, and the Federalists remained entrenched in the judiciary, though they became less actively partisan.

These partial political failures were more than compensated by the purchase of Louisiana (1803), the most notable achievement of Jefferson's presidency. His concern for the free navigation of the Mississippi had caused him, while secretary of state, to assume a more belligerent tone toward Spain, which controlled the mouth of the river, than toward any other nation. The retrocession of the province of Louisiana to France, now powerful and aggressive under Napoleon, aroused his fears and, for the first time in his career, caused his diplomatic friendship to veer toward the British. The acquisition of an imperial province, rather than the mouth of the river, was a fortunate accident, saving the West to the American union and the Republican Party. The treaty which Robert R. Livingston and James Monroe sent home aroused constitutional scruples in Jefferson's mind, but this

was no time for constitutional purism and the president yielded to his friends, while strict constructionist arguments were taken up ineffectually by the New England Federalists.

During his first term Jefferson was subjected to a torrent of abuse from the Federalist newspapers which temporarily shook but did not destroy his confidence in a free press. He interpreted his re-election as proof of the wisdom of tolerance. He had more need to rely on his political popularity in his second term than in his first. The unsuccessful attempt to convict Aaron Burr (1807) of treason discredited him somewhat, and involved him in a political duel with Chief Justice Marshall. His major effort to safeguard American rights during the relentless duel between the British and Napoleon was the Embargo Act (1807), which sought to bring economic pressure on them both by suspending American commerce. In the attempt to enforce this measure, which was particularly unpopular in commercial New England, the government exercised arbitrary power and infringed on individual rights, thus violating some of Jefferson's most cherished principles; and, for a variety of reasons, it failed of its purpose. At the very end of his term he signed an act which partially repealed it. Thus he retired from the presidency at a low point in his own popularity.

During the remainder of his life (1809-1826), he remained at home in Virginia. His failures tended to be forgotten, and as the Sage of Monticello he engaged in vast correspondence, with John Adams among others, which is in many ways the richest of his life. His last great public service was the founding of the University of Virginia (chartered 1819). He inspired the legislative campaign for a university, got it located in his own county, planned the buildings, outlined the course of study, and served as the first rector. He had long been troubled by debt, and the failure of a friend whose note he had endorsed brought him to virtual bankruptcy. But he was rich in honor, friendship, and domestic happiness when he died at Monticello on the 50th anniversary of the Declaration of Independence, a few hours in advance of John Adams.

He was a tall man, not specially prepossessing in appearance and rather indifferent to externalities of dress as he grew older, but amiable and generous in all personal relations. In his time he was the most conspicuous American patron of learning, science, and the useful arts—making distinctive contributions of his own in natural history and architecture. His policies were of their own day, and he himself said, "The earth belongs always to the living generation." But in its emphasis on the centrality of human rights and the supreme importance of freedom his philosophy is universal. He remains the best American exemplar of hostility to every form of tyranny.

Bibliography.—*The Papers of Thomas Jefferson*, ed. by J. P. Boyd and others (Princeton 1950- ), being published in more than 50 vols., will supersede all other collections. Of previous collections of his writings, the best edited is that of P. L. Ford, 10 vols. (Philadelphia 1892-99), and the most extensive is that of A. A. Lipscomb and A. E. Bergh, 20 vols. (Washington 1903). Distinctive among separate publications are: Chinnard, Gilbert, ed., *The commonplace Book of Thomas Jefferson* (Baltimore 1926); Betts, E. M., ed., *Thomas Jefferson's Garden Book* (Philadelphia 1944) and *Thomas Jefferson's Farm Book* (Princeton 1953); Boyd, J. P.,

*The Declaration of Independence; the Evolution of the Text* (Princeton 1945).

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DUMAS MALONE,  
Professor of History,  
University of Virginia.

Mr. HELMS. Mr. President, I reserved the remainder of my time.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to yield myself 1 minute of the time in opposition. I oppose the amendment. I am prepared to yield back the remainder of my time.

Mr. HELMS. What was the unanimous-consent request?

The PRESIDING OFFICER. That he yield himself 1 minute of time.

Mr. KENNEDY. I said I was opposed to the amendment and I was prepared to yield back the remainder of my time. I have not yield it back.

Mr. WARNER. Mr. President, I wish to speak to this amendment. Will the Chair advise who controls the time?

The PRESIDING OFFICER. The time is controlled by Senators MATTHIAS and DOLE. Without objection, the Senator may speak in opposition.

Mr. WARNER. Mr. President, I rise to explain my views on this amendment. I have followed the course of this historic debate with great interest. We have just witnessed a rejection by the Senate, by a vote of 83 to 11, of an amendment relating to President Lincoln, which is comparable to the one now pending.

I anticipate that the vote on the pending amendment relating to President Jefferson will be similar; namely, rejected by an overwhelming number of U.S. Senators.

Therefore, I ask my distinguished colleague from North Carolina if it is not the purpose of this amendment to compel the Senate to again cast votes against one of our most distinguished Presidents? Indeed, what is the likelihood that there would be any shifts in sentiment on this vote from of the previous vote?

Mr. HELMS. Mr. President, the Senator is asking me to read Senators' minds and I sometimes cannot read my own. I cannot read their minds.

Mr. WARNER. I shall try to answer the question.

Mr. President, today, for the first time in my Senate career I will cast my vote as "present," because I will not participate in a vote, relating to one of our most distinguished Virginians, which I interpret as compelling the U.S. Senate to record a negative opinion of Thomas Jefferson. When our colleagues vote, and I anticipate they will vote in numbers very comparable to the previous vote, it could be construed that a majority of the U.S. Senate is casting a negative vote for the first time in history against this truly outstanding American.

Mr. President, I urge my colleagues to vote against this type of amendment. I will vote "present" on this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not quite follow on the reasoning of my dear and distinguished friend from Virginia. He does not have to vote "present." He can vote for Thomas Jefferson. I am sure he agrees that if any other American is going to be so signally honored, Thomas Jefferson certainly deserves it.

I want to caution the Senator that he is voting against limiting Federal national holidays to nine when he votes "present" on the proposition.

So it is not just Thomas Jefferson that the Senator ought to be worried about. He ought to be worried about the estimated \$5 billion per Federal holiday cost to the consumers of this country.

Mr. President, all sorts of figures are bandied about, but I notice that those who are trying to minimize the cost of Federal holidays, I say to Senator WARNER, always use the low figure relating only to overtime pay and that sort of thing for Federal employees. They do not bring in the proper figure. The Library of Congress and the U.S. Chamber of Commerce have made estimates on the cost, and the total bill runs into the billions of dollars of lost productivity every time we shut this country down for a holiday.

The Senator will follow his own conscience, and I admire him for doing it, but there is no reason for his voting against an amendment that would honor, as I said earlier, my No. 1 hero of all time in American history.

I appreciate that the Senator has a problem. All of us have political problems with this kind of legislation. But right is right, and if we are going into this business of picking out the heroes that I may favor or somebody else may favor, then I think my No. 1 hero, Thomas Jefferson, deserves some consideration.

My amendment does not say anything about the basic bill except that the King holiday shall not go into effect, be implemented, unless and until we have one also for Thomas Jefferson and that the total number of

national holidays be limited to nine. That is all the amendment says.

The Senator can use his own judgment. As I said earlier, I respect him. I hold him in the greatest affection, and I think he knows that.

Mr. WARNER. Mr. President, I then call on my distinguished colleague from North Carolina to consider separating this amendment, I am aware of the fact that there are a number in the leadership who are considering having the Senate address the question of the total number of holidays and the cost impact and I shall join with them. As a matter of fact, our distinguished colleague from Kansas (Mr. DOLE) and I have discussed that issue. The majority leader and I have discussed this, and others. I am not going to be so presumptuous as to speak for the leadership on this subject.

Would the distinguished Senator from North Carolina consider splitting the amendment into two amendments so we have a very clear consensus of the U.S. Senate on these two separate issues, which, in my judgment are unrelated; namely, whether the U.S. Senate will be forced to vote against Thomas Jefferson, and whether the U.S. Senate should vote to limit the number of holidays?

Mr. HELMS. Mr. President, I say to the Senator that he knows the rules as well as I do. Any Senator can call for a division and there will certainly be no resistance from me if he calls for a division.

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

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

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I heard that my colleague suggest that I have a political problem. I assure him that, on this vote as on all others that I cast in the Senate, I vote, mindful of the sentiments of Virginians, and, I as a matter of personal conscience, as I believe is right. Therefore, I have given a great deal of thought to this vote as well as all others relating to this pending legislation, and it is done as a matter of conscience.

Mr. President, I yield the floor to my distinguished colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I am prepared to yield back all my time in opposition.

Mr. HELMS. I yield back the remainder of my time.

Mr. WARNER. Mr. President, I indicated that I would urge my colleagues to vote against this type of amendment. I shall vote "Present." I cannot

expect my colleagues to vote "Present" because under the Senate rules it does not count—it is equivalent to missing a vote.

I am proud to represent the Commonwealth of Virginia, the home of the revered Thomas Jefferson; accordingly, I think it is proper for this Senator to vote "Present" under these circumstances.

**THE PRESIDING OFFICER.** All time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

**Mr. WARNER** [when his name was called]. Present.

**Mr. TRIBLE** [when his name was called]. Present.

**Mr. ZORINSKY** [when his name was called]. Present.

**Mr. STEVENS.** I announce that the Senator from Florida (Mrs. HAWKINS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

**Mr. CRANSTON.** I announce that the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

**THE PRESIDING OFFICER** (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 10, nays 82, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—10

Abdnor	Goldwater	Symms
Denton	Hatch	Wallop
East	Helms	
Garn	Humphrey	

NAYS—82

Andrews	Ford	Mitchell
Armstrong	Glenn	Moynihan
Baker	Gorton	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hatfield	Nunn
Biden	Hecht	Packwood
Bingaman	Heflin	Pell
Boren	Heinz	Percy
Boschwitz	Hollings	Pressler
Bradley	Huddleston	Proxmire
Bumpers	Inouye	Pryor
Burdick	Jepson	Quayle
Byrd	Johnston	Randolph
Chafee	Kassebaum	Roth
Chiles	Kasten	Rudman
Cochran	Kennedy	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Laxalt	Simpson
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
DeConcini	Long	Stennis
Dixon	Lugar	Stevens
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
Evans	Meicher	
Exon	Metzenbaum	

ANSWERED "PRESENT"—3

Trible Warner Zorinsky

NOT VOTING—5

Dodd Hart Hawkins Riegle Tower

So the amendment (No. 2338) was rejected.

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

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

The motion to lay on the table was agreed to.

**Mr. BAKER.** Mr. President, if the Senator from Kansas will yield me 2 minutes, I wish to make inquiry about how many amendments are remaining and how long it is going to take us to dispose of them and what arrangements we might make for the voting sequence for the next couple of hours.

**Mr. President,** first, let me say that we have time for final passage at 4 p.m. today. That seems adequate for any reasonable purpose we have in dealing with amendments and making statements in general on the bill itself.

But I think we are close enough to 4 p.m., so we better start thinking about that.

**Mr. President,** I believe the order provides that the last hour is to be under the control of the two leaders. No, Mr. President. That is not the case. That was in an earlier formulation of that request.

But let me suggest to Senators that we should reserve the last hour, that is, the time from 3 p.m. to 4 p.m., for the purpose of making closing statements, and may I suggest as well that the time for those closing statements should be limited to 5 minutes each.

It may be that Senators may wish to make statements longer than that but in deference to those who wish to speak on the bill itself, I suggest that we try to hold those statements to 5 minutes.

I will not now make such a request because I have not discussed it with the minority leader nor with other Senators. But I am going to circulate on my side by the hotline procedure, a request to clear the 5-minute limitation on final statements between the hours of 3 p.m. and 4 p.m.

**Mr. President,** next may I inquire of Senators how many amendments remain to be dealt with? I would do so on this side, and then I would see if the minority leader cares to canvass on his side.

Could I ask, first, the manager of the bill, the Senator from Kansas, if he knows how many amendments are yet to be disposed of?

**Mr. DOLE.** Mr. President, if the majority leader will yield, the Senator from Kansas is advised that we have a pending amendment which has been temporarily laid aside, that of the Senator from California (Mr. WILSON).

The distinguished Senator from Alabama (Mr. DENTON) may have an amendment. The same is true for the Senator from Iowa (Mr. GRASSLEY), and I believe Senator HELMS has three additional amendments.

That would be five amendments and the one pending would be six, and there is one additional amendment on that side which is an amendment by Senator BOREN and Senator NUNN.

**Mr. BAKER.** Mr. President, could I ask the Senator from North Carolina how long he thinks it will take to deal with those three amendments?

**Mr. HELMS.** Mr. President, I think I will consume as much as 10 minutes as on the last amendment.

**Mr. BAKER.** The Senator from North Carolina has been very cooperative. I certainly wish to commend him for that. Since we are coming down in the homestretch, I wonder if we could get, say, a 10-minute limitation on each of the three amendments.

**Mr. HELMS.** Let me see. Would the majority leader make that 15 minutes equally divided just to give me a little elbow room?

**Mr. BAKER.** Yes, Mr. President, I am willing to put that request.

**Mr. BYRD.** What are those amendments?

**Mr. BAKER.** Could I inquire what the amendments are?

**Mr. HELMS.** The one that I have at the desk now relates to Marcus Garvey.

**Mr. BAKER.** Marcus Garvey.

**Mr. HELMS.** Yes.

**Mr. BAKER.** Is it in the same form as the Thomas Jefferson amendment?

**Mr. HELMS.** No, it is not. It is actually a sense-of-the-Senate resolution.

**Mr. BAKER.** I see.

**Mr. HELMS.** I have not decided which of about 25 amendments, but I wish to cooperate. I will limit it to a maximum of two, in addition, I say to the Senator from West Virginia and the Senator from Tennessee.

**Mr. BAKER.** I do not think we should try to get an order. I am reassured by the Senator from North Carolina he will not take long, and I am sure that is true. We will let it go at that.

**Mr. President,** I also know there are certain Senators perhaps on both sides of the aisle who have to be away from the Chamber until about the hour of 2 p.m. to make speeches that they committed to much earlier. Some of our friends of the press may be aware of some of those arrangements. So I wish to stack votes until 1:45 p.m. this afternoon.

What I propose is this, and once again I have not discussed this at length with the minority leader: I propose that any rollcall votes that are ordered between now and 1:45 p.m. be stacked to occur beginning at 1:45 p.m. with the first vote to be 15 minutes

and subsequent votes to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

Mr. BYRD. Mr. President, in response to the distinguished majority leader we are checking this out on our side and we will be back to him.

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

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

Mr. BAKER. First, let me yield to the Senator from Oregon and then to the Senator from Massachusetts.

Mr. HATFIELD. Mr. President, I remind the Senator that the Appropriations Committee goes into a markup session for the supplemental at 2 p.m., and I wish not to see votes stacked beginning at 1:45 p.m. or 2 p.m. until we get a quorum because, as the Senator knows, it takes 15 to get a quorum.

Mr. BAKER. All right.

Mr. HATFIELD. It is the largest standing committee of the Senate, and that committee size keeps expanding under the leadership, and I just remind the Senate that this is one of the problems we face.

Mr. BAKER. Mr. President, for those not privy to the subtleties and sophistication of the remarks of the distinguished Senator from Oregon, the chairman of the Appropriations Committee, what they just heard was a scathing indictment of the majority leader.

Mr. HATFIELD. Not really.

Mr. BAKER. Because he never fails to point out to me that I urged him to accept a much larger committee than he wanted and that it has become very difficult to get a quorum.

I accept the criticism.

Mr. President, I wonder if the Senator then would agree that we could stack votes beginning at 2:15 p.m.

Mr. HATFIELD. What about, say, at 2:30 p.m.?

Mr. BAKER. The problem I have is this: If the time between 3 and 4 is for final statements, if we have three votes plus the Denton, Wilson, and Grassley amendments, that would be six votes, and that would be about 70 minutes, and we will spill a little along the way and we will run out of time.

Mr. President, let me withdraw the request and let us do it as we go along and see how we get along.

I yield now to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have no objection to stacking of the votes, although it was made very clear in the unanimous-consent request that we will have final passage at 4 p.m.

Mr. BAKER. Yes.

Mr. KENNEDY. And there would be no other circumstance that would interfere with that particular order.

Mr. BAKER. I thank the Senator. There would be none. The vote indeed will occur at 4 p.m. regardless.

Mr. KENNEDY. All right.

Mr. BAKER. Mr. President, I admire the Senator from Oregon, the chairman of the Appropriations Committee, for many things. He and I came to the Senate together, and we are old friends. But one of the things I admire most is his willingness to accommodate the needs of the Senate. He just indicated to me that he will try to convene the committee earlier so that he can get his quorum and we can stack votes beginning at 1:45 p.m.

Since the minority leader still wishes to clear that, I believe I will not put the request, but I thank the Senator from Oregon. In a few moments I shall put that request to stack votes to occur beginning at 1:45 p.m. today.

I thank the Senator from Kansas for yielding to me.

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

Mr. DOLE. I am happy to yield to the Senator from Oregon.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

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

Mr. DOLE. I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the avowed purpose of those individuals sponsoring this legislation is to honor Dr. Martin Luther King and, more importantly, to convey this Nation's highest distinction upon Dr. King and the work he did in advancing the cause for equality among all citizens by insuring their safe, civil rights.

Unfortunately, Mr. President, this legislation has been so dramatically politicized that the underlying reason we are going through this exercise, namely, to memorialize the significance of the gains in the field of civil rights, has been hopelessly obscured. The courage of Dr. King and the inspiration of Dr. King are compelling memories for the Members of this body and this Nation who knew him. His legacy was a selfless legacy; that is, he left for us a burning reminder that a nation without a commitment to equal justice, equal rights, and equal freedoms for its populace, is not worthy of the title "Democracy." For that reason, Mr. President, I believe this Nation would be unified by establishing a day which is more of a "Civil Rights Day" than a day specifically honoring Martin Luther King.

We have a "Labor Day" to commemorate the gains this country has made through the toil and inspired work of its work force. We have a "Me-

morial Day" to commemorate the gains this country has made through the sacrificed lives of those protecting our democracy and our homeland. And now, Mr. President, this body must determine how best to commemorate the lives of the many individuals like King, who were driven by an enlightened consciousness that motivated them to put aside their own personal goals to advance the noble goals of civil rights for all citizens of every sex, race, and physical or political disposition.

Mr. President, I will not mince words. Abraham Lincoln stands out in history as the individual most responsible for the advancement of civil rights in the United States. As a student of history, I would not dare to make this claim without due caution and reflection. As the first Republican President and as the champion of the enslaved and oppressed, Abraham Lincoln's accomplishments have been the foundation upon which the civil rights activists of the last century have built.

There have been other individuals besides Lincoln and King who have pressed for a progressive civil rights policy. I will not burden my colleagues with a lengthy recitation of the names of these formidable advocates of equality for the disadvantaged. Whether we are talking about the rights of workers, the rights of the handicapped, the rights of women, or the rights of those seeking religious or political freedom, prominent names instantly come to mind. Frederick Douglass, Booker T. Washington, Thaddeus Stevens, William DuBois, Mary McLeod Bethune, Susan B. Anthony, William O. Douglas, John L. Lewis, Samuel Gompers, and scores of others have left us a rich legacy of enlightenment in which the world and our country were made better by their achievements in advancing civil rights.

Mr. President, these many characters in our country's colorful history who have impacted the progress of civil rights in a positive manner are too numerous to mention. By enacting this bill, the Senate will honor all of these people. Personally, I would prefer that we not get into the precarious position of singling out one individual and memorializing his birthday in honor of the quest for freedom and justice for all. Abraham Lincoln, Martin Luther King, and their many brothers and sisters who have been united by a colorless and classless vision of America are all suitable candidates for such an honor.

Despite my deep love and admiration for Abraham Lincoln, I have never sponsored a bill in this Senate to designate his birthday a Federal holiday. I have not done so because such a move could do precisely the same thing which H.R. 3706 and S. 400 risks doing; that is, memorializing the life

of one person and, in so doing, dwarfing the accomplishments of those who arguably are as deserving of singular attention. Reasonable men and women can differ on the subject of whether, for example, Dr. King or President Lincoln is more deserving of a holiday in his honor. Again, I think such a problematic determination invites disagreement, which in turn diverts the public's attention from the civil rights issue to the tricky business of weighing the relative importance of key characters in our history.

However, because it is important that Congress stand together on this issue, I will not delay the passage of this bill with an amendment that has no chance of passage that would clearly label this day as a "Civil Rights Day" or some such designation. I will not do so because I believe the public understands that this holiday honors all of the great men and women who have inched us closer to the civil rights ideal, and does not solely honor Martin Luther King. This holiday will allow us to examine our consciences and our lives to evaluate where we stand on current civil rights issues and what we are doing about those issues.

My decision to vote in favor of final passage came after a careful consideration of the costs of an additional Federal holiday. It seems our calendar has just about reached the saturation point in terms of the number of Federal holidays authorized by law. Each holiday involves a day of lost productivity and that translates into hundreds of millions of dollars.

It is difficult to balance these dollar costs with the benefits of elevating the cause for civil rights to our Nation's highest position—to that of a national holiday. Citizens who attempt such a weighing of interests have contacted me and have told me that they believe the dollar costs are too great to justify a new national holiday. They say this even though they are conscious of the need to fortify our country's commitment to being a society that is color-blind and is deaf to the cries of racism, sexism, and mob rule.

Mr. President, I respect these people and do not quarrel with their opinion, an opinion involving thoughtful reflection in the confines of conscience. My own conscience has been thoroughly examined. I have decided to vote in favor of this bill, and shall do so with the hope that a nation which is united by a day set aside to ruminate the importance of civil rights gains will evolve into a society which joins together to further those gains.

I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

## AMENDMENT NO. 2339

Mr. HELMS. Mr. President, I have an amendment at the desk which I call up and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2339. At the end of the bill, add the following:

"SEC. 3. Since Marcus Garvey is known universally throughout the world as the Father of Black Nationalism; and

"Since Marcus Garvey was a major leader in the development in the United States of Black consciousness; and

"Since the writings of Marcus Garvey have served as an inspiration to all those who favor opportunity for all, and the doctrine of self-help; and

"Since the conviction of Marcus Garvey in 1923 occurred in an atmosphere charged with emotionalism and publicity; and

"Since the excessiveness of the sentence was recognized by President Coolidge in 1927 in commuting that sentence;

"Therefore, let it be stated that it is the sense of Congress that the President should remove this cloud over the reputation of Marcus Garvey by granting a full pardon of any crimes of which he may have been convicted."

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me now for a unanimous-consent request?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. BAKER. Mr. President, will the Senator from North Carolina yield for that purpose without losing his right to the floor?

Mr. HELMS. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I am now advised by the minority leader that he has completed the clearing process. I believe, on his side.

Now, may I put this request: I ask unanimous consent that any rollcall votes ordered between now and 1:45 p.m. today be stacked to occur at 1:45 p.m. in the same order and sequence in which they are ordered, with the first vote to be 15 minutes and subsequent votes, if any, to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

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

Mr. BAKER. I thank the minority leader, and I thank all Senators.

Mr. HELMS. Mr. President, yesterday's New York Times carried an article reporting that the Prime Minister of Jamaica, Edward Seaga, has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism. He made the request Sunday during a meeting in Kingston with Vice President Bush.

Mr. President, I fully support Prime Minister Seaga's request. As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, I am very familiar with the struggle of Jamaica to restore its economy, and to rebuild the spirit of the Jamaican people after years of demoralizing socialism. In that respect, it is important to draw the people of the United States and the people of Jamaica closer together. The pardoning of Marcus Garvey would be a symbolic step toward that end.

But more significant than that, Mr. President, is the opportunity to remove a cloud that history has cast over the career of Marcus Garvey. His name is no longer a household word in this decade; but in the 1920's his prominence was equal to that of Martin Luther King in the 1960's. Indeed, one could say that without the pioneering work of Marcus Garvey, that Dr. King's movement could not have taken place.

I think that history now agrees that Mr. Garvey's legal problems developed from an excess of zeal, without sufficient attention to management of his business affairs. Marcus Garvey had a dream, and it was the dream of thousands of black Americans. It was the dream of black achievement, of black participation in the free enterprise system, and of black leadership throughout the world. The movement which Mr. Garvey started, the United Negro Improvement Association, was based on sound principles and sound goals. But Mr. Garvey, in his efforts to establish a black-owned steamship company, overshot the mark, bringing about financial failure and bankruptcy. Thousands of black Americans, who could ill afford to lose their savings, suffered as a result.

But the facts do not impugn Mr. Garvey's own honesty, only his management capability. His conviction occurred in an atmosphere of intense publicity and organizational rivalries. The judge who sentenced him, for example, was a member of the NAACP. The excessive severity of the sentence was recognized by President Coolidge who commuted the sentence after Mr. Garvey served 2 years.

Nevertheless, the influence of Marcus Garvey has extended literally around the world. His writings are well known to all students of black history. They serve as an inspiration to thousands of students and admirers.

So it seems to me, Mr. President, that the Martin Luther holiday bill, which is sure to pass, and has been all along in this political atmosphere, serves as an appropriate opportunity for Congress to go on record in favor of a pardon for Marcus Garvey. Although I have made it clear that I am not an admirer of Dr. King because of the subversive influences which dis-

torted his movement, I have no quarrel with the concept of equal opportunity and equal justice under the law. These are principles which Marcus Garvey stood for, and his work made it possible for black Americans to seek such goals. It takes nothing away from Dr. King to use this opportunity to clear the name of Marcus Garvey on a timely basis.

I am therefore proposing an amendment which would declare it to be the sense of Congress that the President should pardon Marcus Garvey. This, of course, is a nonbinding resolution, since pardons are within the President's discretion.

Mr. President, two articles from the October 18, 1983, *New York Times* give additional background on this issue, and I ask unanimous consent that they be printed in the *RECORD* at this point.

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

**JAMAICAN ASKS U.S. TO PARDON A HERO**  
(By Francis X. Clines)

**PREMIER GIVES BUSH REQUEST ON GARVEY, BLACK WHO LED "BACK TO AFRICA" DRIVE**

KINGSTON, Jamaica, Oct. 17.—Jamaica's Prime Minister has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism.

Mr. Garvey, a charismatic Jamaican considered a patriarch of the black consciousness movement in the United States, died in 1940 after serving a prison term for mail fraud. The case grew out of his "back-to-Africa" movement.

The Prime Minister, Edward P. G. Seaga, asked Vice President Bush to convey the unusual request Sunday night at a ceremony in Montego Bay commemorating National Heroes Day. The Prime Minister said Mr. Garvey, who crusaded through a Harlem newspaper, was convicted in the United States "during a campaign of persecution against him."

"It cannot befit the memory of this great man whom the world acknowledges as the father of black nationalism, for which he is universally honored, that the record of his life continues to be tainted with this stain of dishonor," Mr. Seaga declared.

**"HIGHEST CONSIDERATION" PLEDGED**

Vice President Bush, who is here for an address to Parliament, discussed the request privately with the Prime Minister and said later he would "be sure it receives the highest consideration" at the White House. "We recognize him as a Jamaican hero, and it will receive our attention," Mr. Bush said today in response to a question, before laying memorial wreaths here at statues of Mr. Garvey and four other national heroes.

The Prime Minister made his plea at the dedication of a Montego Bay memorial honoring Samuel Sharpe, a Jamaican slave who organized an early passive resistance movement but was hanged by the British colonial government in 1832.

Marcus Garvey, a revered figure here, was deported from the United States in 1927 after building a spirited following among millions of American blacks with the message, then bold, that black enterprise and solidarity could overcome the lingering effects of slavery. While a gifted polemicist, he was a short-lived success as an entrepre-

neur. He raised more than \$600,000 from 35 black investors in his Black Star steamship company, a travel venture to the West Indies and Africa that failed.

Noting that Mr. Garvey was deported home to Jamaica "with a broken heart and a criminal record," Mr. Seaga presented his request in the context of some sensitive international politics. The Reagan Administration has been extending considerable support to this Caribbean nation, praising it as a showcase of capitalism and an inspiration to third world nations against flirting with Communism. Mr. Seaga, in turn, raised the Garvey question as a dramatic opportunity for President Reagan to impress this same sphere.

**"WIPING THE SLATE CLEAN"**

"It would give immense joy to Jamaicans and millions of others in the Caribbean, Africa and your own country among others throughout the world," he said, "if the President of the United States, using the powers vested in him, found it possible to grant a full pardon to Marcus Garvey, wiping the slate clean and clear for posterity and enhancing the consciousness, pride and dignity of black people throughout the world."

The Prime Minister thus broached the idea also as a way for Mr. Reagan to please the blacks in the United States. The President's standing is low there and his Democratic opponents expect to organize a sizable anti-Reagan vote among blacks for the 1984 Presidential election.

Any serious consideration of a Garvey pardon would be certain to cause complaint among Mr. Reagan's more conservative activists, who already are highly critical of the President's decision to reverse his opposition to the creation of a national holiday for Martin Luther King Jr.

Mr. Bush spoke at Montego Bay before the Prime Minister and made no reference to Mr. Garvey in his speech. He spoke of Sam Sharpe's role in helping to inspire abolition's final passage in 1848 through the British Empire, ranking Sharpe as "a hero like many in my own country, including Nat Turner, Harriet Tubman and, in our own day, Martin Luther King."

Speaking with fervor as he looked out at a large and friendly crowd of Jamaican blacks gathered amid a humid breeze and brilliant sunshine, Mr. Bush improvised the ending to his prepared text. "Long live freedom! Freedom! Freedom!" he shouted, slamming the lectern three times with his fist.

**GARVEY: PROMOTER AND ORATOR**

(By Maureen Dowd)

Marcus Garvey, the son of a Jamaican mason and a devoted follower of Booker T. Washington, came to the United States in 1916, at age 28, preaching black pride and calling for a back-to-Africa movement.

"Africa for the Africans" was the slogan in his campaign to redeem that continent from European colonialism and resettle all blacks there.

Responding to what he saw as a black disenchantment with the American dream that was growing after World War I, Garvey settled in Harlem and quickly became a spokesman for the unskilled and inarticulate black poor.

He was a promoter, a master of oratory and the news outlets. According to reports at the time, his stirring speeches would send throngs into the streets shouting: "Up you mighty race, you can accomplish what you will!"

Between 1917 and 1925, he organized hundreds of thousands of blacks in American cities and foreign nations and formed several businesses to build black power. From an initial membership of 15, his United Negro Improvement Association grew to between four and six million. The newspaper he started, *Negro World*, boasted an international circulation of 50,000. With small contributions, blacks reportedly donated \$10 million to his movement.

He founded a church, a conglomerate of black factories, the Black Cross Nurses and the Black Star steamship company. But many of his enterprises were said to be mismanaged.

In 1923, Garvey was convicted of mail fraud in connection with soliciting funds for his shipping company. He received the maximum sentence of five years and a \$1,000 fine. He contended that he had been framed.

In 1927, after two years in jail in Atlanta, he received a commuted sentence from President Coolidge and was deported to Jamaica. In 1935 he resettled in London, where he died five years later at age 52.

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

Mr. SARBANES. Mr. President, first a brief comment on the pending amendment. If the subject of this amendment is to be addressed, it ought to be addressed in a separate forum and not brought into the consideration of the Martin Luther King, Jr., bill. Let me now turn to a consideration of the pending bill.

Mr. President, I strongly support the legislation before the Senate. I have been a long-time and consistent supporter of efforts to recognize the life of Dr. Martin Luther King, Jr., and the extraordinary contribution he made to the evolving history of this Nation.

Dr. Martin Luther King, Jr., was one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all citizens.

The 13 years of his leadership in this struggle for civil and human rights, from the beginning of Montgomery, Ala., in 1955, to his tragic end in Memphis, Tenn., in 1968, changed and continue to affect the life of our Nation. It was a period which saw a massive upsurge in public support for and participation in the civil rights movement, and witnessed great strides in realizing the American creed that "We hold these truths to be self-evident, that all men are created equal."

It was during this period that great strides were made in so many areas of our national life. Voting rights—what could be more fundamental to a democratic society than that all citizens should be able to participate in the political process? Great strides in the areas of access to public accommodations, fair housing, equal employment opportunities—indeed in fundamental dignity and respect.

Dr. King's courageous stands and his unyielding belief in the power of non-violence, reawakened the conscious-

ness of our Nation to the racial injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

Dr. King was willing to undertake great personal risks and, ultimately and tragically, paid the price with his life in order that the affirmation that we are a nation of liberty and justice for all might become a reality.

Dr. King dreamed of an America in which children will be judged not by the color of their skins but by the content of their character.

In August 1963 in the march on Washington speech at the Lincoln Memorial, one of the most significant events in our Nation's history, he stated:

I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slaveowners will be able to sit down together at the table of brotherhood.

He went on to say:

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Can anyone question that this undertaking is at the heart of what our democracy means, that we should be judged by the content of our character, not by the color of our skin?

Fifteen years after his death, America is still striving toward the fulfillment of Martin Luther King's vision. The designation of a national holiday in his memory not only pays tribute to him but, also places the Nation on record as rededicating itself to the principles of justice and equality which Dr. King's life exemplified.

In a letter from a Birmingham jail, Dr. King wrote:

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Mr. President, in considering Dr. King's life, it is important to recognize that he was, above all, a religious leader. He was the son of a pastor and the grandson of a pastor. He finished college, Morehouse College in Atlanta at the age of 19—graduated from college at 19. He had already been ordained in the National Baptist Church in Atlanta. Following his graduation from Morehouse in 1948, he continued his studies at Crozer Theological Seminary in Chester, Pa., where he was an outstanding student and the first black in the school's history to be elected class president. He received his bachelor of divinity degree in 1957 and a fellowship for further study which he took at Boston University School of Theology, from which he later received his Ph. D. degree.

Dr. King's commitment to nonviolence and his preaching of the essential tenets of that philosophy had an enormous impact on the nature of the civil rights movement in this country in the 1950's and 1960's. He provided sterling leadership at a difficult time in our Nation's history, leadership which insured that the movement toward racial justice in this country would be carried out in a way that would strengthen and enhance our democratic system. He preached that philosophy under the most difficult circumstances. When in the course of the Montgomery boycott he was arrested, the then only 27-year-old minister exhorted his followers as follows:

If we are arrested every day, if we are exploited every day, . . . don't ever let anyone pull you so low as to hate them.

Even when his own home was bombed, Dr. King cautioned the more militant against seeking violent revenge. And in the end—and it is a tribute to our Nation—in the end, his belief in peaceful protest, in nonviolent means, was justified.

What we are recognizing with this legislation is not only the enormous contribution of this great leader, but we recognize two very basic principles for the healthy functioning of our democratic society. One is that change, even very fundamental change, is to be achieved through non-violent means; that this is the path down which we should go as a nation in resolving some of our most difficult questions. And the other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all of its people, is essential to the fundamental health of this Nation. Dr. King preached, taught, and practiced these essential principles.

Dr. King moved the Nation in a way that I believe will be lasting. His example continues to stand before us. He provided a standard to which we can repair and the Nation is much the better for it.

So I join many of my colleagues in urging the passage of this legislation and the rededication of the Nation to achieving a country that will have liberty and justice for all its people and where the promise of the Declaration of Independence that all men are created equal will be fully realized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the vote on the amendment will be put off until 1:45 p.m.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

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. DOLE. 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. DOLE. Mr. President, I would inform other Senators who have amendments that we now have an agreement that we can stack the votes. It is going to be very complicated if we do not have the amendments offered. Then we will run into the time when many Members would like to make closing statements between 3 and 4 p.m.

I see I have been rescued by the distinguished Senator from North Carolina.

Mr. HELMS. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HELMS. Mr. President, let me suggest what may be done. I would suggest that the Senator and I yield back the remainder of our time on the pending amendment, and I will proceed with another amendment. The best news of all for the Senator would be that I have no further amendments.

Mr. DOLE. After the pending amendment?

Mr. HELMS. After offering one more amendment.

Mr. DOLE. Mr. President, I yield back my remaining time.

Mr. HELMS. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

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

#### AMENDMENT NO. 2341

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2341.

At the end of the bill, add the following:  
**SEC.** Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a specific legal public holiday is established under Federal law in honor of Hispanic Americans for one day each year.

**SEC.** Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, it is truly fitting that we have a day commemorating the tremendous contributions of the Hispanic-American community to our country. Much of our country first experienced the civilizing influence of western civilization through the Spanish-speaking settlers who followed Columbus to the shores of the New World. Since those early days, the influence of the Americans of Spanish descent has blessed our country with a profound sense of fundamental respect for faith, for family, and for freedom. Our own Anglo-Saxon heritage has been able to blossom in the light of the Hispanic tradition. Today, the Hispanic-American community is growing at a rate much larger than that of other ethnic groups, and the contributions to our culture, to our intellectual and spiritual life, and to our economy from these great citizens are a model for all Americans to acclaim.

Mr. President, it is fitting that the Congress should establish National Hispanic-American Day at this time in our Nation's history. For the first time, recent years have found our national leaders willing to recognize the great contributions, ignored for generations, which the Hispanic Americans have made to our country. As chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, I think this significant measure would be a signal to our friends throughout Latin America that we are one community, one hemisphere committed to the principles of liberty, justice, and autonomy, in a spirit of brotherhood and a mutual respect. I hope the Senate will adopt this measure.

Mr. President, the pending amendment conditions the taking effect of the proposed King holiday on two events: One, the establishment of a Federal holiday in honor of Hispanic Americans, and, two, the limitation of Federal holidays to no more than nine.

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

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The vote on this amendment will occur at 1:45 p.m.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Mr. President, will the Senator withhold?

Mr. HELMS. Yes.

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from North Carolina for his cooperation. I think this will help us facilitate the schedule laid out by the majority leader and agreed upon by all Senators, that we start voting at 1:45 on the pending amendments.

As I understand, there will be two Helms amendments and a Wilson amendment. We are now in contact with the distinguished Senator from Alabama (Mr. DENTON) to see whether he wants to offer an amendment, and also the distinguished Senator from Iowa (Mr. GRASSLEY), who I understand will offer an amendment. Then Senators NUNN, BOREN, and others, will have an amendment which they will offer.

If we can offer all amendments and start voting at 1:45, we can conclude the voting by 3 o'clock and have the time from 3 o'clock until 4 o'clock for final statements that Members may like to make, with statements not to exceed 5 minutes.

Mr. President, I suggest the absence of a quorum, hoping that Senators who have an interest in offering amendments will do so between now and 1:45.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I make the point again that there are Members who have amendments, but we are just wasting time. We have been 20 minutes with no business. Members should have been on notice that we have votes starting at 1:45. We have notified Senators' offices and yet there is no one in the Chamber to offer amendments. I understand Senator BOREN and others will be here briefly to offer their amendment. I have also urged Senator DENTON and Senator GRASSLEY to come to the floor and offer their amendments.

What will happen, if we cannot consider those amendment between now and 1:45, it will be taken from the time

between 3 and 4 when the majority leader, minority leader, and others had hoped to make closing statements. As a courtesy to those who would like to make closing statements, I hope that my colleagues will cooperate and come to the floor to offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I understand that the pending amendment is the amendment of the Senator from California (Mr. WILSON).

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask unanimous consent that that amendment be temporarily laid aside so that the Senator from Iowa may offer an amendment.

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

#### AMENDMENT NO. 2342

(Purpose: To establish the National Heroes Day Commission and to designate as a legal public holiday the third Sunday of each January as "National Heroes Day")

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 2342.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Heroes Day Commission Act of 1983".

#### ESTABLISHMENT OF COMMISSION

**SEC. 2.** (a) There is established a commission to be known as the National Heroes Day Commission (hereinafter referred to as the "Commission") to annually select the individual to be honored on National Heroes Day.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) three members to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation.

#### DUTIES OF COMMISSION

Sec. 3. (a) It shall be the duty of the Commission to consider and select on an annual basis an individual to be honored on National Heroes Day. The Commission shall actively seek the advice of private organizations and individual citizens.

(b) The Commission shall submit the selection for each year required under subsection (a) to the President prior to July 1 of the previous year.

#### NATIONAL HEROES DAY

Sec. 4. (a) Subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following new item: "National Heroes Day, the third Sunday in January."

(b) The President is authorized and requested to issue a proclamation on National Heroes Day each year honoring the individual selected by the Commission under section 3 of this Act and calling upon the people of the United States to honor such individual with appropriate programs, ceremonies, and activities.

Mr. GRASSLEY. Mr. President, in the last 2 days a number of alternative proposals for commemorative holidays have been offered during the consideration of the Martin Luther King, Jr., holiday measure. The debate on these measures has raised several considerations as to the cost involved in establishing a 10th paid holiday for workers, and the precedent for honoring Dr. King by a public holiday when no other prominent national figure has been so recognized. I consider this amendment to be a reasonable and constructive proposal which would provide for national recognition of Martin Luther King, Jr., and other significant national figures, yet prevent the economic dislocation inherent in the current bill.

The amendment I have sent to the desk would establish a legal public holiday on the third Sunday of January to be known as "National Heroes Day." This proposal would provide for the recognition of a significant American figure to be selected by a nonpaid commission of eight members appointed by the President, the Senate, and the House of Representatives. Each year, the commission would select a different male or female individual who would be authorized by the President and honored by appropriate ceremonies.

My amendment would therefore establish with this Sunday public legal holiday a suitable memorial in which to pay respect to and reflect on any person of great achievements, beliefs and hopes, such as Martin Luther King, Jr. Yet, we could do so without dipping into the Federal treasury for at least \$18 million in direct costs and absorbing the lost productivity of \$270

million according to the Library of Congress. More significantly, we would avoid the cost of removing another productive workday from the calendar year of small businesses and prevent a loss to them of \$4 billion, which is the cost estimated by the U.S. Chamber of Commerce. Therefore, the spirit and intent of commemoration can be realized while protecting the jobs and economic stability crucial for the security of all Americans.

Certainly, a proposed Federal holiday for any renowned person is not simply an economic issue. Yet, even when faced with small budget decisions such as the one before us, we must not lose sight of the unprecedented Federal deficits that are continuing to accrue. We owe it to our taxpaying constituents to be as fiscally tough on these small budget battles as we are on large budget matters.

In addition, this amendment would address the concern about the precedent we will set here today if we pass H.R. 3706. The last time Congress enacted legislation designating a paid Federal holiday was in 1941. However, out of the nine current Federal holidays, none is dedicated to any of the great figures of American history, including Abraham Lincoln, James Madison, Theodore Roosevelt, or Thomas Jefferson—and we could go on and on. I would find it difficult, with passage of a commemorative holiday for Martin Luther King, Jr., to oppose similar recognition of a host of other American historic figures, others who have also articulated the ideals and principles on which our Nation was founded and under which we live. My amendment declaring a National Heroes Day would provide an opportunity to recognize a number of great American leaders and further prick our national conscience.

For these reasons, I hope that my colleagues see fit to support my amendment in the nature of a substitute. By this proposal I do not intend to minimize the tremendous contribution of the late Martin Luther King, Jr., in his lifelong pilgrimage for justice and equality for all citizens. Dr. King challenged us to join his march and bring America's underclass out of the shadows of discrimination and into the Nation's mainstream. He forced our Nation to confront these problems and devise fair and compassionate remedies at a time when it would have been easier to look away. I fully recognize the symbolism to our black Americans in the commemoration of Dr. King as a painful struggle to enjoy full freedom as American citizens. In fact, I hope that under my legislation he would be a prime candidate for national recognition for his positive impact on American life. I do feel, however, that my amendment would provide a more reasonable framework in which

to observe our growth as a nation under our many great leaders.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Iowa.

Of course, I read the amendment. I listened carefully to the Senator's statement, which I do not disagree with, but I think right now the question is whether or not we are going to pass this bill in its present form and, although I do not dispute the statement made by the distinguished Senator from Iowa, I am not in a position to be able to support the amendment.

As I understand we are going to start voting on amendments at 1:45 p.m. Is it the desire of the Senator from Iowa to have a RECORD vote on this amendment?

Mr. GRASSLEY. No.

Mr. DOLE. So we can maybe take action on the amendment now.

I yield back my time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

(Putting the question:)

The amendment (No. 2342) was rejected.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Oklahoma, the Senator from Georgia, the Senator from Alabama, and my colleague from Kansas has an amendment they may be prepared to offer.

Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

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

Mr. NUNN. Mr. President, will the Senator from Kansas yield so that I may go ahead?

Mr. DOLE. I yield.

Mr. NUNN. I have a brief statement. When the Senator from Oklahoma returns I will be delighted to yield to him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, Dr. Martin Luther King, Jr., made a significant and lasting contribution to our Nation and to all of humanity.

I intend to vote to establish a national holiday to honor this Nobel Peace Prize recipient from my home State of Georgia.

I believe that this holiday should be an occasion for all Americans to reaffirm the traditional values that bind our Nation of diversity together \* \* \* equal justice and equal opportunity.

I believe that this national holiday should not only call attention to the goals and dreams of Dr. King but also to the history of the civil rights movement in America and the contributions that black Americans and other minority groups have made to our Nation's history. I am hopeful that this

holiday will not become simply another 3-day weekend, but rather a day each year for all Americans to celebrate the freedoms we all cherish and to rededicate our Nation to equality under the law.

I am also hopeful that this day each year will be celebrated in a way that offers hope and encouragement to the millions of people around the world who are impoverished, who are victims of discrimination and who are denied basic human rights.

This day should serve to remind us of the great strengths of America as we recall how this country dealt in a peaceful manner with deep-seated problems that divided our people along racial and regional lines.

America has not solved all of its racial problems. It is clear, however, that all American citizens now have access to our judicial system and the right to help shape our future by voting and participating in our democratic process.

This is the indelible legacy left by Dr. King and the civil rights movement in this country. We must continue this fight in the future as we continue to strive to advance the cause of equality and opportunity for all Americans. This new holiday will be a constant reminder of our commitment to these ideals.

Despite my support for this legislation, I continue to be troubled by the potential impact of another Federal holiday on the Nation's economy and productivity. I believe that we should attempt to minimize the cost of this 10th Federal holiday at a time in which our Nation is suffering a serious deficit problem and a 10-year decline in productivity. The Congressional Research Service of the Library of Congress and the Office of Personnel Management estimate that the loss to the Federal Government in terms of payroll salaries is approximately \$200 to \$250 million per holiday. Moreover, assuming that State and local governments follow the Federal Government's lead in observing this holiday, an additional payroll loss of \$796 million will result.

Mr. President, to address this issue, Senator BOREN and I are offering an amendment today which will virtually eliminate the economic impact of an additional Federal holiday. The Boren/Nunn amendment is a simple proposition which would affect those Federal holidays honoring individuals—first, Washington's birthday, second, Columbus Day, and third the new Martin Luther King, Jr., holiday, which I am confident this body will pass today.

Mr. President, I see the Senator from Oklahoma has returned, and I yield to him for an explanation of the amendment. Then I will complete my statement after he has had an opportunity to explain the amendment.

I am pleased to be working with the Senator from Oklahoma, and I congratulate him for taking this action which preserves the Martin Luther King, Jr., holiday but which would reduce the net cost to the Federal Government to virtually zero.

Mr. BOREN. Mr. President, I thank my colleague from Georgia, and I commend him for his record of public service during which time he has demonstrated time and time again his own commitment to the cause of equal opportunity for all of our citizens and also his commitment to the cause of fiscal responsibility and sound economic policy.

The amendment which we are discussing is an amendment which is aimed at showing our commitment to the cause of equal opportunity while at the same time doing so in a fiscally responsible manner that is consistent with it.

#### AMENDMENT NO. 2343

(Purpose: To amend title 5, United States Code, to provide additional rules concerning the observance of the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)

Mr. BOREN. Mr. President, at this time I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEPLIN, Mr. ZORINSKY, Mr. MATTINGLY, Mr. RANDOLPH, and Mr. CHILES proposes an amendment numbered 2343.

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

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

The amendment is as follows:

On page 1, strike out lines 3 through 7, and insert in lieu thereof the following: That (a) subsection (a) of section 6103 of title 5, United States Code, is amended—

(1) by inserting immediately before the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15."

(2) by striking out the item relating to Washington's Birthday and inserting in lieu thereof the following: "Washington's Birthday, February 22," and

(3) by striking out the item relating to Columbus Day and inserting in lieu thereof the following: "Columbus Day, October 12."

(b) Subsection (b) of section 6103 of such title is amended by inserting "(except the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)" after "Executive order".

Mr. BOREN. Mr. President, it seems clear that Congress will today pass this legislation which will create another Federal holiday. The fact is that this vote has become a symbolic vote. It has gone far beyond a vote about the record or personality of one man. It has become a way of expressing the hope of the American people that we

can have reconciliation between the races and equal opportunity for all of our citizens.

I believe that a very large majority of our people want to see a new spirit of unity in our country. We would like to put behind us the decades of division and bitterness, begun in colonial times when men and women were wrongly brought to this country against their will, in chains, as slaves. They were the targets of racial and economic discrimination for more than a century after slavery was legally ended. We cannot fully appreciate the meaning of this issue without considering our history.

No other racial or ethnic group in our history has been treated in such a manner. No other group was brought to these shores as slaves, against their will. Of the scores of statues in the U.S. Capitol Building, there is not one which honors a representative of this particular race. It is not hard to understand why this vote has become a symbol to so many Americans. Many black Americans clearly regard this vote not as a vote on any one man, his achievements, or his human shortcomings, but as a vote for or against accepting them as full-fledged, equal members of American society. It has become a way of saying that the contribution of millions of Americans both in peace and in war where their sons laid down their lives for our country, is fully recognized by all of the American people. Congress has been asked to say symbolically that our Nation has taken a step toward putting the discrimination of the past behind us and toward committing ourselves to the brotherhood and sisterhood of all of our people.

Mr. President, like many others in this body, I believe that there is a moral compulsion to make this symbolic expression, to affirm that all of us as Americans, of every race, color, and creed, desire to walk hand in hand as brothers and sisters in God's human family.

At the same time, Mr. President, like many other Americans, I am very concerned about the record-high deficits that are being forecast for the next several years. To continue deficits of \$200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits without feeling the economic consequences very soon.

I have no desire—and I wish to emphasize that—no desire to complicate the consideration of this legislation, nor does any other cosponsor of this amendment have any desire to complicate its passage.

However, because of this grave concern for our huge deficits, I am offering an amendment today along with

Senators NUNN, HEFLIN, KASSEBAUM, HATFIELD, ZORINSKY, MATTINGLY, RANDOLPH, and CHILES, that will allow us to honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits.

This amendment would amend our statutes to celebrate George Washington's birthday or President's Day, as it is known; Columbus Day, and Martin Luther King's birthday on the actual or traditional day the event took place, respectively, February 22, October 12, and January 15.

When the date of celebration occurs on Saturday or Sunday the occasion will be celebrated on that day.

Mr. President, the practical effect of this amendment will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about \$250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

I urge my colleagues to join me in supporting this amendment.

It does not reduce the meaning of any of the holidays. I urge my colleagues to join me in supporting this amendment.

Mr. President, I ask unanimous consent that a table showing the actual day of celebration of these three holidays for 1984-2000 be printed in the RECORD.

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

TABLE

	King—January 15	Washington— February 22	Columbus—October 12
1984	Sunday	Wednesday	Friday
1985	Tuesday	Friday	Saturday
1986	Wednesday	Saturday	Sunday
1987	Thursday	Sunday	Monday
1988	Friday	Monday	Wednesday
1989	Sunday	Wednesday	Thursday
1990	Monday	Thursday	Friday
1991	Tuesday	Friday	Saturday
1992	Wednesday	Saturday	Monday
1993	Friday	Monday	Tuesday
1994	Saturday	Tuesday	Wednesday
1995	Sunday	Wednesday	Thursday
1996	Monday	Thursday	Saturday
1997	Wednesday	Saturday	Sunday
1998	Thursday	Sunday	Monday
1999	Friday	Monday	Tuesday
2000	Saturday	Tuesday	Thursday

Mr. BOREN. Mr. President, I would be happy at this time to yield again to

my colleague from Georgia so that he may complete the statement he was making before I presented the amendment for consideration.

Mr. NUNN. Mr. President, I want to thank my colleague from Oklahoma for taking the lead in this matter and crafting an amendment that carefully preserves not only the holiday created under this legislation but also the spirit of the holiday while, at the same time, as he has already explained, saving the taxpayers approximately \$250 million a year at the Federal level.

If my arithmetic is correct, if you project that between now and the year 2000, we would be saving by this amendment \$3,750,000,000 in direct Federal payroll.

Mr. President, when any of the 3 days occurs on a weekend, the national observance would be celebrated on the weekend, and there would still be a national observation not to be obscured or forgotten, but there would be no lost workday.

Under our amendment, in lieu of the automatic Monday holiday format which is currently observed, Columbus Day—October 12, Washington's birthday—February 22, and the newly designated Martin Luther King, Jr., birthday—January 15, would be celebrated on the actual date of the event being commemorated.

This approach would include the new 10th Federal holiday and at the same time would add a commonsense, cost saving reform to our Federal holiday structure. For example, Mr. President, during the 15-year period from 1986 to the year 2000, 135 paid holidays are currently authorized. When the new Martin Luther King, Jr., holiday begins in 1986, 150 Federal holidays will occur during the 15-year period 1986 to 2000. With the Boren amendment, however, Columbus Day, October 12, Washington's birthday, February 22, and Martin Luther King, Jr.'s, birthday, January 15 would fall on Saturday or on Sunday 13 times during this 15-year period. Thus, Mr. President, under the Boren amendment, we would honor Dr. King, in a manner identical to Washington's birthday and Columbus Day but with a new increase in paid Federal holidays of only 2 days over this 15-year period. Thus, the cost of the entire Federal holiday structure would increase only slightly over current law. I believe this amendment is a fair and workable solution and I urge my colleagues to support it.

Mr. President, at this point I yield the floor.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I want to commend my colleague from Georgia for his remarks. As he pointed out,

I think he pointed out, this is a fair and reasonable solution. I hope our colleagues will listen and weigh his remarks.

There seems to be a tendency to not logically distinguish between amendments, not to carefully study the distinction between them, and I want to point out this amendment differs in a very large degree from other amendments proposed.

First of all, it is being proposed by a group of people who are in support of the overall resolution. It does not single out this holiday for special treatment. It treats it the same as others. But it does try to help us reach a solution in terms of additional costs to the taxpayers and on the impact of our budgetary deficits.

So I hope our colleagues will view this as a fair amendment, one which is not hostile to the basic resolution, but one which is sensitive to the budgetary impact.

At this point I would be happy to yield to the Senator from Kansas (Mrs. KASSEBAUM) who has joined with us in cosponsoring this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Oklahoma.

I, too, wish to express my thanks to him for his thoughtfulness in an amendment which I do believe is a very wise one.

Unfortunately, the well of debate has been poisoned by a character assassination against Martin Luther King, Jr., which has caused us to hesitate to really address the whole question of our national holidays and how we can best designate one that would honor Martin Luther King and those who have fought in the civil rights movement.

I think this amendment does address that. I think it is fair, I think it is equitable, and I think from the standpoint of the economics of the issue concerned, it is a wise approach and, therefore, Mr. President, I would only like to say how pleased I am to be supporting it, and I urge my colleagues to think about it because up to this point in time we have been reluctant because of the direction of this debate to give thoughtful consideration to ways it could be improved to even be a stronger bill. I thank the Chair.

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

The PRESIDING OFFICER. Who yields time? There are 30 minutes equally divided between the Senator from Kansas and the Senator from Oklahoma.

Mr. BOREN. I yield to my colleague from Oregon. I am very happy to have him as a cosponsor.

Mr. HATFIELD. I thank the Senator from Oklahoma.

Let me be very brief. As a Senator who has voted against all amendments offered, those proposed and declared early on, I would vote for the holiday honoring Dr. Martin Luther King.

Let me just observe that I have received a substantial amount of mail from my home State not on the issue of whether we should honor or not honor Dr. Martin Luther King with a national holiday but raising the question of the costs, the money that will be involved in establishing another national holiday.

I think this is a peripheral issue in the sense of what our purpose is, and that is to honor not only Dr. King but to honor those who have been involved in the civil rights movement for many generations. I would hate to think that one of the auxiliary issues or auxiliary arguments that have been raised in this whole debate should pervade the development of an appropriate honoring day.

I feel that by the time we get to January 1986 this may all well be behind us, but I would hate to think that there would be inhibiting or incumbering forces that would prevent us from having an appropriate recognition come that date in 1986. Therefore, it seems to me that we could alleviate a lot of that concern which has been raised by my constituents and constituents across this country by adopting this amendment which incorporates the days that we honor individuals into the same kind of format; that is, we honor them on their birthday and if that birthday falls on Saturday or a Sunday, as it will occasionally, then we do not have that cost involved in establishing a national holiday that would fall on a normal workday.

Therefore, I think it is a legitimate and appropriate amendment that in no way denigrates or demeans the efforts here to honor a great American, but certainly recognizes a legitimate concern that many people raise.

Mr. BOREN. Mr. President, I thank my colleague from Oregon and appreciate his remarks. The distinguished chairman of the Appropriations Committee is certainly sensitive to budgetary impacts on legislation, and throughout his public career he has demonstrated many, many times his commitment to the cause of human justice and his own sense of humanity. I am very, very proud to have him as a cosponsor of this amendment.

At this time, I am proud to yield to the distinguished Senator from Alabama, who is also a cosponsor of this amendment, for such remarks as he might care to make.

Mr. HEFLIN. Mr. President, the observance of a national holiday honoring Martin Luther King, Jr., will allow all Americans the opportunity to recognize the great progress that has occurred in race relations in all sections of our Nation. It also is an occasion

not only to honor Dr. King but to honor the progress that black people have made in this Nation.

Much of the debate on the issue of a national holiday for Dr. Martin Luther King, Jr., has validly centered around the cost of the American taxpayer to another Federal holiday. The Congressional Budget Office has estimated net budgetary expenditures of approximately \$18 million per year, beginning in 1986, as a result of the addition of a 10th Federal holiday. In light of the state of our economy and my strong commitment to balancing our Federal budget, I think that these concerns should be discussed and other alternatives evaluated.

Many ideas have been suggested to reduce the cost of new holidays, regardless of the individual being honored. Some of these include placing a cap on the number of legal public holidays at 10, honoring several great Americans on the same day, or providing that a holiday for Dr. King should fall on a Sunday, but thus far none of these ideas have been adopted.

Some, of course, do not merit a great deal of attention and others, of course, are valid. However, congressional leaders in both Houses have stated that legislation to reduce the cost to the American taxpayer of all holidays will be considered in the immediate future.

Another concern that has been justifiably raised is that with so many holidays falling on Mondays, we Americans have forgotten the true meaning behind the celebrations. We should be less concerned about preserving Monday holidays, and more concerned with the significance of the events.

For example, historians have agreed that the most likely date that Christopher Columbus reached the New World was October 12, 1492. George Washington, the father of our country, was born on February 22, 1732. Martin Luther King, Jr., was born on January 15, 1929. It is only logical and proper that we honor the births of these individuals and the discovery of America on the true dates of their occurrences.

In light of these concerns, I believe that a practical solution to alleviate these problems has been offered by the amendment that I am jointly sponsoring with my distinguished colleagues Senator BOREN of Oklahoma, Senator NUNN of Georgia, Senator KASSEBAUM of Kansas, and Senator HATFIELD of Oregon.

The PRESIDING OFFICER. Will the Senator please suspend?

The hour of 1:45 having arrived, under the previous order—

Mr. DOLE. Mr. President, I ask unanimous consent, which I think has been cleared on both sides, that the same order be started at 2 p.m. rather than 1:45.

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

Mr. DOLE. Mr. President, I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I hope we might conclude the debate on this amendment in a minute or two and I might yield at least about 9 minutes to the Senator from New Jersey. I need a couple of minutes to speak in opposition to this amendment. If we can conclude the debate, it would be helpful.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. A 14-year projection of the dates upon which these holidays would fall, reveals that if these individuals are honored on their original observance dates, 13 of these holidays would fall on Saturdays or Sundays. This would result in a cost savings for the American taxpayer of approximately \$234 million, since Federal employees do not work on Saturdays or Sundays in the vast majority of cases. This plan is a workable solution in keeping with our desire to preserve tradition and reduce Government spending. It would keep the total number of paid holidays about the same as they now exist.

I will ask unanimous consent to have printed in the RECORD a table to show how this proposal would work and the dates that observances would fall.

It is my hope that my distinguished colleagues will support this proposal so that an appropriate recognition can be established for all Americans to reflect upon these historic events, but without any substantial increase in cost.

I would like to mention the other holidays. With the exception of Memorial Day, the other holidays are days that would not fit into this. We have only three holidays that deal with individuals. Those individuals are Christopher Columbus, George Washington, and Martin Luther King, Jr.

Now I considered adding Memorial Day to the amendment. After discussing it, however, it was felt it should be left out.

Under this proposal, every 7 years there would be at least six holidays that would fall on Saturdays or Sundays, and these holidays would not be paid holidays. On a 14-year projection, 13 would fall on Saturdays or Sundays providing a substantial savings in cost.

It seems to me that this is a very logical approach. It does not take away from any individual. It puts the observance of the King holiday on the same level as Washington's Birthday and Columbus Day.

Therefore, I think it would be a substantial cost savings and this is some-

thing we should be interested in. I do not think it detracts in any way from the King holiday.

Mr. President, I ask unanimous consent that the table to which I referred be printed in the RECORD.

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

ORIGINAL DATE OF CURRENT AND PROJECTED HOLIDAYS HONORING GREAT AMERICANS AND A 14-YEAR PROJECTION OF THE DAY UPON WHICH THEY WILL FALL

Year	Columbus Day, October 12	Washington's Birthday, February 22	Martin Luther King's Birthday, January 15
1984	Friday	Wednesday	Sunday
1985	Saturday	Friday	Tuesday
1986	Sunday	Saturday	Wednesday
1987	Monday	Sunday	Thursday
1988	Wednesday	Monday	Friday
1989	Thursday	Wednesday	Sunday
1990	Wednesday	Thursday	Monday
1991	Saturday	Friday	Tuesday
1992	Monday	Saturday	Wednesday
1993	Tuesday	Monday	Friday
1994	Wednesday	Tuesday	Saturday
1995	Thursday	Wednesday	Sunday
1996	Saturday	Thursday	Monday
1997	Sunday	Saturday	Wednesday

Mr. BOREN. Mr. President, I yield 1 minute to my colleague from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, this amendment embodies the substance of the legislation that I have had pending in the Judiciary Committee for approximately 6 years numbered S. 71 in the 98th Congress. I support it and co-sponsor it because it embodies the emphasis of the amendment I offered on yesterday relating only to the honoring of Dr. Martin Luther King, I had not included other days—and the change in Monday holidays that I have been attempting for these past years.

I commend my colleague, Senator BOREN, and others, in the presentation of this amendment. I hope that the Senate will do what our colleague, Senator HEFLIN, has said. That is, give attention to why we are establishing a day of commemoration and not just thinking in terms of a Monday holiday.

I emphasize, what I stated yesterday, that I cannot support the bill if the day honoring Dr. Martin Luther King is not observed on the date of his birth.

Mr. BOREN. I thank my colleague from West Virginia.

Mr. President, I yield very briefly to the Senator from Georgia, who is also a cosponsor of this amendment.

Mr. MATTINGLY. Mr. President, it is a foregone conclusion that the legislation we are considering will pass the Senate today by an overwhelming margin. The issue is no longer just one of honoring Dr. Martin Luther King, Jr. It has now taken on great symbolic meaning to millions of Americans. To them, the creation of this holiday will signify that a contribution to our

country is being recognized and appreciated. The rejection of the bill would signal a step backward in the progress of civil rights.

Mr. President, there are many of us who are greatly concerned about the record deficits we are facing in the coming years. There is a cost to the creation of a new holiday. It is a cost in both salaries and in lost productivity.

But there is a way to reduce that cost and yet not take away any of the significance of a Dr. King holiday. This is the Boren amendment of which I am a cosponsor. The Boren amendment would have three holidays celebrated on their traditional or actual date. These would be Columbus Day, George Washington's Birthday, and Martin Luther King's Birthday. In most years, at least one of these holidays would fall on a weekend. This would save the cost of an extra holiday in most years.

This is a bipartisan effort to honor Dr. King, yet avoid adding to our already record deficits. I urge my distinguished colleagues to support this amendment as the one way to be fiscally responsible while not lessening the honors to Dr. King.

Mr. President, the Martin Luther King holiday bill has special interest to the citizens of my State. Dr. King was a native of Georgia. Atlanta was his home. There he was the minister of the Ebenezer Baptist Church. And there he established the headquarters of the Southern Christian Leadership Conference.

Dr. King had a profound impact on our State as he did the rest of the Nation in his work to achieve racial equality. I cannot say that all of these problems have been solved. But look how far we have come in this country during the last 20 to 25 years. Now when there is discrimination, the victim has laws on the books to protect him and avenues in which he can seek redress.

We are a better country for these changes, a far better country. Dr. Martin Luther King, Jr., devoted his life to working to bring these changes about. It was through his and others' courageous struggles that we made great strides in truly achieving the ideals of this country as expressed in the Declaration of Independence: "We hold these truths to be self-evident, all men are created equal and are endowed by their Creator with certain inalienable rights."

For these reasons, I will cast my vote in favor of a national holiday to honor Dr. King. I hope my colleagues will also join in supporting this cost-saving and reasonable amendment.

Mr. President, I support this amendment and I do think the holiday has now taken on a great symbolic meaning to millions of Americans.

Mr. BOREN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. DOLE. Mr. President, I do not have 10 minutes remaining, but I yield the remaining time I do have to the distinguished Senator from New Jersey to make a statement, not a statement on the amendment but a statement on the bill. At 2 p.m. I will have to do something else.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, Dr. Martin Luther King was an American; he was christian and black. I did not know him but I heard his words. He spoke with a prophetic voice about redemption—of our individual souls and from our national disgrace. The dream he shared that hot August afternoon in 1963 on the steps of the Lincoln Memorial—the dream he gave his life for—was a dream shared by millions of Americans black and white alike. It was a dream that challenged America to live up to its ideals, to rise above the assumed rights of prejudice and to assert the inherent rights of humanity once again, just as 100 years earlier Abraham Lincoln had urged Americans to rise above the assumed rights of property and to assert the inherent rights of humanity. Dr. King taught what any good family North or South taught—there is no room for hate in this house. He preached that America was still an idea becoming—becoming what its people would have it be. And he labored for an America in which men and women were not judged by color but stood equal in the eyes and practices of the State just as they do in the eyes of God. His message told us what we knew, that America was incomplete without addressing the injustice, festering in our national soul, of a dual society of black and white. But he believed that even in the face of blatant discrimination, America—its institutions and its people—had the capacity for righting the wrong course. His message offered redemption from our original sin. His message spawned the civil rights revolution of the 1960's—the 1964 Civil Rights Act, 1965 Voting Rights Act, the 1968 Fair Housing Act. These laws secured long withheld civil rights for black Americans but they also changed the attitudes of white Americans, and led to a legitimate moral awakening, and made America a better place.

Respect for democracy lay at the core of Dr. King's tactics. He was a nonviolent man who was steadfast in his objective. He would not compromise with racism. Forty times he went to jail for his beliefs. Time and time again he stood for human dignity and individual self worth. He said he would rather go hungry than eat at the back

door; he said he would rather go thirsty than drink from a white's only drinking fountain; he said he would rather march in the streets to change the democracy than be denied the right to vote in a democratic country. When his people wanted to flee the church in the face of physical danger he said stand firm for you stand with the right that shall prevail. He made us all see the monstrous evil we had allowed to seep into our national conscience and he provided us the way out through a commitment to love our brothers as ourselves, and to seek justice through the application of moral power to the institutions of our democracy.

This is the American we seek to honor with a national holiday.

This is the man that the Senators from North Carolina have implied was Communist. I hear the Senators' words:

King's name remains a source of tension; We have not used the normal procedures of the Senate—no committee hearings; There will be citizens who will be hostile to this Congress; A veneer of religion cloaked his political beliefs and agenda; I do not agree with the viewpoint of my distinguished colleagues but I respect it; I want a national civil rights day, not a Martin Luther King holiday.

Mr. President, I hear their words, but I cannot connect them with the reality I know. I want to give the Senators of North Carolina the due respect of a colleague, but I must say it is just not possible in this case. When I listen to the senior Senator from North Carolina talk about Dr. King and communism and when I listen to the junior Senator from North Carolina construe Dr. King's words so that he implies Dr. King called American soldiers Nazis—two images swirl up in my imagination, one trivial, one ominous. The first image is that of a shriveled persimmon, small and bitter, drying up, ready to blow away when exposed to a winter wind. The second image is hot, flashing across my mind in rapid frames—Bull Connor and his dogs; George Wallace at the school door; three civil rights workers murdered; marches and sit-ins; Medger Evers struggling to stand, shot in the back in front of his own home; and Dr. Martin Luther King dead in his coffin.

As I listen to the Senators from North Carolina, I hear their rationalization; they are not against black Americans, you understand, just Dr. King. Yet nowhere in this debate have I heard the two Senators say they supported the 1964 civil rights law, even today, or the 1965 Voting Rights Act. Indeed they voted against the recent voting rights extension. They fought to protect the tax-exempt status of schools that practiced racial discrimination, and they have voted against reauthorization of the Civil Rights Commission. They speak for a past that the vast majority of Americans

have overcome. They are quick to take offense, to see a slur, to go for the jugular and they do it within the rules of the Senate which is their right.

Mr. KENNEDY. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The point of order is well-taken. The Senate will please be in order.

Mr. BRADLEY. If only they had as much respect for the civil rights of all Americans as they do for Senate rules.

The Senators from North Carolina have implied on more than one occasion that they are courageous, fighting for their views. "Political suicide," the Senator from North Carolina has called his opposition to the holiday. I do not think they are courageous; I think their actions are very carefully calculated.

No, they are not etching another American profile in courage in this debate. Far from it. They are running the old campaign, as old as the interaction of race and politics in America. They are playing up to old Jim Crow and all of us know it. This holiday is their cutting issue. This is the one that gets the people aroused and to their feet cheering. But which people, Mr. President, those who believe that America is one Nation under God or those who believe that it still should be two, separate and unequal? I sense it is the latter group that will rally to the call from the Senator from North Carolina.

They would seek to deny this holiday in an act of self-styled courage. I wonder how much courage they would have in the face of an angry mob; or the onslaught of nightsticks; or the fusillade of rocks; or the threat that the next church will be bombed. I wonder how long they would persist without the assurance that the authorities were on their side?

And so I ask myself who are they defending; how do they see themselves? Why are they so afraid of making a national holiday for Dr. King. It is the cost, they say. It is the fact that the FBI spied on him, they say. It is because Lincoln, Roosevelt, Madison, and Jefferson do not have holidays, they say. It is because he opposed the war in Vietnam, they say, and, finally, it is because he is not a good model for the young, they seem to say.

Good model for the young? I have always thought that parents were supposed to be the model for the young and that parents became the model by their actions and words.

Mr. President, I ask unanimous consent that I may continue for 2 additional minutes.

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

Mr. BRADLEY. Let me tell the Senators from North Carolina that children grow up without hate in their hearts not because of Martin Luther

King or John F. Kennedy or the distinguished Senators from North Carolina or New Jersey. They grow up without hate, they grow up respecting that all men are created equal in the eyes of God because their parents taught them that and lived it and they grew up and sensed the rightness of that teaching. That is it. No mystery.

So, Martin Luther King Day will not make up for all those parents who failed to teach their children to be colorblind or to love their neighbor as themselves. The Dr. Martin Luther King holiday will not root out that evil in their hearts but it will give us a day to reflect on the life and work of this great American. When the young look at Dr. King and his times, they can be proud, as I was back in 1964, a college student, sitting in that far corner of the Senate Chamber the night the civil rights bill passed.

It will give then a chance to pause and reflect on moments when we do come together as a national community dedicated to fulfilling the promise of our democracy.

It will give us time to reflect on those moments when our glacial collective humanity moves an inch forward. That happened during the times and life of Dr. Martin Luther King.

A national holiday gives us a chance for a structured service in our churches and synagogues and community centers in order to focus on the power of Dr. King's redemptive message and to ask ourselves individually what we have done and what we can do to realize his dream. For us in the Senate, that holiday will give us the special chance to think back to this vote, a chance to reflect about the day most of us, Democrats and Republicans alike, treated brotherhood as a personal command and not a political chit.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. DOLE. Mr. President, I want to take 1 minute to respond on the amendment that has been offered by Senator BOREN and others.

I think it is probably a good idea, but it comes a little late in the process. I say to the distinguished Senator from Oklahoma that I hope this amendment is not passed but that he will offer it on different legislation. I think it might not save all the money that has been talked about saving.

We might have a lot of absenteeism when the holiday came on a Tuesday or a Thursday. In addition, we are told that a lot of people in this country like the 3-day weekend. They like the Monday holiday, for a lot of reasons.

So do commercial interests. So I cannot support the amendment.

I do commend the Senators who sponsored it. I hope we can have hearings following the passage of this bill in its present form. Senator RANDOLPH presently has a bill in that does pretty much what the Boren amendment does.

Mr. BOREN. If the Senator will yield, we hope we will be successful in this amendment. If we are not, we hope to introduce some legislation on this matter.

VOTE ON AMENDMENT NO. 2339

The PRESIDING OFFICER. Under the previous order, the time of 1:45 p.m. having arrived and passed, through extensions, we come to the vote on the amendment offered by the Senator from North Carolina (Mr. HELMS). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). Present.

Mr. CRANSTON, I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote nay.

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 5, nays 92—as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—5

Armstrong	East	Symms
Denton	Helms	

NAYS—92

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

ANSWERING "PRESENT"—1

Humphrey

NOT VOTING—2

Dodd Riegle

So the amendment (No. 2339) was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2341

The PRESIDING OFFICER. Under the previous order, the vote now occurs on amendment No. 2341, offered by the Senator from North Carolina. 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. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

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

The result was announced—yeas 4, nays 93, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—4

Garn	Helms
Hatch	Symms

NAYS—93

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

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. HELMS' amendment (No. 2341) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

VOTE ON AMENDMENT NO. 2343

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oklahoma, No. 2343. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—45

Andrews	Goldwater	McClure
Armstrong	Gorton	Melcher
Baucus	Grassley	Nickles
Bingaman	Hatch	Nunn
Boren	Hatfield	Packwood
Boschwitz	Hawkins	Quayle
Burdick	Heflin	Randolph
Chiles	Helms	Roth
Cohen	Humphrey	Rudman
Denton	Jepsen	Simpson
Domenici	Kassebaum	Stafford
Durenberger	Kasten	Symms
Evans	Long	Tower
Exon	Lugar	Wallop
Garn	Mattingly	Zorinsky

NAYS—52

Abdnor	Hart	Pell
Baker	Hecht	Percy
Bentsen	Heinz	Pressler
Biden	Hollings	Proxmire
Bradley	Huddleston	Pryor
Bumpers	Inouye	Sarbanes
Byrd	Johnston	Sasser
Chafee	Kennedy	Specter
Cochran	Lautenberg	Stennis
Cranston	Laxalt	Stevens
D'Amato	Leahy	Thurmond
Danforth	Levin	Trible
DeConcini	Mathias	Tsongas
Dixon	Matsunaga	Warner
Dole	Metzenbaum	Weicker
Eagleton	Mitchell	Wilson
Ford	Moynihan	
Glenn	Murkowski	

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. BOREN's amendment (No. 2343) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, will the Senator from Kansas yield to me for a brief statement?

Mr. DOLE. I am happy to yield to the Senator from Oklahoma.

Mr. BOREN. I thank the Senator from Kansas.

Mr. President, I think that the close vote on this amendment indicates that there is widespread support in the Senate for the idea of trying to find an appropriate way to honor the individuals and causes represented and still strike a balance with the fiscal and budgetary impact.

There were several Senators who told me that they were very much for the substance of this amendment but were worried procedurally about what it might do in terms of causing a conference. Clearly there were many others, in addition to those who voted for this amendment, who would have voted for it as a freestanding bill.

I will just repeat that we will introduce it as a bill, the cosponsors of the amendment. We would be glad to receive the names of others who might like to cosponsor it. We will be pursuing it as a separate piece of legislation.

Mr. NUNN. Will the Senator from Oklahoma yield just for a brief observation?

Mr. BOREN. Yes.

Mr. NUNN. Mr. President, I am delighted the Senator from Oklahoma is going to introduce that. I will certainly want to remain a cosponsor. I also encourage Senators to look at the bill that has been introduced and pending for a long time by Senator RANDOLPH, which would deal with this whole subject of holidays in a similar way.

I want to emphasize to my colleagues, while we are thinking about this amendment which came so close, that this amendment would save \$3,750,000,000 over the next 15 years. That is not a sum to be in any way ignored, particularly when the amendment of the Senator from Oklahoma would have carried out the purpose of this bill by honoring Dr. Martin Luther King by preserving the holiday and by treating this holiday with other holidays in similar categories.

So I hope we can get the Judiciary Committee or the Governmental Affairs Committee, if the Governmental Affairs Committee is deemed to have jurisdiction over this bill, to have prompt hearings and let us figure out a way to carry out the spirit of this legislation which is precisely what this body wants, but to do it in a way that is fiscally responsible in a period when deficits are a very severe peril to the economic future of this country.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, let me do one thing that I feel I should do at this point. I have talked with the mi-

nority leader about this and he has cleared it on his side.

Mr. President, I ask unanimous consent that when the Wilson-Nunn-Boren amendment is introduced as a bill, that it be placed directly on the calendar.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BAKER. I thank all Senators.

Mr. NUNN. Mr. President, may I ask the majority leader, if he would yield, there are two separate amendments here, one by the Senator from California—and I am for that amendment—and the other one by the Senator from Oklahoma, of which I am a cosponsor. I believe the majority leader intended for both of those to be placed on the calendar, is that right?

Mr. BAKER. Mr. President, I ask unanimous consent that I may rescind the order previously entered.

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

Mr. BAKER. Mr. President, I must say, in all fairness, I have not checked the second part of that. Let me do that and I will make the request again in just a moment.

Let me make one other announcement. Mr. President, it is now 2 minutes to 3. I previously indicated we were going to try to limit the time for speeches to 5 minutes and provide that no amendments would be in order. That request will not fly.

But let me warn Senators that they ought to know that that vote is going to occur at 4 o'clock. I hope everybody will be considerate of the time that Senators require to make their final statements.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comments made by Senator BOREN, Senator NUNN, and others indicates that we are approaching that time within the Senate and in the committee consideration of legislation which is, in substance, what the Senator from West Virginia, who is now speaking, has been attempting to achieve for at least 6 years.

I am grateful, not only to have joined in the amendment which lost by seven votes, which was an amendment that should have been adopted, in my opinion, but I am gratified at the strong support it received. I hope that the majority leader and the minority leader will help us in bringing this matter as quickly as possible to the Senate itself. The country will profit, and we will do something that I think is very important, by reestablishing the original dates of observance to commemorate the significance of the work of the individual and the importance of the event.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The question recurs on amendment No. 2269 by the Senator from California (Mr. WILSON). Who yields time?

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

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

Mr. DOLE. Mr. President, let me just comment on the colloquy which had taken place before the majority leader made certain comments. Then I will be happy to yield to other Senators.

It is my hope that we may be able to accommodate Senators who have a deep interest in a bill that would be similar to the amendment just defeated in a very close vote. There are a number of Senators on both sides of the aisle—Senator KASSEBAUM, Senator MATTINGLY, Senator RANDOLPH, Senator DENTON, Senator BOREN, Senator NUNN, and others—who would like us to move on the legislation very quickly. This Senator has no objection to it being put on the calendar. That is not a judgment for this Senator to make. But I think there should be hearings on the proposal because we need to explore the cost. There are differences of opinion as to how much it might save. We have all kinds of figures of \$100 million, \$200 million. Plus, I think there might be some strong objections from commercial interests who like 3-day weekends, from organized labor who like 3-day weekends in collective bargaining agreements, and a number of things we were not able to focus on in the brief time that the amendment was before us. In fact, opposition to the amendment had 30 seconds. It is pretty hard to make the case in 30 seconds. Certainly, I would not object to placing it on the calendar along with the proposal of the Senator from California, Senator WILSON. But I would hope that there would be hearings on this rather comprehensive approach proposed by a number of Senators.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, I understand we are going to limit the speeches now to 5 minutes. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to yield 1 minute to the Senator from Oklahoma without losing my right to the floor.

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

Mr. BOREN. I thank the Senator from Ohio and I thank the Senator

from Kansas for the comment he has just made.

I hope the leadership will consider such a request to allow the bill to be placed immediately on the calendar with the understanding that hearings would be held before its consideration. I would only say again my conversations with those from the civil rights community, the leaderships of several organizations, would convince me that, as a separate question, they might well also support this piece of legislation rather than having it tied as an amendment to this bill. It is a free-standing proposal, and I think there will be widespread support. I hope we can adopt the mechanism, because of the public concern over the cost, that will enable us to have a very quick timetable to consider the legislation.

Mr. DOLE. If the Senator will yield briefly for 10 seconds, I think we could have an expedited procedure. I do think we need to address the cost, primarily. I have received hundreds of calls and letters and they say the concern is cost. There may be other concerns, but the expressed concern is the cost.

Mr. BOREN. I thank the Senator.

Mr. METZENBAUM. Mr. President, I am pleased that the Congress is about at that point where we will appropriately honor one of the greatest men of our times. No one before or since Martin Luther King has contributed more to breaking down the barriers of discrimination that society has built, not only discrimination against the blacks but against all minorities.

I am proud to have known Dr. King personally. I was fortunate to have marched with him in Selma, and I share the dream that he so eloquently expressed.

I remember that day so well in Selma when we marched. At the conclusion of the march, I remember calling my home in Cleveland and speaking with my wife. I remember her sterner and fear because she had just heard on the TV that Mrs. Viola Liuzzo had been murdered in cold blood that day and she was one of the participants. She sacrificed, Martin Luther King sacrificed, so many others have sacrificed, that the civil rights movement might move forward.

Dr. King was a man of action who awoke the conscience of America at a time when others were willing to simply turn their heads away. He was a man who decried the senseless killing of innocent people wherever it took place.

The honor which we now bestow upon him has unfortunately been far too long in coming. We can ill afford to delay this action any longer and we will not. We will bring it to a conclusion promptly.

The action we take today is more than symbolic. It is a statement to oppressed peoples everywhere that they

need not accept anything less than equality.

Dr. King gave his life for the cause of freedom. As was recently shown by the 20th anniversary march on Washington, the American people continue to share his dreams for a better world. I am honored to be able to participate in the establishment of this perpetual memorial to Martin Luther King's great accomplishments.

It is my opinion that when the historians write about the great men who lived in the 20th century and who had an impact upon our Nation and the world, Martin Luther King's name will be among those.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Will the Senator from Kansas yield me 4 minutes?

Mr. DOLE. Four minutes.

Mr. HART. Mr. President, I ask unanimous consent that Miss Dawn Alexander, a member of my staff who has worked very diligently for a number of years on this very important legislation, be accorded floor privileges during the consideration of this matter.

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

Mr. HART. Mr. President, I strongly support this legislation making the third Monday in January a national holiday in commemoration of the birthday of the late Dr. Martin Luther King, Jr. A national holiday honoring Dr. King is not only a fitting tribute to a person who did more than any other individual in our lifetime to advance the cause of social justice—it also underscores our national commitment to equality and freedom.

Our Nation is dedicated to the proposition that all are created equal. But for most of our history, some Americans have been more equal than others. Until the civil rights movement led by Dr. King, a Nation which gave the world the Declaration of Independence and Bill of Rights had to contend with Jim Crow laws, poll taxes, and Government-enforced segregation. A national holiday honoring Martin Luther King is proper recognition of the enormous contributions he made to protecting and extending the rights of all Americans and capturing that democratic ideal which we profess to believe in.

Mr. President, consistently throughout our history, individuals have emerged who have raised the best of our national ideals and brought them alive for their contemporaries. Martin Luther King was such a prophet for our own age.

Opponents of this legislation have criticized the proposed holiday as a special privilege for blacks or minorities in general. Certainly Dr. King's life and message has special meaning for black Americans and others who

have been victims of discrimination. But in inspiring us toward a future of justice, peace, and equality, Martin Luther King spoke to the whole world. In honoring Dr. King, we are honoring the cause of social justice, equal opportunity, and civil rights for all Americans. Dr. King's dream is a dream behind which all of us—women and men, black and white, Jew and gentile, northern and southern—can unite, for it is the dream which captures the promise of America.

At a time when deviousness reigns throughout our land, we need to hold before us the memory of a courageous individual who gave his life attempting, in his words, "to transform the jangling discords of our Nation into a symphony of brotherhood." In making real the ideals of our Nation, Martin Luther King, Jr., manifestly strengthened America.

Martin Luther King demonstrated the power of an individual to change our society through peaceful means. He chose to march but not to riot, to sing but not to strike, to speak but not to attack. Although his years were cut tragically short by violence, his life story affirms the ability of Americans to move this Nation forward through the ballot box and the pen rather than the tank or the sword. This lesson is an instructive one for members of other societies committed to peaceful change. What in other societies would be possible only with violent upheaval—the end of legal segregation—was accomplished in this Nation through the moral suasion of a young black minister armed with the commitments and energies of millions of peaceful Americans.

It is my desire that the proposed holiday be not simply a day for commemorating the life of Dr. King but also a day for reflection for all Americans on how we can make Dr. King's dream a reality. We should use the third Monday in January as a hallmark of how far we have come and how far we have to go.

It is my hope that for at least 1 day of the calendar year, the attention of our Nation will be focused on those aspects of our national life which cry out for the peaceful methods of Dr. King. Without the spotlight of a national holiday, too many problems will become further shrouded in the dismal robes of apathy and neglect. Martin Luther King warned against this when he said that "Injustice anywhere is a threat to justice everywhere."

This holiday has also been opposed on the grounds of cost. I am not immune to these concerns, although estimates on the real costs have varied by millions of dollars. The Congressional Budget Office has determined that the cost would be \$18 million—a figure far below that usually cited by

opponents of this measure. Regardless, those who have focused on cost are asking the wrong questions. How can we put a dollar figure on justice and compassion and civil rights? Why do we focus on the costs of holiday without mentioning the costs of wasted human potential or the benefits of a united, creative, energetic people?

Mr. President, Martin Luther King, Jr., once said that "we will not be satisfied until justice rolls down like water and righteousness like a mighty stream." Establishing a national holiday in honor of Dr. King will not bring justice and righteousness, but it will serve to recognize the contributions of an authentic hero who gave his life so others could enjoy the full benefits our society offers. Remembering his dedication and actions in this way should inspire all of us to work harder toward his vision of a better world.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Arkansas desires.

Mr. BUMPERS. Mr. President, it has been exactly 100 years until this year that Mahatma Gandhi, a young fledgling attorney in South Africa, was subjected to the apartheid policies of that nation, which still exist. In his writings he said that he could never understand how any man could feel that he honored himself by dishonoring others.

This was at a time in South Africa when blacks were forced to walk in the streets so that white men could walk unimpeded on the sidewalks.

Mr. President, I rise in support of this legislation. I consider it altogether appropriate that this great body should act today to honor a man who changed forever the course of American history. Dr. Martin Luther King dedicated his life to challenge the laws and customs that had so bitterly divided this Nation since its birth. He forced Americans to recognize that the rights and guarantees of the Constitution are meaningless unless applied equally to all, regardless of race, color, religion, sex, or national origin.

Martin Luther King's struggle was an American struggle, a patriotic quest for social justice and racial equality. Moreover, in a time of turmoil, anger, and frustration, he steadfastly advocated nonviolent resistance and powerful oratory to bring about change. Dr. King appealed to the decency of America, and his words brought out the best in us all. His assassination at the age of 39 and the loss of his leadership and vision are a national tragedy.

In large measure, this proposed Federal holiday would go beyond recognizing Dr. King's birth. It would serve as an annual reminder that many of his dreams for civil rights and social jus-

tice remain unfulfilled. I sincerely hope that it will also be a time for all of us to celebrate freedom, justice, and tolerance in America.

Some believe that it was Dr. King who was behind the social strife that we experienced in the 1960's and to some extent still face today. Our memories have faded.

Slavery was alive in this land only slightly more than one century ago. It was an evil institution and it had evil consequences—consequences that follow us to this very day. When a great body of individuals is treated cruelly and is deprived of what the rest of us consider to be the basics of life, then those people are going to rise up—sometime, somewhere, some way—against those who have persecuted them. The black people of this country had suffered great persecution and were beginning to protest. We can be grateful that Martin Luther King was there for one brief moment to direct that protest in a nonviolent way. In the spirit of Mahatma Gandhi, Dr. King preached passive resistance and other forms of nonviolent civil disobedience as vehicles for social change. How ironic, and how unalterably sad and tragic, that in claiming the life of Martin Luther King, the forces of hate removed from our midst the one most effective voice for peace and brotherhood among the races. Martin Luther King did not "cause" social unrest. The dark passage across the Atlantic, the chains and the auction blocks, the "white only" signs, and the separate schools: These are the causes of civil strife.

And what did Dr. King seek? Simply the right to vote without harassment, the right for black Americans to eat in the same restaurants where whites ate, the right to stay in the same hotels, to have the opportunity for the same jobs, and to go to the same schools. Simply stated, Dr. King believed that the promises of "justice" and the "blessings of liberty" in the preamble to the Constitution, and the specific constitutional guarantees of the Bill of Rights and the 13th, 14th, and 15th amendments should be peaceably and firmly and resolutely claimed once and for all by black Americans.

I humbly ask my colleagues, then, to take this occasion not only to affirm the goodness and importance of Martin Luther King, but to rededicate ourselves to a spirit of love and brotherhood in an unhappy world where the emotion of hate still finds a more receptive audience than the message of love.

I believe, Mr. President, that Congress should conduct a thorough review of the way in which we designate national holidays. Some of my colleagues have made some valid points, I think, about the costs to the Federal Treasury and the effect that

increasing the number of holidays has on small businesses. Perhaps, as some of my colleagues argue, holidays and days to honor important historic figures should be set on a date certain, to fall on that date each year regardless of the day of the week. I believe this proposition has merit and should be considered by the Senate. I am persuaded that we should today, without further delay, endorse the bill before us with a resounding vote which sends a message to all Americans that the principles for which Dr. King stood—equality, peace, justice, and compassion for all people in the world—are principles of supreme value to all of us.

Mr. LEVIN addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator may need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I feel great pleasure today as we approach the vote on this historic legislation to create a holiday for Martin Luther King, Jr.

This is a day when we in the Senate recognize Dr. King as deserving a unique place in our national life and our cultural heritage. Dr. King's vision and dream embraced all Americans in his quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

Mr. President, certain opponents of this legislation have sought to discredit its legitimacy by alleging that the civil rights movement led by Dr. King had been Communist influenced—that Dr. King had befriended a member and former member of the Communist Party.

Six years of electronic surveillance by the FBI failed to produce any evidence that Dr. King's civil rights activities were vehicles to further any Communist aims. At no time did the FBI produce evidence that Communist Party members represented, or spoke in the name of, or in behalf of, Dr. King.

Last night, on CBS news, indeed, Stanley Pottinger, the former Assistant Attorney General who had access to those files, said the following:

There was nothing in the files, either in tapes or written records that I saw, that indicated that Martin Luther King was a communist or a communist sympathizer, or in any way knowingly or negligently let himself be used by communists.

Mr. President, no American leader ever was subjected to as much investigation or surveillance as Dr. King was. His phones were tapped and his hotel rooms were bugged by the FBI yet, despite all of the surveillance, nothing

was ever found by the FBI to impugn or discredit Dr. King's motives, aims, or actions. In fact, Mr. President, Dr. King was opposed to communism because of its antireligious basis, its glorification of the State above individuals, its tendency to view "the ends as justifying the means."

Mr. President, some opponents of this bill have also argued that Dr. King advocated the breaking of laws—that he lacked respect for the U.S. Government and even sought to undermine it.

Dr. King believed that unjust laws—the local ordinances and State laws that supported segregation—had to be challenged in their legitimacy and the way to do this was through nonviolent civil disobedience, wherein the protestor acknowledged and accepted the penalties and sanctions for his civil disobedience. One of Dr. King's most notable statements on civil disobedience and communism is found in his letter from a Birmingham jail. In his letter, Dr. King writes:

All segregation statutes are unjust because segregation distorts the soul and damages the personality. . . . An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This difference is made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. . . . We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that, if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws—Birmingham City Jail, April 16, 1963.

Mr. President, Dr. Martin Luther King, Jr., deserves the fullest honor of this Nation. Few have dedicated their life so tirelessly in the struggle for equality. His unyielding commitment to improve the lot of all Americans has been demonstrated—he achieved significant goals by peaceful and non-violent actions. To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, earlier I propounded a number of unanimous-consent requests to place a bill to be introduced by the Senator from California (Mr. WILSON) directly on the calendar, in view of the fact that there was another bill to be introduced by the Senator from Oklahoma, the Senator from Georgia, and others. Both those deal with holidays—not the King holiday but general holidays—legislation. It has been cleared on both sides, I believe, that they should go di-

rectly on the calendar for future consideration.

It is my understanding that the Wilson bill will be called up from the calendar tomorrow and be dealt with and that the Boren bill be the subject of hearings and inquiry by the committee before it is taken from the calendar.

On that basis, Mr. President, I now ask unanimous consent that, when introduced, the Wilson bill go directly to the calendar and when introduced, the Boren bill, as described, go directly to the calendar.

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

Mr. BAKER. Mr. President, I yield to the Senator from California so he may introduce the bill just alluded to.

Mr. WILSON. I thank the Chair. I thank the majority leader.

S. 1970—LIMITATION OF NUMBER OF LEGAL PUBLIC HOLIDAYS

Mr. WILSON. Mr. President, as the majority leader has indicated in his remarks, it is my intention at this time to introduce legislation. I am sending to the desk a bill which we really need not have the clerk read. I shall tell my colleagues the reason that it need not be read is that it is essentially the same language that appeared earlier in the amendment which it is now my intention to withdraw.

I say to those who were here during the speech of my good friend from Oklahoma (Mr. BOREN) that I think his remarks adequately set the stage for the concern that is contained in what was an amendment, what will be a bill. The bill, very simply, states that the cost of the growing number of legal public holidays to the Federal Government has become prohibitive.

Mr. President, it is a good thing for society to mark events, to commemorate them when they are important to our history and when they celebrate our traditions and values. It is appropriate when society marks the birthday of those Americans who also, by their lives, have celebrated our great traditions. That is a good thing, a thing to be encouraged.

But it is also necessary that we gain some perspective in terms of the cost to the taxpayer.

I anticipate, Mr. President, as the years wear on there will be more Americans who attract the admiration of those in this body that we will seek to have commemorated and celebrated by a deserved national recognition.

So what we are doing, very simply, is saying that with the passage of this bill celebrating the birthday of Martin Luther King, Jr., there will thereafter be no more than 10 annual paid holidays. The cost of those holidays in terms of Federal employees is \$18 billion a year. They are followed by the States and by the private sector. The cost, Mr. President, is very, very great.

This bill will not affect what we are doing this afternoon.

I ask unanimous consent to withdraw my pending amendment on the legislation that would commemorate the life of Dr. Martin Luther King, Jr., and I will ask that I have the support of my colleagues tomorrow when we take up the bill which the leader has just placed upon the calendar.

Mr. KENNEDY. Reserving the right to object, and I will not object, I express my appreciation to the Senator from California for the way he has proceeded on this issue, and to indicate that as a member of the Judiciary Committee, where this measure will be examined, I will do everything to insure that we get an expeditious handling of it.

I thank the Senator for his cooperation. I know he has strong views about it. All of us who are committed to this legislation owe a special debt to the Senator from California.

Mr. BYRD. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. The request is that the amendment of the Senator from California be withdrawn.

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

The majority leader is recognized.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from Oklahoma so that he may introduce a bill contemplated by the unanimous-consent agreement already entered into.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

S. 1971—FORMULA FOR CELEBRATION OF CERTAIN HOLIDAYS

Mr. BOREN. Mr. President, I send, on behalf of myself, Senators NUNN, KASSEBAUM, HATFIELD, HEFLIN, RANDOLPH, CHILES, ZORINSKY, MATTINGLY, DOLE, and DENTON, a bill to the desk and ask that it be properly referred.

The PRESIDING OFFICER. Under the previous order, the bill will be placed on the calendar.

Mr. BOREN. Mr. President, today Congress will act upon legislation to create another national holiday. By a large majority the Senate, as did the House, will express its desire to honor the cause of equal opportunity and reconciliation between all Americans. I join in expressing the desire that such an action will bring new unity and harmony among our people.

At the same time, Mr. President, like many other Americans, I am very concerned about the record high deficits that are being forecast for the next several years. To continue deficits of \$200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits with-

out feeling the economic consequences very soon.

Because of this grave concern for our huge deficits, I am introducing legislation today that will allow us to both honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits. This bill would amend our statutes to celebrate George Washington's birthday or President's Day, as it is known, Columbus Day, and Martin Luther King's birthday on the traditional or actual date the event took place, respectively, February 22, October 12, and January 15. When the date of celebration occurs on Saturday, or Sunday, the occasion will be celebrated on that day.

Mr. President, the practical effect of this bill will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about \$250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

Mr. President, I ask unanimous consent that the table showing the actual day of celebration of those three holidays for the years 1984-2000 be printed in the RECORD.

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

TABLE

	King—January 15	Washington— February 22	Columbus—October 12
1984	Sunday	Wednesday	Friday
1985	Tuesday	Friday	Saturday
1986	Wednesday	Saturday	Sunday
1987	Thursday	Sunday	Monday
1988	Friday	Monday	Wednesday
1989	Sunday	Wednesday	Thursday
1990	Monday	Thursday	Friday
1991	Tuesday	Friday	Saturday
1992	Wednesday	Saturday	Monday
1993	Thursday	Sunday	Tuesday
1994	Friday	Monday	Wednesday
1995	Saturday	Tuesday	Thursday
1996	Sunday	Wednesday	Friday
1997	Monday	Thursday	Saturday
1998	Tuesday	Friday	Sunday
1999	Wednesday	Saturday	Monday
2000	Thursday	Sunday	Tuesday

Mr. DOLE. Mr. President, I wish to express my support for the purpose of this legislation, which is to mitigate the costs of legal public holidays, which, according to the considerable amount of mail I have been receiving,

is for major concern to many of my constituents.

The approach taken in this bill would be to change the date that we celebrate George Washington's birthday, Columbus Day, and the soon to be enacted King holiday from Monday to the actual birth date of these great men. The sponsors of this bill hope that in the long run, this approach will save money because in certain years the holidays will fall on a Saturday or Sunday, and thus result in no additional costs in terms of lost worker productivity.

While, again, I support the general thrust of the legislation, questions have been raised about whether this bill would decrease, or, in fact increase costs. For instance, Monday holidays reduce costs by stimulating greater industrial and commercial production by decreasing employee absenteeism. Monday holidays also result in savings by enabling workweeks to be free from interruptions in the form of midweek holidays. In addition, I would note that when we originally passed Monday holiday law in 1968, it enjoyed broad public support. Public opinion polls conducted in connection with the proposal showed that 93 percent of the persons polled supported the idea of uniform Monday holidays. The bill was also strongly supported by many major business groups and enjoyed substantial support from the labor community.

For these reasons, when committee consideration begins on this legislation, I will be exploring the possibility of an amendment which would keep the observance of all three holidays on a Monday. However, in those years where the actual birth date would fall on a weekend, the holiday would be celebrated on the actual birth date, instead of Monday.

Mr. President, as I understand it, there is no request that the remaining time, which is about 35 minutes, be equally divided—I guess there is no objection to that—for Members who may wish to make closing statements, hopefully not to exceed 5 minutes in length.

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

Mr. DOLE. Yes.

Mr. BAKER. I think, in all fairness, we ought to divide it equally.

Mr. President, I now make that request, that the time be controlled in the usual form.

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

Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from California needs.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, the bill before us represents an important

milestone on the road to freedom and equality.

I have long supported establishing a Martin Luther King, Jr., national holiday, and have cosponsored such legislation in every Congress since I came to the Senate in 1969. Dr. King was one of the most inspiring leaders of any era. He exemplified the best of America—of our democratic traditions, our strides toward full and equal civil rights, and our commitment to the Bill of Rights.

His speeches, his writings, his actions all worked toward fulfilling the fundamental promise of America and of our unique revolution—toward a land which truly recognizes that all are created equal, and all can share the dream.

In 1957, I traveled throughout the South—visiting Texas, Mississippi, Alabama, Georgia, and other States. I met with freedom marchers and segregationists, with reporters, Ku Klux Klan members, and church leaders.

I went to feel the winds of freedom blowing there—stirred by Martin Luther King, Jr.—and the counterwinds of fear and suppression.

And I saw the incredible results Dr. King achieved by applying the nonviolent techniques of Gandhi to the teachings of Christ. He touched people's souls in their tenderest spot.

Our defense, said King, is to meet every act of violence toward an individual Negro with the fact that there are thousands of others who will present themselves as potential victims. If the oppressors bomb the home of a Negro, they must learn that there are 50,000 more to bomb. Our refusal to hit back will make the oppressor ashamed of his methods. He will be forced to stand before the world and his God splattered with the blood of his Negro brother.

In Black America of that time, as Dr. King wrote,

... Freedom had a dull ring, a mocking emptiness when, in their time... buses had stopped rolling in Montgomery; sit-inners were jailed and beaten; freedom riders were brutalized and mobbed; dogs' fangs were bared in Birmingham; and in Brooklyn, New York, there were certain kinds of construction jobs for whites only...

Abraham Lincoln had signed a document that came to be known as the Emancipation Proclamation. The war had been won but not a just peace. Equality had never arrived. Equality was a hundred years late.

One hundred years after the slaves were freed, Dr. King's visionary movement finally made freedom a reality for many black Americans. Because of Dr. King, blacks fighting for economic justice and civil rights had a new confidence that the American Constitution and conscience were on their side.

The life of this one individual changed the course of our Nation's life. It changed a course begun in 1619 when the first black slave was brought to our shores.

Dr. King's firm stand for peace, justice and love, his refusal to let 3½ centuries of blind hatred and blatant discrimination deter him, brought together black and white. As he foresaw, his movement lifted the burden of Jim Crow from the lives of blacks and from the souls of whites.

Dr. King kindled a rebirth of America's dedication to the liberty and dignity of each individual—black or white, red or yellow, Jew or Gentile.

The ideals for which he lived and died are universal truths. They live beyond his lifetime in the hearts and minds of all people around the globe who love and cherish freedom.

We who help lead this Nation will be held up to Dr. King's example for our commitment and actions in making the promise of the Constitution's guarantee of civil rights for every American a reality.

A national holiday commemorating the birth of Dr. King enhances our country by celebrating our respect for individual freedom and for civil rights precious to all of us, not merely those of any particular group. For Martin Luther King's contribution was to all humanity. Our country's official honor to this great and visionary leader is long overdue.

I support this resolution and urge its prompt adoption.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in a few brief minutes, this debate will be history, and the Senate will take the truly historic action of designating the birthday of Martin Luther King, Jr., as a national holiday for all Americans.

Many vital issues face us in the present Congress. But the measure now before us may well be our most enduring achievement. Long after all of us have left the Senate, long after all our other actions have been forgotten, people will remember that this was the Congress that gave Martin Luther King the highest honor our Nation can bestow on any of its citizens. Presidents and Congresses will come and go, but Martin Luther King and his dream will go on forever, so long as there is an America.

And each year henceforth, on the anniversary of his birth, citizens of every region and every color will pause in their own communities and in their own way in tribute to this man who brought us a fuller measure of justice than our Nation had ever known before.

Martin Luther King dedicated his life—and then gave his life—to complete the unfinished business of the American Revolution and the Civil War. More than any other American, he helped to rid our Nation of the ves-

tiges of slavery and the reality of racial segregation.

Most of all, it was the special genius of Dr. King that made America's civil rights revolution a peaceful revolution. He was the irresistible force of justice that made the immovable object of discrimination move.

In short, Martin Luther King, Jr., deserves the place which this legislation gives him beside Washington and Columbus. In a very real sense, he was the second father of our country, the second founder of a new world that is not only a place, a piece of geography—but a noble idea, a set of ideals.

I believe that our debate in this Chamber has helped the Senate to understand the true power of Dr. King's dream. However difficult the times may seem, however distant the goals of peace, freedom, and justice may appear—the dream of Martin Luther King will always shine in the darkness, warm our hopes, and light our world.

As my colleagues are aware, the life and memory of my brother Robert Kennedy have been invoked in this debate. Some words of his apply so well to Dr. King:

Each time a man stands up for an ideal, or acts to improve the lot of others, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Martin Luther King, Jr., stirred the current that swept down America's mightiest walls of oppression and resistance. Whether the issue was the evil of prejudice or a war that was wrong, he stood up; he spoke out; and he spoke for the American soul. His was not the blind jingoism which accepts things as they are, but the true patriotism which challenges our country to do better precisely because of love for it and loyalty to its best ideals.

For Dr. King was the prophet of America as one people, free and inseparable, black and white together. As he said:

There is no separate black path to power and fulfillment that does not interest white paths, and there is no separate white path to power and fulfillment, short of social disaster, that does not share that power with black aspirations for freedom and dignity. We are bound together in a single garment of destiny.

Today, in the Senate, we proclaim that we hear these words across the years—and that while Dr. King's voice may be still, his message will make freedom ring down the decades and generations. We are bound together; we are woven together in a single garment of destiny. So how right it is that as Americans, black and white together, all of us shall celebrate Martin Luther King's birthday as a singular holiday of American freedom.

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 bill clerk proceeded to call the roll.

Mr. WILSON. 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. WILSON. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. DENTON. Mr. President, I was just asked whether I wanted to make a statement and how long the statement would take, and I said 4 minutes. It would take another 15 minutes before I would be able to make my statement.

Mr. WILSON. In that case, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. 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. MITCHELL. Mr. President, it is unfortunate that the tone of some of the debate over this proposal has become a compelling reason for its passage.

But there is a better reason why it deserves the support of all Americans who recognize that the days of "separate but equal" are unequivocally behind us.

The principal issue is whether or not we believe that the civil rights struggle was central to our national history and to the kind of nation we want to become.

For those who believe that the civil rights struggle was a peripheral question, then there is no sound reason to honor its most renowned leader.

But if we believe, as I do, that a nation like ours, existing under the constitutional guarantees of equal treatment, cannot dishonor in practice the principles we honor in theory, then the civil rights struggle was, indeed, the seminal source of the American belief that all citizens must be treated justly, regardless of their origins, their antecedents, or their race.

Those who believe this should support this bill's passage.

It has been suggested that we combine this commemoration with the creation of days honoring other famous Americans, or other groups involved in the effort to attain equal treatment before the law. But those suggestions spring from a profound misunderstanding of the nature of the civil rights struggle.

Many nations in this world have paper constitutions which guarantee equal treatment and civil liberties, while their secret police insure that those protections are meaningless. In many nations some individuals and groups are far more equal than others.

At the dawn of the civil rights movement, the large question before our society was whether the United States, too, would become another of those nation states established for justice and freedom, but cynically ignoring freedoms and injustice for some of its people.

To that question, the overwhelming majority of the American people have answered a resounding no. They answered with their votes and their voices; with their hopes and their hearts they have said that the American dream of equality before the law and civil rights was to become a reality for all.

So the issue is whether we believe that the man who was instrumental in bringing that question clearly into focus for his countrymen should be honored, as we now honor the man who first found the New World, and the man who was instrumental in bringing about our national independence.

Columbus Day is a tribute, not to Italian Americans, but to the courage of men who sailed into a horizon of which they knew nothing. It is a tribute to the fact that our national origins are diverse. Columbus Day does not denigrate the bravery of seacaptains of English or Italian or any other extraction. It stands for all early voyagers who had the vision and the courage to sail into the unknown, and for what we have achieved as a result of their bravery.

We do not denigrate Jefferson or Madison or Adams when we honor our national independence and freedom by choosing to name the holiday for George Washington. Nor do we slight the enormous contributions of all civil rights leaders if we signify that their struggle and victory will be designated by the name of their most renowned member.

Washington's birthday is a way to recognize all our Founding Fathers and all who risked their lives in the great enterprise of the American War of Independence. To recognize the centrality of the civil rights struggle by naming a day for Martin Luther King is a no less straightforward means of giving national recognition to the fact that we have, today, come closer to realizing the American dream of equality for which the civil rights struggle was waged. Almost a century after chattel slavery was abolished, Martin Luther King made Americans see the injustice of denying to citizens in practice what the Constitution granted in theory: Equality of opportunity, equality of treatment, and

equality of rights. That is a dream to which we all still aspire.

Suggestions have also been made on the floor of the Senate that the struggles of other groups in our society be granted the recognition of their own day. But the very substantial distinctions which exist between the history of black Americans and that of the rest of us cannot and should not be ignored.

Unlike my ancestors and the ancestors of every Member of the Senate, black Americans were not voluntary emigrants to our Nation. They were brought here in chains and kept in chains. Unlike other Americans of diverse backgrounds, their plight helped trigger the only war that ever occurred on American soil. And unlike other Americans, they alone were subject to specific and statutory discrimination.

It detracts not at all from the justice of the cause of the handicapped, Hispanic Americans, Asian Americans, women or any other group to recognize that none suffered anything resembling the black experience.

The fight Dr. King waged was against legal inequality; inequality embodied in law. He fought the kind of inequity that allowed the murder of black men to be treated as less significant than that of white men. It was an inequity that regarded the illiteracy of black children as commensurate with their aspirations in life. And it was an inequity which, in its ugliest forms, countenanced the bombing of churches and homes, the terrorization of women and children, and the perversion of local law enforcement to the subjugation of an entire race.

No other group of Americans has suffered either the degree or the duration of such unequal treatment. No other group of Americans waited so long for redress.

Today the question before us is whether we, as a nation, want to recognize the civil rights struggle as central or peripheral to our national development.

The nature of some of the objections that have been raised personally against Dr. King have been soundly addressed in the debate. Allegations against him have been made for 15 years and were discredited 15 years ago. It is disheartening that these charges continue to be raised. It is a shame that the divisions and bitterness against which the civil rights struggle was waged have not yet vanished. But it is another reason to take the step of supporting this proposal to help heal those divisions and end that bitterness.

Mr. PRESSLER. Mr. President, I have no objection to honoring Dr. Martin Luther King, Jr. In fact, I was personally present in Washington during the August 1963 march and stood nearby as Martin Luther King

gave his "I Have A Dream" speech. I was most impressed with Dr. King's goals and the manner in which he carried them out. He did much for the civil rights movement. Dr. King's record of leadership and his place in history are secure. He was honored by many nations and was a recipient of the Nobel Peace Prize.

However, we must keep in mind that there also have been other great American leaders, including Native Americans, pioneers, former Presidents, and many others who have guided our country forward to the leadership position it holds today.

Many Native Americans want a holiday to honor great Indian chiefs, or American Indians in general, as is illustrated in the following editorial from the Lakota Times, which has distinguished itself as a voice of the Native Americans in South Dakota. With the King holiday added to nine present holidays, it will become almost impossible to consider any additional holidays.

I have voted for amendments to make Dr. King's a commemorative holiday. I voted to have it on a Sunday. But I must oppose creating a total new holiday without proper consideration of Native Americans hopes for recognition also.

#### NATIONAL INDIAN HOLIDAY

Speaking of ironics, it is sort of laughable that Indian tribes, and the Bureau of Indian Affairs should decide to take a holiday on "Columbus Day." There are a few hard-working Indian people who have refused to prostitute their ideals by taking off a day that marks the beginning of genocide, racism, and the destruction of the Indian way of life.

Shirley Bordeaux reported to her job with the Rosebud Sioux Tribe and it was business as usual. Newton Cummings, Tribal Councilman from the LaCreek District of Martin, stopped by the offices of the Lakota Times to write out a report on his recent trip to Aberdeen; a trip intended to save the jobs of the 21 BIA employees at Pine Ridge, and the Staff of the Lakota Times put in a full work day.

It is also ironic that the U.S. Congress is voting to declare a national holiday for Martin Luther King, Jr. Why hasn't this august body of lawmakers seen fit to declare a national holiday to commemorate the names of the great Indian chiefs who gave their lives in defense of their nations? Why not a national holiday for Crazy Horse, Sitting Bull, Sequoyah, or any of the other tribal leaders that fought for freedom?

In the Black Hills—a grand monument is being carved on the sheer face of the mountain to honor and commemorate the great Indian chiefs of history. Although it is called "Crazy Horse Memorial," it, in reality, honors all of the Indian peoples of this nation.

The American Indian loved freedom so much that he could not be enslaved.

The Indian would have rather died than to give up his freedom. That is why the blacks and other nationalities came to this country. They came as slave labor and cheap labor because the white man could not make slaves of the Indian.

If I thought that anyone would respond, I would ask you to write to your congressman or senator about this, but we seem to have become so apathetic that we would rather sit on our cans and complain than take a few minutes to write a letter.

As an example: several weeks ago I wrote an editorial asking the Indian business people to join forces for our own future. I did this because all I ever hear is complaints from Indian business people about how unfairly they are being treated. And yet, when I asked them to get together and write me about forming an organization that would give us unity and clout, not one single business responded!

Have we become so complacent that all we can expect from the complainers is "let somebody else do it!" Will we still be saying, "let somebody else do it" when our reservations are turned into armed camps, when our reservations are terminated, when all of the funds that are keeping the poor and elderly alive are cut, when the radicals turn our reservations into miniature Nicaraguas?

Either we speak up NOW, or we will see the end of our reservations. The silent majority will become the extinct majority.

**Mr. LAUTENBERG.** Mr. President, this is a proud day for the Senate. Twenty years ago the Reverend Dr. Martin Luther King, Jr., stirred the soul of this country with his famous march on Washington. Fifteen years ago he was tragically assassinated. Now the Senate is joining the House of Representatives in voting to establish a national holiday to honor the work and ideals of Dr. King. In doing so, we follow a number of States, including my home State of New Jersey, in setting this day aside for national reflection.

Less than one generation ago, blacks in many parts of this country were victims of deliberate and cruel policies of discrimination and segregation. Dr. King, with the moral force of his speeches and nonviolent demonstrations, focused the Nation's attention on the grim reality of racial injustice in America.

Dr. King stood for justice, but not only in the legal code. He also stood for economic and social justice. We must carry his goals of peace and justice with us and rededicate ourselves to achieving them.

As a result of Dr. King's extraordinary influence, Congress passed two major pieces of legislation: The Civil Rights Act of 1964 and the Voting Rights Act of 1965. These two landmark laws boldly reaffirmed this country's commitment to liberty and justice for all.

Our Nation must remember Dr. King's long fight for justice—from the Montgomery bus boycott to the struggle on behalf of municipal workers in Memphis. We must continue to recall the march on Washington and the dream which Martin Luther King, Jr., so eloquently expressed. The continuing relevance of that speech was recently underscored when Dr. King's speech received renewed attention as part of the 20th anniversary march on

Washington. The need continues to fight against the effects of discrimination and poverty, and to reaffirm Dr. King's commitment to nonviolent change and justice.

Mr. President, I am pleased to be a cosponsor of this legislation to establish a national holiday honoring Dr. King and strongly support its passage. The first national celebration of this holiday in 1986 will indeed be a landmark day. It is fitting and proper and I look forward to it.

**Mr. BENTSEN.** Mr. President, I support H.R. 3706, which commemorates the birthday of Dr. Martin Luther King, Jr., by designating the third Monday in January of each year as a legal public holiday. I have supported such legislation in the past, and am currently a cosponsor of the Senate bill which would realize this long sought goal. Dr. King's singular contribution to the advancement of civil rights and American justice merits recognition. His outstanding leadership, his compassion, and his lifelong dedication to the principles of equality and opportunity for all people, serve as an inspiration to all Americans. I am pleased to pay homage to his memory and his vision for America.

Dr. King taught the American public, through his example of nonviolence, that our democratic principles could be seriously impaired if they were not applied equally to all citizens, regardless of race, color, creed, handicap, or national origin.

Since his fatal shooting in 1968, governmental units, private entities, and worldwide organizations have chosen to honor Martin Luther King, Jr. Today, 18 States along with many cities and towns observe an official holiday in honor of Dr. King. During his lifetime, Dr. King was a Nobel Peace Prize recipient, a worldwide honor accorded to him in recognition of his struggle for peace and equality.

Today, we must remember Martin Luther King, Jr.'s vision by adopting this legislation. I hope that this bill will be quickly enacted in order to pay tribute to Dr. Martin Luther King, Jr., a man of vision, leadership, and courage who galvanized the moral conscience of this Nation, and the world.

**Mr. WEICKER.** Mr. President, today I rise in support of H.R. 3706, a bill that would designate the birthday of Martin Luther King, Jr. a legal public holiday. As an original cosponsor of the Senate version of this bill and a cosponsor of similar measures in the past, I believe the time has come to honor this great American.

Martin Luther King, Jr., distinguished himself in many ways during his 39 years. He received his doctorate in 1953. He founded the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee. In 1963 he was named Time's man of the year, and in 1964 he

was the youngest man to ever receive the Nobel Peace Prize.

More important than the organizations he founded and the recognition he received was the message he carried to all Americans. Dr. King had a dream of a different America, one that upheld the principles and the promises embedded in the 13th, 14th, and 15th amendments and included black Americans in its declaration that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In one of his first ventures into the area of civil rights, Dr. King encouraged blacks in Selma, Ala., to register to vote. He knew that their exercise of the constitutional right of suffrage was a key to change. He believed in the democratic process and was committed to making it work. Dr. King saw part of his dream realized when in 1965 the Voting Rights Act became law, and many of the barriers to the participation of blacks in the political process were destroyed.

Martin Luther King pursued relentlessly the goal of equal justice for all Americans. He coordinated the well-known "freedom rides." One such journey resulted in a legal battle that went all the way to the Supreme Court. The high court ruled in 1956 that a State's law requiring buses to be segregated was unconstitutional. Eight years later, the Civil Rights Act made sweeping changes, stating in a positive way the fundamental rights of all Americans. Again, this was a part of the realization of Martin Luther King's dream.

More laudable perhaps than anything else about Dr. King was his adamant adherence to nonviolent tactics in promoting change. As he wrote from a Birmingham jail, "Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. \* \* \* I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth."

During his lifetime, Dr. King was severely criticized by whites and blacks alike. Some saw him as stirring up trouble. Others saw him as timid in his adherence to nonviolence. But King was a man whose integrity and conscience kept him on a straight path.

Mr. President, even though Martin Luther King was tragically killed in 1968, his spirit and his accomplishments have lived on. Seventeen States—including, I'm proud to say, the State of Connecticut—celebrate his birthday in order to remind all

people of his life of service to the cause of civil rights.

Senator Brooke introduced legislation in 1968 that would make Dr. King's birthday a Federal holiday. In each successive Congress, the idea has been rekindled. Fifteen years after his death and 20 years after the historic March on Washington, the time has come for all Americans to honor this great American.

Martin Luther King once said of repression: "For years now I have heard the word 'Wait'. \* \* \* This 'Wait' has almost always meant 'Never'."

Mr. President, the Senate must not wait. Now is the time to do justice to the man and his memory.

Mr. SASSER. Mr. President, I rise in support of H.R. 3706, to establish the birthday of Dr. Martin Luther King as a national holiday.

A holiday honoring Dr. King would serve many purposes. It would be a day not only to honor the birth of a great American, but also to glorify the principles that he lived and died for. It would also be a day to recognize all outstanding black Americans who have contributed to our Nation's greatness.

In honoring Dr. King we would honor the highest tradition of our Nation. No modern American better symbolizes what our country stands for than Martin Luther King. His commitment to nonviolence proved that social and economic change can be made in a peaceful manner. Dr. King proved to us that rights such as liberty, freedom, and equality cannot be denied to anyone. He is deserving of such an honor.

The time to observe the many contributions made by Dr. King is long overdue.

Thomas Jefferson once said, "One man with courage is a majority." Such a man was Dr. Martin Luther King. He fought to rid our society of discrimination, and he helped make our country a better place to live. He once said that "Injustice anywhere is a threat to justice everywhere." His whole life was a living testament to those words. He traveled the length and breadth of this country to remind us that discrimination has no place in our society. And he gave his life in pursuit of this noble belief.

A Martin Luther King holiday would allow all Americans of every race and creed to reflect on his ideals and their role in sustaining our basic values of liberty and equality. Our country would be well served by this national holiday.

Mr. DANFORTH. Mr. President, the life and work of Dr. Martin Luther King, Jr., provide a strong witness to what is good in our Nation and its people. It is an honor to rise in support of H.R. 3706 because, it seems to me, the designation of Dr. King's birthday as a legal holiday would com-

memorate not only a good man and a great man, but the essential goodness of the American people.

I came to know both Dr. King and his father when we served together on the board of Morehouse College in Atlanta. The great force of Dr. King's personality and the urgency of his calling were apparent to all those around him. Although Dr. King was pulled into a tumultuous period in our national life, he was manifestly a figure committed to healing and to love.

Some who oppose the creation of a legal holiday in honor of Dr. King's birthday argue that we should not honor a person who was so often found at the center of conflict, at the cutting edge of social change.

To those who recall only the divisiveness and conflict of those times, I say: Remember, evil never goes down without a fight. To hasten a day of justice and freedom, one must press oppression and bondage into the grave. Dr. Martin Luther King, Jr., stood up and opposed a monstrous evil. It is no surprise that the evil fought against its own defeat, nor is it remarkable that the din of a mighty battle attended the conflict of good and evil. It is always so.

We honor Dr. King, I believe, because the good he evoked from all Americans overcame the passions of injustice. From a great and terrible passage in our history, we emerged with a clear and stirring vision of freedom and brotherhood.

Dr. King showed us wonderful things, Mr. President.

He showed his own people that they can walk the road to freedom in dignity and in the spirit of nonviolence and love.

He showed all Americans that our capacity for love is greater than our capacity for bitterness, that the ideals that bring us together are far greater than the forces which would push us apart.

He showed us that a time of conflict and animosity can yield a spirit of unity and common purpose.

The world, Mr. President, is a place where we can wait a lifetime for the demonstration of the great truth that love is more powerful than hatred, that good is the master of evil. The life and work of Dr. King offer just such a rare and glorious lesson. It is fitting that his life and his work should be remembered with a legal holiday. For that reason, I joined in introducing this legislation in February. It is a privilege to again urge the passage of this important legislation.

Mr. EAGLETON. Mr. President, if I were to rank legislation in this Congress according to degree of moral importance, the enactment of a national holiday in honor of Dr. Martin Luther King, Jr., would emerge high on the list.

It has been 20 years since Dr. King proclaimed from the steps of the Lincoln Memorial his dream that all Americans one day would walk in the sunshine of equality and freedom. Even with the passage of time, few of us will forget how he inspired us, and how he moved this Nation.

Although Dr. King did not live to see that dream become a reality, we learned through his short life that peaceful change is not only possible, but necessary. By his personal example, we learned to embrace patience over violence, love over hatred, national unity over division.

This legislation on which we debate today, has been a long time coming. I remember speaking in favor of a public holiday 4 years ago. Why it was not acted on then, we need not speculate, for we have received recent unpleasant reminders even in this Chamber, of those who would misread history and denigrate the essential contribution of Dr. King. From the beginning, there have been forces at work which sought to throw in this bill's path serious obstacles—misinformation aimed at creating high drama and controversy in order to obfuscate the real issue. Fortunately, the House of Representatives overwhelmingly adopted this legislation, by a vote of 338-90. It is my hope that this body will see through the smear tactics and affronts to decency and a fair reading of history, as well as did the House. The filibuster which temporarily blocked this body from acting on the bill was deeply regrettable.

Those who disparage King's message charge that he encouraged violence. They are the ones who have done violence—to history. For, on that historic day in 1963 it was that civil rights leader who provided exactly the opposite counsel to hundreds of thousands before him who were desperate enough to be moved in any direction. In the shadow of Lincoln's statue, King said:

In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plain of dignity and discipline.

It is easy to allow these days of relative calm in the 1980's to fade our memory of what the 1960's in this country were all about. It was a time of profound racial unrest, deep bitterness and widespread violence. Few areas of the country were immune from perceived danger. In the midst of this tumult and national vision emerged Dr. King. His words and deeds were a moral uplift. But more importantly, in hundreds of towns and cities across this land his visits brought stability where there would assuredly have been violence, dialog where there would have been absolute

standoff. Without Dr. King's leadership, it is difficult to imagine just how we as a country would have emerged from that decade—whether we would have become as healed and as enriched as I believe that we did.

In an age when many believe we are short on American heroes, it is imperative to recognize those who truly meet the test. The designation of King's birthday as a public holiday is our way of expressing this recognition. The third Monday in January will forever be our way of saying thank you to him and of honoring his memory. But it will be more than a mere symbolic action, for I hope and believe that it will be observed each year as a day of focusing the public consciousness on the timeless values about which he preached and practiced, and for which he lived and died. It will be a day every year where all Americans can affirm, in the words of King upon his acceptance of the Nobel Peace Prize, their "abiding faith in America and an audacious faith in the future of mankind."

Mr. President, I often think of America as the world's greatest social experiment. Certainly the turbulence generated in the quest for guaranteed civil rights was the 20th century test of our country's moral fiber. We were fortunate that King's teachings and inspiration interceded at this divisive moment, for they pointed the way and allowed us the chance to demonstrate that we as a Nation could rightfully retain a position of moral leadership in the world. Today's vote to establish a public holiday for Dr. Martin Luther King, Jr., is a fitting tribute to that courageous American. I urge my colleagues to join in this effort.

Mr. HATCH. Mr. President, from time to time, this body considers legislation that cannot be judged by normal standards. Such legislation cannot be weighed and scrutinized by normal procedures, subject to the cost and benefit analysis that each of us must personally bring to bear when we cast our votes. Rather, such legislation is largely of a symbolic nature through which Congress speaks to various interests or constituencies and either associates itself with their aspirations or commits itself, in principle, to their policy goals and objectives.

Clearly, H.R. 3706 is such a measure. Designed to establish the third Monday in January as a Federal holiday to honor the birthday of the late Martin Luther King, Jr., H.R. 3706 seems likely to pass this body overwhelmingly, not because of the compelling force of its legislative provisions, but because of its symbolic message. H.R. 3706 represents the latest affirmative by the Congress of the United States of its commitment to the most enduring objectives of the civil rights movement.

I join my colleagues in this expression of commitment. I join my colleagues in this renewed statement of congressional identity with the values and principles of civil rights and equal opportunity and nondiscrimination. I join my colleagues in the symbolic statement that we appear on the verge of making in honoring the most visible leader of the modern civil rights movements in this Nation.

Where I cannot, however, join what is apparently the majority of my colleagues is in the support of H.R. 3706, not in its capacity as an emblem of our sympathies, but as a concrete legislative enactment with tangible, real-world implications. I cannot join the apparent majority in support of H.R. 3706 because it is much more than merely symbolism. It would establish a substantive national public policy that, on the basis of my personal cost and benefit analysis, would be detrimental to the country.

Primarily, the holiday proposal would be detrimental because our national economy cannot easily afford a new holiday. According to data provided by the House Post Office and Civil Service Committee, an additional day off would cost taxpayers—in holiday or premium pay and lost production—approximately \$300 million, including post office costs. In addition, depending upon how many State and local government bodies honored the holiday, costs could increase by as much as \$690 million. Finally, depending upon the extent of observance by the private sector, employee payrolls could increase by as much as \$4.3 billion. The total of these costs could theoretically approach \$5.3 billion.

Although I have doubts that the total costs would reach these limits—largely because many Monday holidays tend primarily to be days-off only for public employees—it is clear nevertheless that substantial costs would be incurred by the American taxpayer and, no doubt, by the American consumer. To the extent that this is realized, and our Nation becomes a marginally less productive one, there can only be fewer opportunities for new employment. It is the highest irony that a day of celebration for Dr. King were to result in even a slightly diminished fund of job opportunities for workers, particularly minority workers, in the United States. I cannot conceive that Martin Luther King, Jr., himself would have tolerated this form of celebration.

In particular, the new holiday proposed in this measure is ill-timed coming merely 2 weeks after the productive efforts of the Nation have resumed after the Christmas and New Year holidays. Just at a time when the economic machinery of the country is restarting from this season, we would be establishing a new day of official leisure. I cannot see how this consti-

tutes prudent public policy by those of us entrusted to make such policy.

A number of amendments to this measure could be adopted to address this difficulty: The holiday could be transformed into a special day of celebration, it could be transformed into a Sunday holiday rather than a Monday holiday, or it could even be transformed into a day of holiday to occur actually on Martin Luther King's birthday, January 15, whenever it occurred, rather than insisting that it be celebrated in a way designed to insure the maximum reduction of national productivity.

Mr. President, in addition to its cost, however, I have serious reservations about H.R. 3706 because of the unusual precedent that it establishes in honoring the birthday of a single individual. With only a single exception—the birthday of the founder of the country and our first President, George Washington—there are no national holidays to honor great individuals in American history. There is no national holiday for Alexander Hamilton or Benjamin Franklin or James Madison or John Marshall or Abraham Lincoln or Theodore Roosevelt or Franklin Roosevelt. Nor is there any national holiday for the great civil rights leaders of our country who have preceded Dr. King, Frederick Douglass or Samuel Gompers or Susan B. Anthony or Whitney Young. There are no national holidays for the great scientists, the eminent humanitarians, the great philosophers, the great lawyers, or the great doctors of our Nation.

Again, a number of amendments could be adopted to retain the symbolism of H.R. 3706, and maintain the expression of commitment to the objectives of civil rights. We could establish a national holiday for the purpose of reflecting upon the state of civil rights or human rights or minority rights in our Nation. We could establish a holiday to celebrate representative civil rights leaders in our Nation's history, individuals of varying racial and ethnic and religious backgrounds who have contributed toward the realization of the ideals of equal opportunity in American society.

Mr. President, while I fully acknowledge the political realities involved in the forthcoming vote in this measure, I reluctantly conclude that I can join with the majority of my colleagues only in what is clearly meant to be a symbolic expression of support for the achievements of Dr. King and more generally for the progress of minority rights in this country over the past generation. I cannot, however, in good conscience vote either to create a new holiday, to be enjoyed largely by Federal employees alone, or to single out among a number of outstanding individuals, all of whom have made enormous contributions to this Nation, a

single person. As a result, with great hesitation, I will vote "no" on the pending measure.

Mr. BIDEN. Mr. President, I wholeheartedly support the Martin Luther King, Jr. holiday bill. I am well aware of the profound significance of this measure. But some seem to believe that because we are bestowing such a great honor, that we supporters have a great burden to carry in justifying the bill. They are absolutely wrong. That burden was carried by Martin Luther King, Jr., himself.

Nearly 20 years ago, Dr. King said:

Now is the time to lift our national policy from the quicksand of injustice to the solid rock of human dignity.

No individual in modern history has played a greater role than Dr. King in fulfilling the moral imperative of that statement. He gave us a vision of human dignity and social justice that inspired the Nation and continues to do so today.

There were dark days in the 1960's when Dr. King seemed to be the only defense against forces I could never understand. Courageous is vastly inadequate to describe him. He seemed not to comprehend the danger others sensed all around. Dr. King's faith in God, and his faith in the basic goodness of humanity, seemed to carry him beyond earthly fears.

Dr. King never wavered in his commitment to nonviolent means. As he said in his nobel peace prize acceptance speech in 1964:

Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Dr. King was not simply an advocate of rights of blacks in this Nation. He was not simply a civil rights activist. Individuals who characterize him as such miss the reason for his greatness. He served as the social conscience of this Nation, has continued to do so for 15 years after his death, and will continue to do so as long as I can imagine. He set our goals, he showed us the path to achieve them and, most importantly, he inspired us to believe the words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal."

We could spend days quoting Dr. King's most moving and important statements, and recounting his contribution to furthering this Nation's ideals of freedom and social justice. But perhaps the most remarkable thing about this man was his total self-dedication, his lack of regard for his personal well-being, as symbolized by this statement he made shortly before his assassination:

Well, I don't know what will happen now, but it really doesn't matter with me now. Because I've been to the mountaintop . . . I may not get to the promised land with you, but I want you to know tonight that as a people we will.

Mr. CHILES. Mr. President, the passage of legislation to observe the third Monday in January as a Federal holiday not only honors Dr. Martin Luther King, Jr., but also many persons black and white who gave their time and their effort in making America live out its creed of equality for all. This legislation will hopefully move us to positive reflection on the events and circumstances which culminated in what has been called the Second American Revolution.

Dr. King was a reluctant warrior in the initial bus boycott in Montgomery, Ala. However, his powerful oratorical ability and magnetic leadership soon made him the focal point of the Montgomery boycott movement. But, it was still a people movement. The black people in Montgomery used the boycott to signal to Alabama and to the South and indeed to this Nation that the status quo—segregation and unequal opportunity—had to go.

Dr. King was able to articulate in a powerful and effective manner, the hopes and dreams of many who heard him. He was able to dramatize the frustrations and aspirations of blacks in America who wanted to share the American dream. In his famous speech 20 years ago, Dr. King said, "I have a dream and it is deeply rooted in the American dream." Dr. King seldom strayed far from the American dream of equality and justice for all citizens regardless of race, creed, color, sex, nationality, or religious belief.

America is a great nation because of its diverse citizenry. Our greatness is enhanced because we are able to accept the differences in one another, but not let those differences make a difference in our treatment before the law. Dr. King's various marches and campaigns had a very definite effect on the significant civil rights laws enacted by the Congress in the 1960's. The 1964 Civil Rights Act, the Voting Rights Act, the Housing Act Amendments of 1968, all had his imprint.

Although Dr. King never held a political position, he had a tremendous impact on the political advancement of blacks in this country. He appealed to the sense of fairness of people of good will and we have made great strides because a majority of Americans are fair-minded and tolerant. Thus, the appeal fell on sympathetic ears.

Finally, Mr. President, although it is fitting that we seek to honor Dr. King, we also honor in this bill, those persons who sought, during the civil rights struggle and who still seek today, the American dream—"one

nation indivisible with liberty and justice for all."

Mr. DODD. Mr. President, I hope that the Senate will give strong approval to this bill establishing a national holiday on the third Monday in January to commemorate the birthday of the Reverend Martin Luther King, Jr.

By so acting, we honor the memory of one of America's greatest citizens—a man of courage and conviction and peace, a champion of justice and freedom, a leader, a hero, a prophet.

We also acknowledge by this legislation the contributions made to American society by a people who, though brought here against their will and oppressed for centuries, helped make this a better, richer, stronger, and more open land in which to live.

And finally, we call attention to the fact that, in no small part due to Martin Luther King's efforts, the United States has in our lifetimes moved far closer to realizing in fact the equality of opportunity and respect for human dignity that have been American ideals since the founding of our republic.

Things have changed so dramatically that it is hard to recall just how daunting and formidable a task faced a young Baptist minister named Martin Luther King, Jr., less than three decades ago.

In many parts of the United States, at that time, by law, black children could not attend school with their white neighbors. By law, black Americans could not eat at the same restaurants or register in the same hotels as white Americans. By law, blacks traveling on buses or watching movies or attending ballgames were forced to sit together, separate from whites, in inconvenient or less desirable sections.

For millions of black Americans, the most fundamental rights of citizenship—to vote, to run for office, to serve on a jury, to have your own fate determined by a jury of your peers, to speak out in public—were virtually unknown.

No single person did more to change that pattern of oppression, discrimination, and racism than Reverend King. The qualities of character and the skills that achieved success for him are well-known: eloquence, insight, intelligence, determination, courage, tactical shrewdness, and vision.

Ultimately, however, it was not the bus boycott in Montgomery or the march to Selma, nor any speech or tactic that defined his genius.

Instead, it was his ability to persuade millions of black Americans that being assigned to inferior status neither proved inferiority nor had to be accepted. And it was a capacity to persuade millions of white Americans that bigotry diminishes its perpetra-

tors almost as much as it demeans its victims.

And in the end, too, Martin Luther King's achievement is neither recorded in any statute book nor visible in integrated public facilities. The civil rights movement of the fifties and sixties has aptly been called the second American revolution. Like the first, it was fought and won in the "hearts and minds of the people" of this country. Martin Luther King's real claim to history is that he changed the way millions of people thought about themselves and one another.

There are some who have argued that a holiday in his honor is inappropriate.

He inspired rebellion and revolution, it is charged. So, too, of course, did George Washington, whose birthday we celebrate as a national holiday each year. And it is well to remember that the revolution Martin Luther King led was based on love, disdained any use of violence, and had no victims.

He was too controversial, others charge. So, as well, of course were Abraham Lincoln and Thomas Jefferson, both vilified in their lifetimes and after. Yet their lives are justly honored by permanent granite memorials in the heart of this city. To change centuries of ignorance, hate, and injustice would hardly be possible without upsetting the long-settled comforts of prejudice. I doubt that anyone of good will would judge the discomforts he stirred not merited by the results he achieved.

Finally, it is said, we should wait. Fifteen years after a person's life ends is too soon for a confident assessment of his net worth to posterity. For accuracy, we need the focal length of time to lend clarity to our vision.

That argument should not be lightly dismissed. Fame is fleeting. It is easy to mistake celebrity for heroism. In an age when reputations have the half-life of mimeographed press releases, it generally does make sense to gain perspective before rendering a final verdict.

In this case, however, there is no cause for concern. Martin Luther King stood for freedom, equal opportunity, good will, love of one's fellow men and women, peace, openmindedness, and justice. These are enduring values not ephemeral fashions. If they do go out of vogue, we will have far more to worry about than that we created an inappropriate national holiday.

In one of the Biblical metaphors that enriched his orations, Reverend Dr. King once said that he had gone to the mountaintop and seen the promised land. Only a man of vision and optimism could have made that statement, for we were then, and are yet now, still far from eradicating the vestiges of racial prejudice in America.

But we have come a long way from the days of Jim Crow and firehoses turned on civil rights marchers and plaques reading "whites only" on water fountains. And both for the direction we took and the distance we traveled, this Nation owes a debt of gratitude to Martin Luther King.

In passing this legislation, we make a small payment on that debt. We also symbolize our resolve to continue toward the destination he identified and help insure that the dream he dreamed was not an idle one but an accurate prophecy of a better future for us all.

Mr. PERCY. Mr. President, I rise to speak in support of H.R. 3706, a bill to designate the third Monday of January as a national holiday to commemorate the birthday of the late Reverend Martin Luther King, Jr. This legislation has already passed the House by an overwhelming vote of 338 to 90, and I urge my colleagues in the Senate to support this bill as well.

Despite the tremendous support for making Dr. King's birthday a national holiday, the move has by no means attained unanimity. Indeed, persuasive arguments can be made that the economic costs will be high. But this decision, like many others, should be viewed in terms of balance. I believe the lift that this commemoration will give to the national spirit of many Americans and people throughout the world far outweighs the relatively small resultant costs.

Many who opposed Dr. King's work did so on the basis of their belief that King was a "revolutionary." But what these critics failed to recognize is that Dr. King proved that there can be a nonviolent, moral revolution. One should distinguish between this type of revolution and one where the cause or methods are unjust. During their lifetimes, many of this country's Founding Fathers were revolutionaries. The positive spirit of revolution is deeply embedded in our own history.

Martin Luther King, Jr., was a revolutionary in his time, but like the Founding Fathers, his revolution was borne out of his patriotism and his desire to make America a better place for all of its citizens.

In every Congress since Dr. King's assassination on April 4, 1968, legislation making his birthday a national holiday has been introduced. I have supported this legislation from the beginning. In fact, I have cosponsored every resolution honoring Reverend King in this way.

I was honored to march with Dr. King in Chicago and was saddened but still honored to walk arm in arm along side Walter Reuther, president of the UAW, throughout the funeral service in Atlanta for Dr. King.

I urge passage of this bill as a way of reaffirming our commitment to the principles advocated 20 years ago

during the historic march on Washington—the event which helped to establish Dr. King as a national leader and led to the passage of the 1964 Civil Rights Act.

In commemorating Dr. King's birthday, we are reminded of his courage, sacrifice, and the suffering of black Americans. This day will serve as a symbol for all who continue to strive for real equality.

With the establishment of a Martin Luther King national holiday, we provide a living memorial that helps us renew our dedication to the principles set forth more than 200 years ago in our Declaration of Independence that:

All men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

Through his work, Dr. King reminded us of a basic tenet in our Constitution—equality for all. Dr. King's actions reminded us that we must live by the principles upon which our country was founded.

Mr. President, I support passage of this bill because Dr. King's commitment to equality, peace, and justice was honorable and should be recognized. His nonviolent approach in combating bigotry and in raising people's consciences toward the moral rightness of racial equality was honorable and should be recognized.

It is appropriate at this time to note the significant personal achievements that were made by Dr. King.

At an early age, Rev. Dr. King showed leadership qualities as an ordained minister and assistant pastor in his father's church in Atlanta in 1947. By the age of 35, Dr. King became the youngest man to be awarded the Nobel Peace Prize in 1964.

Dr. King's contribution to our Nation is immeasurable. He crusaded for all Americans who were poorly housed, unemployed, undernourished, uneducated, and underprivileged. As a result of Dr. King's work, millions of people enjoy a better life today.

Martin Luther King's birthday should be a time to remember the achievements that have been made in civil rights, as well as a time to firmly commit ourselves to the unfinished business of achieving equality for all.

So while January 15 may become just another holiday for some people, I hope others will use it to reflect and contemplate on how to further achieve the goals which Martin Luther King fought so hard to establish.

Finally, this holiday will revitalize the dream that Dr. King had for his own four children and for all children: "that some day they would be judged not by the color of their skin, but by the content of their character \* \* \*."

I end my statement with the thought and hope that the establishment of a Martin Luther King holiday

will bring our Nation closer to making his dream a reality.

Mr. MATHIAS. Mr. President, when I first introduced this bill, I must say I thought that the day we would be passing it might be long distant.

I was joined in introducing the bill by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Kansas (Mr. DOLE), and by 32 other Members of the Senate by the time this debate began. The fact that so many Senators cosponsored the bill, Senators from both sides of the aisle, is an indication of the widespread feeling in the Senate that the time had come to give recognition not just because of the remarkable ministry of Martin Luther King, Jr., but also because more than a century after the end of the Civil War, we had finally achieved a reconciliation of black and white America. That reconciliation had come about in large measure because of the ministry of Martin Luther King, Jr.

In addition, it is time to recognize in a highly visible and symbolic way the contribution of all black Americans to the advance and progress of American society.

All of those motivations are represented in the bill which I hope will pass the Senate at 4 o'clock.

We have not had an easy debate. It has had its high points and it has had its low points. But it has been a debate which will end on a very high point. This debate, in both Houses of Congress will express the American people's sense of deep appreciation for the achievement of Martin Luther King. It will express the gratitude of the American people for the fact that black and white Americans together have realized his dream, the dream of black and white Americans living together in peace. It will be a positive expression from Congress, speaking for the American people, that we recognize the contributions that black Americans have made.

I am grateful to all those who have cosponsored this bill. I am particularly grateful to Senator DOLE, whose experience, knowledge, and skill on the floor have brought us to this moment, when we can anticipate final passage; and to Senator KENNEDY, an original cosponsor of the bill, who has managed it on the Democratic side.

However, the real gratitude must go to those millions of Americans who are not here in the Senate today. Millions of Americans, black and white alike, have sent a signal to their representatives in Congress that this is the moment, that this is the time, that this is the point in history when this recognition of Martin Luther King should take place.

We have waited more than a century since the end of the Civil War for this moment of reconciliation. I am confident that the Senate will rise to this

historic occasion and, by an overwhelming vote, pass the Martin Luther King, Jr., holiday bill.

Mr. DOLE. Mr. President, how much time on each side remains?

The PRESIDING OFFICER. The Senator from Kansas has 11½ minutes, and the Senator from Massachusetts has 8½ minutes.

Mr. DOLE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. Mr. President, there is more than symbolism to the vote before us, and yet let us not underestimate the importance of symbols to a diverse people in search of common bonds. It is more than the commemoration of past achievements which we propose; more than a personal tribute; more even than a day of national reflection. In declaring Martin Luther King's birthday a national holiday, we reassert the continuing hold of compassion and nonconformity over the American mind.

"The reasonable man adapts himself to the world," wrote George Bernard Shaw. "The unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man."

Stop and ponder for a moment the role of unreasonable men and women in forging the American Nation. By any known standard, it was unreasonable to leave behind the old world, with its established ways and familiar territory, for the unknown wilds that lay at the end of the 3 month ocean voyage. It was equally unreasonable to propose converting a loose federation of squabbling colonies into a cohesive republic, free of kings and in bondage only to the idea of human equality. Less than a century later, it was tragic as well as unreasonable for brother to take up arms against brother, beginning with what Charles Sumner called in this Chamber "the crime against Kansas" and ending, a decade later, with nearly a million killed or maimed for life.

I never forget that my own State entered this Union in unreasonable times. We were divided in part by geography, in part by the pursuit of rich farming land. More importantly, we were divided over an idea. Both sides in Kansas' own internal conflict vowed loyalty to the documents that established the United States of America. Both sought inclusion in the institutions of government set up by the Founding Fathers. There the similarities ended. For one side was convinced that institutions derive their moral authority from the ideals that give them birth. If they are unfaithful to those ideals, if they betray the democratic essence of the American experience, then they forfeit power as well as purpose.

So Kansas went to war—bloody, protracted civil war—egged on by the Sumners and Calhouns of Washington. It was not reasonable. Yet it was unavoidable.

In our own century, we have all seen another revolution, primarily legal and social, secondarily political and economic. This was a crusade to narrow and ultimately eliminate the gap between the verbal promise of equality and the harsh reality of inequality. It was led by a man who may have sounded unreasonable to some—but whose only real offense was to point out how far we had strayed from the old ideals. Like other American heroes, Dr. King threw open the windows of our society when the scent of hypocrisy threatened to overcome our better natures. He reminded us that the great phrases justifying rebellion in 1776 compelled a peaceful reformation in the 1960's. From now on, we might do well each January 15 to remind ourselves that America was founded by dissenters, that she grew rich and powerful through the migration of dissatisfied people throughout the world, that her greatest weapons have never been military but spiritual. Most of all, we might remember that we are a nation still caught up in the process of becoming. As the playwright Thornton Wilder once put it, "It's not easy being an American because the rules aren't made yet."

Martin Luther King made some new rules and remade some old ones. He made us listen to men and women whose place in society could not be measured by their wealth or their access to power. Treating us as an extended family, he exported some of our religious beliefs out of the church pew and onto the nearest street corner. He was a strict constructionist when reading the charters of our nationhood, and from his interpretation and his faith he drew the strength to be unreasonable for justice.

Holding up a mirror to society, he was certain to offend some who did not like the reflection they saw. King, of all men, understood that democracy thrived in the arena of public contentiousness. He knew better than any man of his generation that differences were healthy for a free people and that only indifference posed a threat to their continued freedom. He would, I suspect, have understood that sometimes words can be spoken in the heat of debate, words that can be too easily twisted, words that can be oversimplified or misinterpreted. At times, he suffered such a fate himself.

But first and foremost, Dr. King was a healer. And it is in that spirit that I rise to support this legislation. He reminded us that we are a Nation with have-nots as well as haves, obligated to provide for hope as well as the common defense. In the words of

Hubert Humphrey, "Oh my friend, it's not what they take away from you that counts—it's what you do with what you have left."

Dr. King lost his life but no one can take away his legacy. Like the men in olive grey and brown khaki whom we honor on Veterans Day, like the man in a blue collar or women in the classroom whom we salute on Labor Day, like so many others who have in their own way helped close the gap between America's promises and her performance, he risked everything for what he believed in. It is the belief we commemorate, as well as the believer; it is the struggle for opportunity as old as America herself to which we pledge ourselves anew. Dr. King appealed to uneasy consciences while he lived. With this bill we perpetuate that appeal; we accept his challenge to make good on the basic premise of America.

Mr. President, I yield back the remainder of my time and reserve the remainder of the time on this side.

How much time remains on each side? I wish to reserve 3 minutes for the majority leader.

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes remaining and the Senator from Massachusetts has 8½ minutes remaining.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Alabama (Mr. DENTON).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, when the next vote comes up, I am going to be voting in favor of the bill because I believe that there is a great increment of advantage, a great merit to expressing some recognition for the tremendous change in American racial relations and in American civil rights which occurred through the work of Martin Luther King.

I have already, by my previous votes, indicated that I think there might be better ways of doing it than adding to the tremendous expense of national holidays. I believe that there were some things about Martin Luther King which were not perfect, but I believe they are transcended by the national importance of the deserving character of the man and the significance of what it meant to the whole Nation to effect the change that occurred in the South.

I wish to mention one feature of that change which recently occurred in Selma, Ala. A white man raised \$410,000 for the Center for the Performing Arts in Selma, Ala., which was matched by a grant from the Reagan administration of \$410,000. I was instrumental in interceding for that grant.

Bob Hope, perhaps the President, and the man who arranged for the grant, the best country singers in the country will be there. The performing arts center will mostly be for the benefit of the blacks who are in a great majority there.

The other example I want to give is the Civil War cannon, one which was built in Selma, having been restored to Selma by the Reagan administration. After 15 years of trying we finally got it there.

I was given the honor of presenting the cannon and I never saw a more joyous time.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. DENTON. I need 30 more seconds.

On that day blacks and whites stood together, wept and laughed together, as we commemorated the great war and as we honored those black men who, I think, are the greatest heroes in this Nation, who gave their lives in a just cause in Vietnam while all the racial dissension was going on at home. To me they are the greatest black heroes or the greatest heroes of any war in our history and I wanted to explain why I am going to vote for this bill. Thank you, Mr. President.

Mr. HELMS. Mr. President, today we have been through an historic debate, a debate which has not included much interest in obtaining the basic information needed to make the important decision we are called upon to make. I find it quite remarkable that there is a tremendous diligence on the part of the press and many Members of this body every time the Reagan administration sends up a nomination to a political appointment. No trouble is spared, no closet is left unsearched, no skeletons are left unexamined, if the nominee is someone who has not totally embraced the prevailing orthodoxy of the left.

Yet that same diligence has fallen into disuse. No one is anxious for the facts. The facts are dismissed beforehand as trash. There are apparently no facts which some Members of this body are willing to admit might change their minds. They have decided beforehand to approve this legislation no matter what might emerge.

Of course, that is the right of Senators to make such judgments. It is also the right of citizens to decide whether their rights and views are fully represented by such attitudes. I think that some day the facts will emerge, and

that many citizens of the United States may regret the action shortly to be taken here today.

So the eye of history is upon us. It is appropriate therefore to recall some of the judgments in our history on Dr. King.

In 1965, President Harry S. Truman was in New York for an award from Freedom House. Reporters asked for his views on Dr. King. The President's views were set forth in the New York Times as follows:

In his morning walk here on Monday, Mr. Truman termed Dr. King 'a troublemaker' . . .

Earlier in the day, on his morning stroll near the Carlyle Hotel at 76th Street and Madison Avenue, Mr. Truman said the Rev. Martin Luther King, the civil-rights leader, was a 'rabble-rouser' who has hurt the Negroes' cause 'because he hasn't got any sense.'

He said that Dr. King had acted like a 'damn fool' and that the recent civil-rights march from Selma to Montgomery, Ala., had 'disturbed the peace and accomplished nothing.'—New York Times, April 14, 1965.

Mr. President, similar views were expressed by the distinguished minority leader, Mr. ROBERT C. BYRD, in 1968 after the Memphis riots. The distinguished Senator was quoted by the Chicago Tribune in an article that began:

After the Memphis riot, members of Congress at last began to pay some attention to King. Sen. Robert C. Byrd of West Virginia said federal action should be taken to keep King from carrying out any march in Washington. Byrd said that "If this self-seeking rabble-rouser is allowed to go thru with his plans here, Washington may well be treated to the same kind of violence, destruction, looting, and bloodshed as Memphis."—Chicago Tribune, March 30, 1968.

Mr. President, on April 5, 1968, shortly after Dr. King's assassination, the distinguished minority leader, Mr. BYRD, said in the Senate:

I was not an admirer of Dr. Martin Luther King, but I regret, as much as any Senator regrets, the tragedy that befell him, and I feel sorrow for his family. I was shocked but I was not surprised at what happened, because of the tension that existed in Memphis. . . .

There is a lesson to be drawn from what happened in Memphis and from what has been happening with increasing intensity throughout the Nation in recent years. That is, that mass protests, mass demonstrations, and mass marches and the like—whether labeled nonviolent or otherwise—can only serve to encourage unrest and disorder, and to provoke violence and bloodshed. . . .

And, in the end, those who advocate such methods often become, themselves, the victims of the forces they themselves have set in motion.

This, in a manner, is what happened to Dr. King. He usually spoke of nonviolence. Yet, violence all too often attended his actions. And, at the last, he himself met a violent end.

There are those who will believe that his death in Memphis was for a just cause. Yet, even in fighting for a just cause, one must

pursue his course with reason, with due regard for the public welfare and good order, and with due respect for the law.

Dr. King must have known that, rioting having erupted from last week's attempted march in Memphis, there was, in its wake, such an atmosphere of tension as to make his presence in that city dangerous to himself and to others, at least for the time being. He must have known that the situation was volatile, and that passions had become greatly inflamed.

Yet, I regret he persisted in his course, continued to exhort his following to renew the march next week, and told the cheering audiences that a Federal court injunction would be ignored. "We're not going to let any injunction turn us around," he said, according to press reports.

Mr. President, no man can determine for himself whether or not a court injunction is legal or illegal, constitutional or unconstitutional. To do so would be to take the law unto one's own hands.

Justice Frankfurter said:

"If one man can be allowed to determine for himself what is law, every man can. That means, first, chaos, then tyranny."

Mr. President, one cannot preach nonviolence and, at the same time, advocate defiance of the law, whether it be a court order, a municipal ordinance, or a State or Federal statute. For to defy the law is to invite violence, especially in a tense atmosphere involving many hundreds or thousands of people. To invite violence is to endanger one's own life. And one cannot live dangerously always.

Paul said, in his Epistle to the Romans:

"Let every soul be subject unto the higher powers."

He said, in his Epistle to Titus:

"Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work."

And he said, in his second Epistle to the Thessalonians:

Now, we command you, brethren, in the name of our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly.

Thus, we are exhorted to obey the law and to respect authority, Mr. President, and those who refuse to do this cause serious risks to themselves and to others.

The words of Proverbs are as today as they were in the day of King Solomon, who is thought to have written them:

Whoso keepeth the law is a wise son; but he that is a companion of riotous men shameth his father.

Dr. King's profession was that of a minister. But no man is required to be a member of the clergy to be able to read and to understand these simple passages from the scriptures, and all men would profit from obedience thereto.

This is an hour of great emotion throughout the land, Mr. President, and it is an hour of shame and remorse and sorrow.

But it should also be a time for sober reflection by all citizens.

And out of this moment should come a spirit of rededication to the principles of equal justice for every man, whatever his race, and a reawakening of respect for law and order on the part of every man, whatever his race.

Neither men nor mobs can continue to create disorder and disregard the laws and disrupt the orderly functioning of government at any level, without shaking the very foundations of our society, tearing our country asunder, and destroying themselves in the end.

We must, if we are to avoid disaster, strive to live in peace, work together in harmony, seek redress for our grievances through established legal processes, and strive always for the preservation of good order.

This, I hope, will be the lesson we will all draw from the tragic events of recent days in Memphis.

Mr. President, this, as I have said, is a time of deep emotion. We may have on our hands a highly flammable situation in which passions will determine events of the day. What I am saying is difficult to say at a time like this, it may be misinterpreted by some, and it may not be considered entirely in keeping with the views being expressed by many, but I feel constrained to make this call to reason—in the hope that the reactions of all our people may be influenced by careful thought of what is needed to steer the Nation through this confused and troubled period.—Congressional Record, April 5, 1968, pp. 9139-40.

A former member of this body, the distinguished Senator from Massachusetts, Mr. Brooke, was quoted by the Washington Star in similar sentiments. The Star wrote:

Last week, Brooke was asked to comment on Martin Luther King's Anti-Vietnam war stand, his attempt to characterize the conflict as a Negro war and his advice to youths to refuse to serve if drafted.

The answer was direct and unequivocal. King is making a tragic mistake, Brooke said, in trying to bind together a personal anti-war sentiment and the unquestionably just cause of Negro rights. The only result, he said, will be damage to the civil rights cause.

This is a time for sane, calm deliberation, Brooke said. Inciting of violence is not going to bring about civil rights for the American Negro. It will not be done by violence—Washington Star, May 16, 1967.

A prominent American insurance executive, Mr. James S. Kemper, assessing the damage created by riots in American cities, had this to say in 1965:

More than any other single man, Dr. King is responsible for the development of mass crime in the civil rights movement.

Mr. President, I ask unanimous consent that the entire article from the U.S. News & World Report of October 4, 1965, be printed in the RECORD at this point.

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

[From U.S. News & World Report, Oct. 4, 1965]

DR. KING'S POLICY: INVITATION TO RACIAL VIOLENCE?

SYRACUSE, N.Y.—Says a prominent insurance executive—

"More than any other single man, Dr. [Martin Luther] King is responsible for the development of mass crime in the civil-rights movement."

Making this statement was James S. Kemper, Jr., president of companies of the Kemper Insurance Group, based in Chicago. He addressed the convention of the New York Mutual Agents Association here September 21 on the subject of "Law and Order."

Said Mr. Kemper:

"Nonviolence as practiced by Dr. King and his followers means that civil-rights advocates may break the law without moral blame if they are willing to pay the consequences.

"Dr. King says that if a man believes a law is unjust, or if he wishes to violate a just law in order to bring a condition of claimed social injustice to the attention of the public, he may break such laws if he is prepared to pay a fine or go to jail. This philosophy has been at the root of all of the sit-ins, lie-ins, lie-downs, mass demonstrations, mass invasions of Government offices—including the White House—blocking of entrances and exits to public buildings, and all of the other offenses against the community that have been committed in the name of civil rights for the past several years. It may be said that these tactics got results. . . .

"The spectacle of a Nobel Peace Prize winner, supported by thousands of white and Negro clergymen, endorsing the breaking of any law is an open invitation to law-breaking by anyone who chooses to do so. . . .

"Whatever may be the intentions of Dr. King and those who follow his philosophy, they have led the way to exactly the kind of violence that took place this summer in Los Angeles and other cities. . . .

"We start out with something called 'non-violent protest,' and we end up by providing a haven for Black Muslims, Black Nationalists, Communists, Trotskyites and the worst criminals of the Negro underworld leading the citizenry into organized violence and mass destruction."

#### WATTS DAMAGE ASSESSED

Mr. Kemper, 51, particularly cited the riots in the Watts area of Los Angeles, which he said would cost insurance companies 50 million dollars. He quoted statements by several Negro leaders advocating violence.

Then Mr. Kemper asked:

"Is it any wonder that the minority among the Negro population who are criminals and revolutionaries feel that the Negro leadership has given them a license to kill and burn and loot?"

Mr. Kemper announced that the James S. Kemper Foundation has set up 16 new four-year college scholarships for children of Negro police officers and Negro firemen in larger cities.

The program, he said, "is intended as a means of expressing our opinion that the vast majority of America's Negroes do not want violence, do not want riots, do not want to 'kill Whitey,' but are anxious to take responsible advantage of the opportunities that all good Americans believe they should have in a free society."

Mr. HELMS. Mr. President, Roy E. Wilkins, another prominent black American who was a contemporary of Dr. King, was not entirely complimentary toward Dr. King. For many years Roy Wilkins was executive director of the NAACP. In an April 21, 1967 New York Times article, Mr. Wilkins voiced criticism of comments made by Dr. King relative to potential racial violence during the summer of 1967 and relative to criticism of Vietnam war policy by civil rights groups.

Mr. President, I ask unanimous consent that the April 21, 1967 New York Times article on Roy Wilkins' comments be inserted in the RECORD.

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

[From the New York Times, Apr. 21, 1967]

**DR. KING CRITICIZED FOR "VIOLENCE" TALK**

Roy Wilkins yesterday decried as "dangerous" Dr. Martin Luther King's recent warning that at least 10 cities across the nation could "explode in racial violence this summer."

Mr. Wilkins, the executive director of the National Association for the Advancement of Colored People, said he thought Dr. King was sincere in making the prediction.

"But I think it's dangerous," Mr. Wilkins added, asserting that the danger lay in the possibility that "less disciplined persons" might interpret such warnings as encouragement to riot.

Speaking to reporters in the Hotel Plaza before the start of a meeting of the board of governors of the National Conference of Christians and Jews, Mr. Wilkins said that Dr. King could not be blamed for riots that might occur, however.

"The conditions of the ghetto are responsible," he said, "the poor schools, poor housing and lack of jobs in the slums. These are responsible for riots, not what Dr. King says."

Dr. King said Sunday that the 10 Northern cities were racial "powder kegs" because "the nation has done nothing to improve conditions in these areas."

Dr. King named seven of the 10 cities: New York, Cleveland, Chicago, Los Angeles, Washington, Newark and Oakland, Calif.

Mr. Wilkins also chided civil rights groups that complained that the war in Vietnam was draining funds from anti-poverty efforts in the United States.

"Nobody but the N.A.A.C.P. is fighting for legislation to get more money for domestic programs—the others are simply deploring proposed cutbacks," he said. "Why don't they take off their coats and roll up their sleeves and try to make sure Congress doesn't cut these funds."

At another point Mr. Wilkins denied that his differences with other civil rights figures meant a "split in the movement."

He said: "There has never been any absolute cohesion or unity in civil rights—people just don't function that way."

Mr. HELMS. Mr. President, in an April 3, 1968, article in the Washington Star, Roy Wilkins had further comments about Dr. King—on this occasion concerning the upcoming "March on Washington." Mr. Wilkins spoke of what he called the great danger of the King campaign in Washington. He also talked about the preventative steps his organization was taking to help provide calm for the event. It is certainly a fair speculation that Mr. Wilkins' efforts may well have helped head off violence.

Mr. President, I ask unanimous consent that the April 3, 1968, Washington Star article on the Wilkins' statements be printed in the RECORD.

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

[From the Washington Star, Apr. 3, 1968]

**VIOLENCE THE "GREAT DANGER" IN KING DRIVE, WILKINS SAYS**

(By John Flalka)

Roy E. Wilkins, executive director of the National Association for the Advancement of Colored People, said yesterday the "great danger" of the projected poor people's campaign in Washington is that Dr. Martin Luther King "might not be able to keep control of it."

Wilkins commented on the campaign during a question period after speaking at a National Press Club luncheon.

He said the danger presented by the campaign is that "other elements might come in."

"When you get 1,000 or 2,000 people together and all emotionally wrought up, embarking on a project, it's very hard to control them with five or 10 people, because in any crowd there are always some mavericks," Wilkins said.

**FEARS EFFECT ON BILLS**

He said that individual NAACP members are free to join the demonstration but added that he felt the Washington chapter of the organization will be reluctant to aid the march if requested by King, because of fears that the move would hinder the progress of civil rights legislation currently pending before Congress. (The local NAACP unit has endowed the campaign.)

The NAACP leader said his group, which has 440,000 members, has not been consulted on the planning of the campaign, which is scheduled to begin on April 22.

"This is an enterprise of the Southern Christian Leadership Conference. They sat down in the Bahamas or Nassau or somewhere last winter and thought it up," Wilkins commented, drawing laughter from an audience of about 300 at the luncheon.

In his main speech, Wilkins warned that black militants who call for violence and separatism are actually playing into the hands of white racists and are causing officials in some cities to give police departments "blank checks" to buy heavy weaponry.

**STICKERS ISSUED**

He said the Washington NAACP is passing out stickers in Washington to head off any riot rumors.

He displayed several that said: "Over No Dead Bodies. Prevent Riots"; "Alive You Can Fight. Dead You're Dead."; and "No Young Blood on the Streets. Prevent Riots."

Wilkins said the current office favorite was "Hot Head. Hot Lead. Cold. Dead."

He repeatedly said that black militants are a "small but vociferous coterie," that represents only an "infinitesimal part" of the country's 22 million Negroes.

White racists, he said, already have been able to stop political moves that would have benefitted Negroes in some cities by stirring up black militants.

Wilkins said it was "tragic" that some young Negroes believe what they have been told by the militants and remove themselves from "competition in the world of all men."

"They will come—softly, I hope—to disillusionment," he added.

Mr. HELMS. Mr. President, another leading black critic of Dr. King was Rev. Henry Mitchell, pastor at North Star Missionary Baptist Church in Chicago in the late 1960's. In an April 20, 1967, New York Times article, Mr. Mitchell said that Dr. King's 1966

summer marches in Chicago created hate.

Mr. President, I ask unanimous consent that the April 20, 1967, New York Times article on Mr. Mitchell's comments be inserted in the RECORD.

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

[From the New York Times, Apr. 20, 1967]

**NEGRO PASTORS IN CHICAGO BID DR. KING END MARCHES**

CHICAGO, April 19.—The leader of a group of Negro ministers called on the Rev. Dr. Martin Luther King, Jr. today to stop his civil rights marches here and leave Chicago.

Criticism of Dr. King was expressed by the Rev. Henry Mitchell, a pastor of the North Star Missionary Baptist Church, at a news conference with about a dozen other ministers, who said they spoke for 50,000 Chicago Negroes.

Mr. Mitchell said the civil rights marches that Dr. King led here last summer had "created hate." He said Dr. King had been a failure here. He called Dr. King an "outsider" and urged that he "stay in Alabama."

Mr. HELMS. Mr. President, George S. Schuyler was a well-known, prominent black, a journalist by trade, who was a contemporary of Dr. King and who was highly critical of him. In the January 1970 edition of American Opinion, Mr. Schuyler wrote an article entitled "Saint Martin? The Martin Luther King Memorial." Mr. Schuyler compared Dr. King to Benedict Arnold and asserted that the Southern Christian leadership was Communist-dominated.

Mr. President, as an example of the comments of a contemporary black journalist on Dr. King, I ask unanimous consent that this American Opinion article be printed in the RECORD.

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

[From American Opinion, January 1970]

**SAINT MARTIN?—THE MARTIN LUTHER KING MEMORIAL**

(By George S. Schuyler)

The frantic drive to lift the late Dr. Martin Luther King Jr. to saintly status proceeds apace. The whole spectacle would have delighted old Anatole France and provided abundant supplementary material for a sequel to Penguin Island in which, it will be recalled, bandits and rogues in the course of time became national heroes.

As George Washington, Thomas Jefferson, and Abraham Lincoln whirled in their graves, King achieved in death a national memorial day with flags at half-mast throughout the American empire, and every politician of note trooping to his funeral in Atlanta weeping crocodile tears. While they knelt in prayer at the King bier, vandalistic blacks put a hundred cities to torch.

Before the smoke of the bonfires subsided, there came impudent demands from militant Marxists that every conceivable public building, highway, airport, and school building be named for the Atlanta preacher who had led a dozen half-wit mobs against public order and had secured financial backing

from both the "white power structure" and the Communists to operate revolutionary schools to train his subordinates for the bedeviling of sundry communities.

It was only shortly after an assassin's bullet relieved the country of King's presence that his long-planned march on Washington, to plant in its center a hobo city, was led by his lieutenant Ralph D. Abernathy. Ralph resided the while in a comfortable motel as his dupes wallowed in the bog of Resurrection City. Yet this disgraceful performance was at government expense, even to the feeding of the mules who "marched" to Washington on railroad flatcars.

The King-Abernathy mob didn't quite get around to burning down the White House as had the British in the War of 1812, but they came close to it.

Nobody would have believed such an outrage could occur had there not been so many witnesses, including President Lyndon Johnson who peered gloomily at the wreckage from his front window, while his Attorney General cautioned the police and militia to treat the ruffians gently and respect their Constitutional right to rob, burn, and rape.

Incredulity soared when a few weeks ago a front-page headline in the New York Times declared: "King Family Halting Talks With Nixon For Memorial." The public had not known that any such talks were going on between the Nixon Administration and the King family for a giant King memorial in Atlanta! The talks were abandoned it seems "because of what the Kings say is Mr. Nixon's 'indifferent attitude' toward the black and poor people." Mrs. Coretta Scott King, the widow—and a violent, rampaging Copperhead in her own right—said that "Mr. Nixon at one point had encouraged the project, but that the idea collapsed . . . after seven months of unpublicized negotiations." It had been rather like meeting secretly with the Vietcong.

Dolefully, Hanoi Coretta moaned: "We felt that to get Federal support for a memorial would have been a beautiful thing not only for our country but for oppressed people throughout the world. But President Nixon's attitude, his lack of real concern, suggests that his Administration is motivated by racist attitudes."

Nixon's attitude could also have been motivated by a concern for how Americans would react to building such a monument to a man whose personal staff had included convicted perverts, Communist organizers, and even a member of the Executive Committee of the Communist Party, U.S.A.

One might have regarded the whole thing as a figment of King family imagination had not Leonard Garment, a top White House aide, confirmed the statement, saying it was the first time he had heard that the Kings planned to break off the talks; that he had not been aware of any difference of opinion over Mr. Nixon's "Civil Rights" record. He whined "It would be a disservice to the cause of civil rights and the late Martin Luther King if this becomes a political football."

Mrs. King disclosed that she telephoned the President in early February to ask his help for legislation to create a Freedom Memorial Park in the two downtown Atlanta blocks that contain her husband's birthplace, the Ebenezer Baptist Church where he and his father preached, and his grave. She continued: "Mr. Nixon seemed to like the idea, he even sounded enthusiastic. He said he would send 'the best man for the

job' to talk to me, and promised that the plan would receive immediate attention from the White House."

Then it turns out that, according to Hanoi Coretta, Secretary of Health, Education and Welfare Robert Finch visited her a few weeks later in Atlanta and offered his Department's help in setting up a Black Studies program as part of the memorial. The conspirators agreed to keep mum about all this until Nixon popped the publicity on April fourth, the anniversary of Dr. King's hurried demise. This had to be called off because of the death of former President Eisenhower.

But talks continued between Leonard Garment and Harry H. Wachtel, the memorial foundation's lawyer. It seems that Garment even met with the architects.

The negotiations cooled as the widow King began to propagandize for the Vietcong, and finally there came a White House letter stating that at this time the President was "not prepared" to support the proposed legislation. The Reverend Martin Luther King Sr. moaned that "Martin's memory has gotten cold."

The widow King observed between pitches for the kindly Vietcong: "We had to convince ourselves that the national Government was not willing to help us." So now the memorial foundation is going to go out and raise through a private campaign the three million dollars deemed necessary. Remembering what Phineas T. Barnum said about a sucker being born every minute, they will probably get the money, too.

One thing for which all good Americans should give thanks is that President Nixon did not dare to go through with this caper. It would have otherwise been tantamount to the government building a memorial to Benedict Arnold, who certainly did less harm to America than the sniveling, hypocritical leader of the "Communist-dominated" Southern Christian Leadership Conference.

It is interesting to note that on the board of the King foundation are such people as former Vice President Hubert H. Humphrey; Senator Hugh Scott of Pennsylvania, the new Senate Republican Leader; Senator Edward M. Kennedy of Massachusetts; former Supreme Court Justice Arthur J. Goldberg; Sidney Poitier, the Leftist screen actor; and, of course, the Reverend Ralph Abernathy, who first won fame by outdistancing an irate husband in Montgomery, Alabama, but who is now King's successor.

Well, there's no doubt they'll collect the gelt (the Rockefeller Brothers Fund has already coughed up \$250,000), but it looks as if we'll be spared the disgraceful spectacle of the American taxpayer being required to honor a tinhorn Comrade.

Mr. HELMS. Mr. President, when hearings in past Congresses have been held on the Martin Luther King holiday, black American citizens have come forward to testify against the idea. I refer to Mr. J. A. Parker, president of the Lincoln Institute for Research and Education, and Ms. Julia Brown, a former FBI informant.

In testimony of February 23, 1982, Mr. Parker stated that during the Vietnam war Dr. King gave support to our enemy. In testimony of June 21, 1979, Ms. Brown said:

While I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with

the Communist Party. If this measure is passed honoring Martin Luther King, we may as well take down the Stars and Stripes that fly over this building and replace it [sic] with a Red flag.

Mr. President, I ask unanimous consent that the testimony of J. A. Parker on February 23, 1982, before the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service, be printed in the RECORD and that the testimony of Ms. Julia Brown on June 21, 1979 before the joint hearings of the Senate Judiciary Committee and the House Post Office and Civil Service Committee be printed in the RECORD.

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

MARTIN LUTHER KING, JR., HOLIDAY  
LEGISLATION

(By J. A. Parker)

Mr. Chairman and members of the Subcommittee: I am pleased to appear before this committee to present my personal views on the proposal to establish a national holiday for the birthday of the late Dr. Martin Luther King, Jr.

Personally, I do not favor the establishment of a national holiday for Martin Luther King, Jr. for the following reasons:

First: It is impractical and unrealistic. Please consider the fact that we Americans honor the birth of two men with national holidays—Jesus Christ and George Washington. We do not recognize the birthdays of such great Americans as Thomas Jefferson, Abraham Lincoln, Patrick Henry, Crispus Attucks, Booker T. Washington or General Daniel "Chappie" James. Nor do we celebrate the birthday, with a national holiday, of the only person to be elected president four times—Franklin Delano Roosevelt.

The proponents of a national holiday for Martin Luther King are unwilling to let history make its final judgment on the merits or demerits of Dr. King. Instead, they are plunging ahead trying to pressure Congress to enact Dr. King's birthday as a national holiday.

Second: I am opposed to the designation of Dr. King's birthday as a national holiday because I firmly believe the "jury is still out" as to whether or not he was a hero or a villain. I have not forgotten that while Americans were fighting and dying in Vietnam, Dr. King gave his support to our enemy—the North Vietnamese Communists. He called the United States the "greatest purveyor of violence in the world." And worst, he likened the U.S. to Hitler's Germany when, according to the Washington Post, "He flatly charged the Government with sending Negroes to fight and die in extraordinarily high proportions . . ." Further the Post, in the same editorial, was moved to strongly criticize Dr. King for supporting Ho Chi Minh's position over our own.

During this period of our nation's history, Dr. King was divisive, and for this he was criticized by a large body of influential Americans, including Senator Edward Brooke; former executive director of the NAACP, Roy Wilkins; former executive director of the National Urban League, Whitney Young; baseball-great, Jackie Robinson; and, nationally syndicated columnist, Carl Rowan.

To a large degree, many people today are attempting to ignore the past and rewrite history.

Third: I believe this effort will further exacerbate the effects of a color-conscious society at the expense of the color-blind society, which should be our goal.

If there is a national holiday for Dr. King, a black American, why should there not be a national holiday for a woman, a native American, an Hispanic, etc.? The pursuit of such folly would result in a non-meaning of national holidays for all individuals.

I would like to add that The Lincoln Institute has received more than 200,000 responses from the survey it conducted recently, and the American people have voted, more than 90%, against a national holiday for Dr. King. I want to further add that our survey only sought to determine Americans' view on a national holiday for Dr. King—not state or local recognition.

A final observation: To date, Dr. King's home state of Georgia has not seen fit to honor him with a holiday.

#### STATEMENT OF JULIA BROWN

Ms. BROWN. Mr. Chairman, I, Julia Brown joined the Communist Party in December 1947, thinking I was joining a legitimate civil rights organization. Finding that I was a true member of the Communist Party which advocated the overthrow of the United States Government, I decided to leave the organization, but I had to bide my time to avoid suspicion. Subsequently, I went to the FBI to report what I had heard and seen. In 1951, I was asked by the FBI to go back into the Communist Party as an undercover agent to report on their subversive activities.

While at the Communist Party meetings, which only party members attended, I frequently heard Martin Luther King discussed and was told by Frieda Catz that he was in training for a civil rights movement in this country. Frieda Catz was a party member from Cleveland, Ohio, who had been assigned to my training and education within the Communist Party. On learning this, I reported it to my contact in the FBI. He told me that the Bureau knew that Martin Luther King had high-level connections with the Communist Party, and I should report anything else that I heard about his activities. I continued to report until June of 1960.

In Martin Luther King's early years of agitation he was the hero of America's Communists. The cells that I was associated with in Cleveland were continually being asked to raise money for Martin Luther King's activities and to support his civil rights movement by writing letters to the press and influencing local clergymen, and especially Negro clergymen, that Martin Luther King was a good person, unselfishly working for the American Negro, and in no way connected with the Communist Party.

There are many great Negroes, such as George Washington Carver and Booker T. Washington who provide the youth of America with an example they can follow. Martin Luther King provides an example of agitation and manipulation for goals dictated by hatred and envy. The memory of Carver and Washington would be dishonored if this committee acts favorably in this matter.

Mr. Chairman, while I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with the Communist Party. If this measure is passed honoring Martin Luther

King, we may as well take down the Stars and Stripes that fly over this building and replace it with a Red flag.

Thank you.

Senator THURMOND. Is there anything else you would care to say, or does that complete your statement Ms. Brown?

Ms. BROWN. That completes my statement.

Senator THURMOND. Do you have any questions you would like to propound to Ms. Brown?

Mr. WILLIAMS. No. Thank you.

Senator THURMOND. Thank you, Ms. Brown.

Ms. BROWN. Thank you.

Senator THURMOND. Our next witness is Mr. Karl Prussion.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Will the manager yield to me?

Mr. DOLE. I am happy to yield.

Mr. KENNEDY. Whatever time the leader desires.

Mr. BAKER. I am most grateful to both Senators.

Mr. President, we are approaching a momentous time as only the Senate can approach such important events. I have witnessed a few. I participated in many great debates that have surged through this Chamber, and divided our membership. I have seen, Mr. President, issues debated here, determined, and resolved here which have far-reaching implications on the foreign and domestic policies of this Nation.

But I have seldom approached a moment in this Chamber when I thought that the action we are about to take has greater potential for good and a greater symbolism for unity than the vote that is about to occur in 8 minutes.

That event, Mr. President, which is about to happen, makes my mind go back fully 20 years to a time when I was in this city, not as a Senator but as a young Tennessee lawyer traveling from a place where I had transacted my client's business in the direction of National Airport.

But, Mr. President, it was not an easy journey because as I made my way, I was impeded by a sea of humanity and by what seemed like a million Greyhound buses. For this was the day of the great civil rights march on Washington and there was no escaping it.

Mr. President, the taxi driver had his radio on and it was tuned to those proceedings that were going on on the Mall and at the Lincoln Memorial. It seemed as I listened and waited and sat in that crowded traffic jam that an endless procession of speakers took their turn at the microphone and all of them presenting with great emotion and great energy their appreciation for justice, all of them demanding equality before the law and each of them proclaiming the same insistent message that their emancipation was incomplete.

But, Mr. President, as I sat there listening I also heard a 34-year-old minister who was the head of the Southern Christian Leadership Conference, a dynamic young man who had spent part of that year in a Birmingham jail, and I left that taxi to try to work my way toward the focus of that dynamism and to hear this man first hand and unfiltered.

As he spoke through the murmuring noise of that crowd I could sense the special impact that he was having on that group and I was sure on the Nation and the world.

As he reached the climax of his speech no one in this country could doubt that that special attention was well-deserved. The speaker, Mr. President, was Martin Luther King, Jr. and the speech was "I Have a Dream."

More than 20 years separate that day from this and in those 20 years we have seen changes in this country and in this society which are nothing short of revolutionary, and we have the opportunity to memorialize the extraordinary progress we have made in race and social relations in America and to renew our commitment to improving those relations and now to expanding the horizon of human freedom still more.

Black Americans have suffered too much for too long in this country. They have been bound in the chains of slavery and barred from the free exercise of political expression and, as Martin Luther King once wrote "Smothered in the airtight cage of poverty."

But, Mr. President, for all of this, black Americans have made extraordinary contributions to this country and in every aspect of our national and personal lives. They have fought and died for this Nation; they have defended, they have expanded, and extended, the blessings of freedom and opportunity in this country. Mr. President, they have served this country much better than this country has always served them.

So it is only right that we set aside a day of national commemoration of that role black Americans have played in American's life, its work and social progress, and only fitting and proper that that day should be designated in memory of and in celebration of the accomplishments of Dr. Martin Luther King who in so many ways is the embodiment and the ennoblement of the aspirations and ambitions of so many millions from every walk of life.

So, Mr. President, the vote we are about to cast will perhaps not settle great issues between nations or change the statute law and the institutional arrangements of Government. The vote we are about to cast may not balance the budget but it is proof positive, Mr. President, that the country and the Senate have a soul and that

we intend to acknowledge and to celebrate the nobility of all of our citizens in the opportunity which they must have to participate in the fullness of America's future.

We can do that, Mr. President, by the establishment of this national holiday for this purpose at this time.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas is recognized.

Mr. DOLE. Have the yeas and nays been ordered?

The VICE PRESIDENT. They have not.

Mr. DOLE. I request the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand the time remaining is the time of the Senator from Massachusetts.

Mr. KENNEDY. I am prepared to yield back the time.

I yield such time as remains to the Senator from Kansas.

Mr. DOLE. Mr. President, I have no further comments. I think the distinguished majority leader and the distinguished Senator from Massachusetts and others have made excellent statements.

I must acknowledge the presence of the Vice President which I think is always significant. As far as this Senator is concerned the bill is ready for final approval and we can either have a quorum call—

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. President, it is 2 minutes to 4 and the vote is ordered at 4 o'clock but just so our respective cloakrooms can put Senators on notice the time has arrived, I would like to suggest the absence of a quorum, if the Senator will yield for that purpose.

Mr. DOLE. Yes.

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

The question is on the third reading of the bill.

The bill (H.R. 3706) was ordered to a third reading and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—78

Andrews	Durenberger	Mattingly
Armstrong	Eagleton	Melcher
Baker	Evans	Metzenbaum
Baucus	Ford	Mitchell
Bentsen	Gienn	Moynihan
Biden	Gorton	Nunn
Bingaman	Hart	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Percy
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Quayle
Byrd	Huddleston	Riegle
Chafee	Inouye	Roth
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stevens
DeConcini	Leahy	Thurmond
Denton	Levin	Trible
Dixon	Long	Tsongas
Dodd	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Matsunaga	Wilson

NAYS—22

Abdnor	Helms	Rudman
East	Humphrey	Stennis
Exon	Jepsen	Symms
Garn	McClure	Tower
Goldwater	Murkowski	Wallop
Grassley	Nickles	Zorinsky
Hatch	Pressler	
Hecht	Randolph	

The VICE PRESIDENT. The Chair reminds the galleries that they are guests of the Senate and that no displays of approval or disapproval are permitted in the Senate.

On this vote there are 78 yeas and 22 nays. The bill is passed.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, may I take this opportunity to extend my deep gratitude and thanks to the distinguished managers of this measure, especially to Senators DOLE and MATHIAS, Senator THURMOND, the chairman of the committee, and to all others on this side who participated so long and diligently in this effort.

May I express my appreciation as well to the minority leader, to the ranking member of the Judiciary Committee, and all those who managed on the Democratic side.

This is a historic moment, Mr. President, and I thank all Senators.

Mr. President, in a moment it will be the intention of the leadership to ask the Senate to turn to the consideration of the unfinished business, which is the State authorization bill.

Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The galleries will please be in order. The minority leader is asked to suspend until the galleries are in order.

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

The VICE PRESIDENT. The clerk will call the roll.

The 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 (Mr. SPECTER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this has been a great day in the history of the Senate, and a great day for all Americans. I want to express my gratitude to our many colleagues on both sides of the aisle who worked so hard to bring this legislation successfully to final passage in the Senate, especially Senator MATHIAS, the principal sponsor of the bill; Senator BYRD and Senator BAKER, whose skillful and sensitive Senate leadership meant so much to all of us in the critical stages of this debate; Senator DOLE for his able work in helping to manage the bill on the Senate floor; and Senator BIDEN, the ranking Democrat on the Judiciary Committee.

I also want to take this opportunity to single out for special praise the large number of dedicated staff persons in the Senate whose tireless efforts did so much to make this impressive victory possible. In particular, I commend Andrea Young, Burt Wides, and Carolyn Osolinik of my own staff, as well as all those on other staffs who contributed so much to this unique bipartisan effort, especially Marge Baker, Sheila Bair, Susan Cameron, Mike Epstein, Mark Gitenstein, Lynn Holmes, Steve Matalitz, and Chip Reid. Without their outstanding skill and dedication, we could not have prevailed today, and the Nation is deeply in their debt.

Finally, above all, I want to commend the person who has truly made all the difference in this effort, the woman who more than any other American has kept Martin Luther King's dream alive, someone whose friendship has meant so much to me and my family—Dr. King's wife and his great partner in all his great work, Coretta Scott King.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment—

The PRESIDING OFFICER. The majority leader is entitled to be heard. The Senate will be in order.

Will the ladies and gentlemen in the galleries cease all conversations.

Mr. BAKER. I thank the Chair.

Mr. President, first I want to express an apology to the minority leader. When I suggested the absence of a

quorum a moment ago, I did not notice that the minority leader was on his feet.

Mr. BYRD. I had the floor.

Mr. BAKER. And I believe may have had the floor, and perhaps my quorum call was out of order. But regardless of the technicalities, I want to acknowledge that it was an oversight on my part and that I wish to apologize to the minority leader for that.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the majority leader. He is very kind and always accommodating to me. He owes me no apology. I understand how those things can happen with all the hustle and bustle, so I thank him.

Mr. BAKER. I thank the minority leader.

#### DEPARTMENT OF STATE AUTHORIZATIONS

Mr. BAKER. Mr. President, I now ask for the regular order.

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. May I make one further announcement. I indicated earlier today, Mr. President, that it was my hope that we could go to the Interior appropriations conference report immediately after the King vote. That conference report is not quite ready, but I think it will be ready yet during the course of this day or early evening. It is the hope of the leadership on this side, even though we are on the State authorization bill, which is now pending, that it will be laid aside temporarily so that the conference report, which is privileged, might be taken up and disposed of today. I want to put Senators on notice of that possibility.

Mr. President, I now yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, today the Senate will consider S. 1342, a bill authorizing appropriations for the Department of State, U.S. Information Agency, and the Board for International Broadcasting for fiscal years 1984 and 1985. The total amounts authorized by this legislation for fiscal

years 1984 and 1985 are \$3,203,518,000 and \$3,234,249,000, respectively. This represents a cut of \$65,427,000 from the administration's fiscal 1984 request and a cut of \$330,442,000 from the administration's fiscal year 1985 request. Despite these substantial reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

Mr. President, elsewhere in the RECORD and prior to the referral to other matters, several charts were incorporated in the RECORD which compared the administration's request with the committee's recommendations, and they were printed in the RECORD. I will not, therefore, repeat those.

It would be the intention of the managers of the bill to move just as rapidly as we possibly can. We hope to finish this bill tonight.

I should like to read off at this time the sequence of amendments so that any Senators interested in those amendments can promptly come to the floor. Each amendment is expected to take a relatively few minutes except one or two that might be in controversy.

The first amendment will be the National Endowment for Democracy; the second United States-India endowment; third, Radio Free Europe, Radio Liberty foreign currency gains; fourth, U.S. Embassy in Mexico; fifth, security officers; sixth, extraordinary protective services; seventh, European Space Agency; eighth, U.N. World Assembly on Aging; ninth, nonproliferation, in which I understand Senator BOSCHWITZ and others have an interest; tenth, human rights. Following that, an amendment of some interest to Senator CRANSTON, USIA film. Then two amendments in which Senator DOLE has indicated an interest, Helsinki Commission and the National Endowment for Democracy; several amendments in which Senator KASSEBAUM has indicated an interest, Peace Corps amendment, modification of amendment 2200, U.N. Decade for Women. Following that, an amendment that Senator LUGAR has indicated an interest in, Soviet studies, followed by an amendment in which Senator MATHIAS has an interest, prepublication review issues; an amendment Senator McCLURE has indicated an interest in, SALT II, and Senator NICKLES involving an amendment, review of U.S. participation in the United Nations. The amendment Senator PELL indicated an interest in will not be offered.

Senator PRESSLER has indicated an interest in amendments involving, first, the study of U.N. funding; second, employment of U.S. nationals by the United Nations; third, withholding funds for specific budget

items. Senator PROXMIRE has indicated an interest in amendment No. 2162, National Endowment for Democracy, and amendments 2311 and 2312.

Senator PRYOR has indicated an interest in an amendment involving the Under Secretary for Agricultural Affairs. Senator HELMS has indicated an interest in the State Department Compensation Reform Act, USIA audit, the Soviet Embassy, a sense of Congress resolution, and lobbying foreign policy agencies.

The final amendment the managers of the bill are aware of involves an amendment in which Senator LEAHY is interested, involving El Salvador.

#### AMENDMENT NO. 2344

Mr. PERCY. Mr. President, at this time I send to the desk an amendment involving the National Endowment for Democracy and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2344.

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

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

The amendment is as follows:

Page 26, beginning in line 20, strike out "to the National Endowment for Democracy (established pursuant to title IV of this Act)" "and insert in lieu thereof, in accordance with title IV of this Act, to the National Endowment for Democracy".

Page 33, strike out line 21 and all that follows through line 3 on page 43 and insert in lieu thereof the following:

#### TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

##### SHORT TITLE

Sec. 401. This title may be cited as the "National Endowment for Democracy Act".

##### NATIONAL ENDOWMENT FOR DEMOCRACY

Sec. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchange between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in

democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

#### GRANTS TO THE ENDOWMENT

SEC. 403. (a) The Director of the United States Information Agency shall make an annual grant to the Endowment with funds appropriated to the Agency for the "Salaries and Expenses" account to enable the Endowment to carry out its purposes as specified in section 402(b). Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 402(b), that the Endowment will allocate funds in accordance with subsection (d) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 402(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than \$5,000,000 shall be for the National Democratic Institute for International Affairs;

(2) not less than \$5,000,000 shall be for the National Republican Institute for International Affairs;

(3) not less than \$13,800,000 shall be for the Free Trade Union Institute; and

(4) not less than \$2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

#### ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

SEC. 404. (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 402(b).

(c) Officers of the Endowment may not receive any salary or other compensation from any source other than the Endowment during the period of their employment by the Endowment.

(d)(1) The Endowment shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other individual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Endowment shall remain in possession and custody of the Endowment.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any

program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g)(1) The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(h) Not later than December 31 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

Mr. PERCY. Mr. President, I also indicate that Senator BYRD has indicated an interest in offering an amendment at an appropriate time that would involve a clarification of the War Powers Act as he interprets the Supreme Court decision. That would probably involve some discussion and possibly a rollcall vote.

#### ORDER OF PROCEDURE

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

Mr. PERCY. I yield for a question.

Mr. MATSUNAGA. Some of us have evening commitments. Can the Senator from Illinois give us some idea as to when we will be able to finish the pending bill?

Mr. PERCY. It is the hope of the majority leader, expressed to the floor manager, that we could finish this bill tonight. He hopes we will at least stay on it until 9 o'clock. Depending on the progress we make, if it appears that we can finish the bill tonight, we will stay on it until we finish it. If it does not appear to be possible to do so at a reasonable hour, we will aim for 9 o'clock.

Mr. SARBANES. How many amendments are pending to the bill?

Mr. PERCY. There is only one amendment pending.

Mr. SARBANES. I do not mean technically pending. How many amendments are expected to be offered to the bill?

Mr. PERCY. The 32 that I have mentioned and listed, in the sequence in which the managers of the bill hope they will be taken up. I have identified the Senators interested in those amendments so that they can have some idea of the sequence.

Mr. SARBANES. How can it be realistic, given that figure, to even have any expectation of finishing the bill tonight? Would it not make more sense to work expeditiously for a couple of hours and then go over until tomorrow, to try to finish the bill?

Mr. PELL. Mr. President, if the Senator will yield, as the minority manager of the bill, I would strongly support that. I did not know until 4:30 this afternoon that we would be here until 9 o'clock. I have a pressing engagement at 7:30. Normally, we expect to stay late on Thursday, but I think it is a little uncalled for to decide suddenly to stay until 9 o'clock.

Mr. PERCY. The majority manager of the bill is expressing the hope of the majority leader. Looking at the agenda ahead, he recognized that at some time during the course of this matter we may have to set it aside for the Interior bill, that immediately following this we must take up the State Department appropriations bill. We have a heavy schedule, and he would like as much done as possible.

I am very sympathetic with the prior engagements, and I recognize that Wednesday night is not the usual late night. We hope the bill can move along rapidly. Many of the amendments appear to be totally noncontroversial and could be accepted in 2 or 3 minutes and would not involve a roll-call vote. I think very few would involve rollcall votes. Many of them can be accepted very quickly.

Mr. SARBANES. I simply want to echo the comments of the ranking minority member of the committee. There was no knowledge on this side of any intention to continue beyond some normal hour to deal with the bill. I do not see any prospect of finishing it even if we were to do so. It seems to me that it would be better to work out a process here whereby we did a certain amount of work in the next couple of hours and then went over until tomorrow, to finish up the bill then.

Mr. PERCY. Taking into account the pressing engagement of the distinguished minority manager of the bill, which might involve some of his colleagues—

Mr. PELL. No.

Mr. PERCY. Perhaps we can consider having an alternate designated by the minority floor manager.

Mr. PELL. This is no problem.

Mr. PERCY. We would try to move aside, until tomorrow, controversial amendments that would require a roll-call vote after 7:30 tonight.

Mr. PELL. Obviously, we can delegate somebody else to do it. But I think the committee as a whole should be on notice, and you do not tell people at this late hour, suddenly, to stay until 9 o'clock. People have other engagements. I know that one colleague has a speech and another has something else. I think they should be given a little more notice.

Mr. PERCY. I ask my staff: I did phone this morning at 8 o'clock, suggesting that notification be put out that it was the request of the majority leader that the managers stay on the bill until it was finished. Was that put out as a notification?

Mr. PELL. It was never brought to me.

Mr. STEVENS. Mr. President, I call the attention of the Senate to the fact that last evening, the majority leader stated the intention of resuming debate on the State Department authorization bill. He specifically said there is a possibility of a late evening, with rollcall votes into the evening. He said that last evening. The Senate was put on notice that we would attempt to get to the Interior appropriations conference report. We will do that later today, if possible.

It was stated last evening that it was our intention to resume the pending business, and the State Department authorization bill is the pending business.

I am referring to page 28145 of the CONGRESSIONAL RECORD from yesterday. That was a matter for leadership on both sides of the aisle. It was put out on the hotline on our side. I presume that a similar report was made on the Democratic side.

We did our best to notify all concerned that this was the pending business and that we would resume it if we were unable to get clearance on the Interior appropriations conference report.

Mr. PERCY. I do not ask for sympathy, but I was advised last evening by the majority leader that the pressing business of the Senate would require that we move ahead on this. I did have a speaking engagement in Chicago, which I then canceled—regretfully so—simply because our first duty is to complete our work on the floor.

I am sympathetic with the fact that many times we do have binding engagements which we cannot forgo.

Mr. SARBANES. Mr. President, will the chairman of the committee yield on that point?

Mr. PERCY. I yield.

Mr. SARBANES. I understand that. I am interested in this as a matter of comity. I take it that the chairman was notified by the majority leader yesterday evening. Is that correct?

Mr. PERCY. And the majority leader notified the entire Senate at about that same time.

Mr. SARBANES. In other words, the chairman's notice came through this statement that is in the RECORD.

Mr. PERCY. No. Just prior to that notice being put on the floor, the majority leader spoke to me about his desire to move ahead and hopefully take up tomorrow morning if at all possible State appropriations.

Mr. SARBANES. The majority leader spoke to the Senator personally?

Mr. PERCY. Yes.

Mr. SARBANES. At what point did the chairman speak to the ranking minority member and indeed any member of the committee on this side with respect to this legislation and this schedule?

Mr. PERCY. The chairman of the committee spoke to the staff immediately after that and the staff was notified on both sides.

Mr. PELL. Forgive me. The minority chief of staff is here, and he was not notified.

The PRESIDING OFFICER. The acting majority leader is recognized.

Mr. STEVENS. Mr. President, it would seem to me that no Member of the Senate needs notice that the pending business is the pending business.

Mr. PELL. But the manager should receive notice.

Mr. STEVENS. The Senate was put on notice last evening at 6:24 p.m. that we would resume consideration of the pending business, which is the State Department authorization bill.

With due respect to my colleagues, we have served in the minority also. I do not recall any concept of having to have specific notification that we were going to return to the pending business.

I might say, at the time before we left for the Columbus Day recess the Senate was notified that we would take up the Martin Luther King bill and then return to the State Department authorizations bill thereafter. We have the liberty of calling up the Interior conference report as a privileged matter when it is presented, but it has not been presented yet to the Senate.

Mr. SARBANES. Mr. President, will the acting majority leader yield on that point?

Mr. STEVENS. I am happy to yield.

Mr. SARBANES. The notice in the RECORD says that we were expected to take up the conference reports, both Interior as well as Labor-HHS if received from the House of Representa-

tives and following that we would resume debate on this issue.

Mr. PELL. I understand.

Mr. SARBANES. We realize this is the pending business, and as I indicated I think we should work at it for a couple of hours, but to now come in with this schedule, when no one has been consulted about it, it seems to me is not the best way to do business.

Mr. STEVENS. I say to my good friend I have every reason to believe we will be able to go to the Interior conference report yet this evening, and the majority leader previously stated if we can get to that we will displace this bill with the Interior appropriation conference report as it is a privileged matter. The other appropriations bill for Labor-HHS is not available.

Mr. SARBANES. When the Senate displaces it, does the acting majority leader intend subsequently to return to this bill tonight?

Mr. STEVENS. It is the pending business.

No; I might say to my good friend if we could get to the Interior appropriations conference report we would attempt to conclude that business tonight and it would be our intention to return to the State Department bill tomorrow morning.

We do not know whether we are going to get to it. Meanwhile, the Senate cannot pass up the fact that this is the pending business and we could work the will of the Senate on this State Department authorization bill yet this evening. We are hopeful that we can make some progress in that regard.

Mr. SARBANES. Mr. President, I think we can make some progress, but we have 32 amendments. I do not think we can finish it. I think we should work away here for a couple hours but not on the assumption that the Senate is going to go on and on, on a piece of legislation that we cannot finish.

Mr. PERCY. Mr. President, I suggest we get underway.

Proper notification was given to Peter Gailbraith last night. He is a member of the minority staff and he would certify that he was told by the majority staff that it was the intention to go immediately to the State Department authorization, and I do not know how we could do more than to have notification go to the staff and the majority leader to take the floor and notify all Senators what the situation would be.

Mr. PELL. Mr. President, the Senator from Illinois is absolutely correct in that our staff member was notified it would be taken up, but he was not notified that we would be going late into the evening.

Mr. STEVENS. Mr. President, if my friend will yield on that, this morning at the opening of the Senate the dis-

tinguished majority leader, I am informed, stated that following the Martin Luther King bill the Senate would return to the State Department authorization bill and urged the cloakrooms on both sides to put out notifications to Senators that it might be a late evening.

It is my understanding that it is the desire of the leadership to proceed with this bill if it is at all possible. There was a contentious matter that held up this bill, as we all know. That amendment has been withdrawn, and we see no reason why we cannot work the will of the Senate on this bill.

All Members of the Senate are on notice that we expect votes this evening, and that was given last night and it was given this morning. There will be votes yet this evening. Those votes will pertain either to this bill or to the Interior appropriations conference report.

If Members wish to talk there is a way to not come to those votes, I am sure. It is the intention of the leadership and I believe on both sides that we proceed on this bill to the extent we can for the remainder of the evening.

Mr. SARBANES. Mr. President, will the acting majority leader indicate to us what he anticipates the schedule is going to be for the remainder of the week?

Mr. STEVENS. We have the State-Justice-Commerce appropriations bill ready for floor action. We have the conference report on Health and Human Services. We have the Interior Department conference report on appropriations and we have the State Department authorization bill.

Mr. SARBANES. There is a whole list of bills that we have. The question was really what the schedule would be for the week in terms of considering this.

Mr. STEVENS. It depends on how they are cleared. We are trying to clear now a time agreement on the Interior appropriations conference report. As soon as it is done we will proceed with it, I assume. Meanwhile, the State Department authorization is the pending business, and I have discussed it with my good friend. I am hopeful we can move to the Interior appropriations conference report. When we do that will displace this pending business for the remainder of this evening, I am certain, but it would become the business again tomorrow if we are unable to proceed with those other conference reports that we anticipate being presented to us.

Mr. PELL. The first I knew about it was at 4:30 p.m. when I came here this afternoon.

Mr. SARBANES. Mr. President, I want the acting majority leader to be very clear. I think we should proceed now, and I am prepared to do that,

and I am also prepared to work on this bill tomorrow.

The question I am raising is the undertaking to go on and on tonight when clearly the bill cannot be finished.

Mr. STEVENS. I might say to my good friend that I discussed with the distinguished minority leader the possibility of going on—I have not been able to speak to the manager of the bill—to at least 9 p.m. with the hope we will be on the Interior bill and conference report and finish that bill at that time if it is possible tonight. If not, if the distinguished manager of the bills agrees, we will finish our deliberations on this bill at approximately 9 p.m.

Mr. PELL. Mr. President, as a matter of comity, as a general rule I ask the acting minority leader if there should not be a little more consultation, it seems to me, with the managers on both sides of the bill.

Mr. STEVENS. The distinguished Senator from Rhode Island is due an apology. And I am happy to make it. I was under the impression that all concerned, and I inquired, as a matter of fact, if the managers of the bill had been notified we will be here, because we knew the distinguished majority leader would leave the Senate following the vote on the Martin Luther King bill.

Mr. PELL. If I had known I would have said as a matter of comity I will stick with you until 7:30 or 8 p.m. tonight, and then finish it up tomorrow.

Mr. STEVENS. We hope we can proceed, and I do hope that we can give a report to the Senate in the very near future on the progress on the Interior conference report and that will resolve all of this problem.

I urge my good friends to continue with the amendments on this bill if it is at all possible at this time.

Mr. PERCY. It is the regret of the majority side and hereafter we probably should not assume that when staff is notified that is the same as notifying Senators, but staff was definitely notified last night and, as I understand it, not only the majority leader last night made it clear for all Senators in the RECORD but the minority leader did again this morning.

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

Mr. STEVENS. I yield.

Mr. BYRD. Mr. President, will the Senator yield so the minority leader may speak for himself?

Mr. STEVENS. I yield.

Mr. BYRD. Mr. President, Mr. BAKER this morning indicated that he hoped to go until 8 or 9 p.m. tonight and that he was hopeful, and I hope I am not misstating, but as I recall he expressed the hope that in so doing, the Senate could complete action on the unfinished business, which is the

State Department authorization bill. I suggested that our respective cloakrooms inform Senators that we might be here until 8 or 9 p.m. In inquiring, now I find that our cloakroom did not put out that information. So I owe an apology to my own colleagues because our cloakroom did not put out that information.

Of course, those who were listening at the time that the majority leader spoke would have heard, but for those who were not listening, the cloakroom did not follow through, and I regret that and I owe my colleagues an apology and I say that the problem that has been created here is one which I regret. I think my colleagues have been put to a disadvantage because of the breakdown in the cloakroom communications, and I think the majority is likewise entitled to an apology. I apologize.

Mr. PERCY. It is very gracious of the minority leader. I think as a matter of comity then why do we not just agree that we can go until 7:30 incorporating any amendments that require votes. If the minority floor leader can designate someone, we will take up as many of the noncontroversial amendments as possible, but would not require rollcall votes after 7:30, then, and when we finish that, we will just wind it up if the Interior appropriations bill is not offered.

Mr. BYRD. The ranking manager can be here until 7:30.

Mr. PERCY. Right. So we would take up rollcall votes until 7:30 and then after 7:30 we would take up noncontroversial.

Mr. PELL. We may not get anybody on the committee because they all have dinners and engagements of their own. So far we have spoken to five or six of the Members and none of them can do it on this side. So there is a problem here.

Mr. PERCY. There would be a problem if we did not have a minority Member here. We would simply have to suspend operations.

Mr. PELL. We may have to.

Mr. BYRD. May I make a suggestion? Now I think that an adequate but unfortunate explanation has been made. I do not blame anybody for that but myself. I suggest we move on with business until 7:30 and see what progress we can make.

I have an amendment which I could call up and we can debate it, discuss it, we can put it over until tomorrow if the managers would like to do so.

Mr. PERCY. There is a pending amendment right now which has been offered and sent to the desk and has been read. I have a short statement on that and then if the minority leader would like to have his amendment offered immediately following that, fine.

Mr. STEVENS. Will the distinguished chairman yield at that point so I might make an inquiry of the dis-

tinguished minority leader? Does the distinguished minority leader intend to have a vote on his amendment?

Mr. BYRD. It is an important amendment and I would imagine Senators would want a vote.

Mr. STEVENS. I think it is important Members of the Senate be put on notice we do anticipate rollcall votes through the evening. The reference to 7:30 is reference to accommodate our good friends and I understand that. But once we get the Interior conference report, and I am led to believe there are compromise amendments being drafted at this point, if we turn to those they will go rapidly and there will be some votes on the Interior appropriations if we can get to that point.

Mr. BYRD. I would hope, let me say to the acting Republican leader, that we not vote after 7:30, just because of the failure on the part of myself to see that our cloakroom put out the word, and our Senators on this side are simply not prepared.

Mr. STEVENS. I might say, Mr. President, I will confer with my friend on that problem. He does have a problem. I think a lot depends on whether we get a time agreement on the Interior bill. Once we can get it I am sure we can accommodate all Senators.

Mr. PERCY. I would hope Mr. President, we could take up as many of these amendments that we know can be disposed of in a matter of 2 or 3 minutes so we get the bulk of them behind us and then get into amendments that would require some extended conversation.

The PRESIDING OFFICER. The Senator may proceed.

#### AMENDMENT NO. 2344

Mr. PERCY. Mr. President, when I initially brought this bill (S. 1342) to the floor, and especially title 4 dealing with the proposed National Endowment for Democracy, I made no introductory remarks on its behalf. During the debate, I was content to answer the legitimate questions raised by some of our colleagues while allowing others to speak in favor of the endowment idea, which now looms so large in our response to the Soviets' worldwide struggle of ideologies. Twice in our last consideration of this measure, we upheld the endowment against what I believe have been shown to be groundless criticisms.

This time, Mr. President, I rise hopefully to conclude our consideration of this measure first by offering a technical, perfecting amendment drafted by its sponsors in order to guarantee the constitutional perfection of the bill. The Justice Department agrees and, along with all the concerned agencies or departments of the administration, strongly supports the endowment's swift passage. However, before turning to this amendment, Mr. President, I wish to introduce into the record a

splendid analysis of the endowment's aims and procedures written by Ambassador Bill Brock, our former colleague and now U.S. trade representative (but also the retiring president of the bipartisan American Political Foundation whose research study proposed the endowment) and Ambassador Michael Samuels, an experienced diplomat who now serves as International Vice President for the U.S. Chamber of Commerce. Entitled "Meeting Moscow's Ideological Challenge," this article appeared in the September 29 editorial section of the Washington Times and deserves to be required reading for all Senators before this debate proceeds further.

It may be of interest to note that a bipartisan group of our colleagues from the House of Representatives led by my good friend and chairman of the Foreign Affairs Committee, CLEM ZABLOCKI, recently went to the Council of Europe's Parliamentary Assembly in Strasbourg held this year around the theme of democracy—how to defend it, how to strengthen it, how to extend it. The 21 European State-members of the Council invited observer delegations from other industrialized democracies, including our own, along with Third World democratic observers, to meet for 3 days and discuss governmental and nongovernmental aspects of these problems. The event was an important symbolic milestone in rallying the world's democracies, and I would like to share with you some passages from the opening speech given by the chairman of the U.S. delegation:

Mr. President, on behalf of the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and other members of our delegation, I want to express our deepest appreciation to the Council of Europe for having initiated this meeting on the problems and prospects of democracy in our time. We in the United States delegation consider this occasion a milestone in the history of the Council of Europe and in the efforts of democratic nations to meet constructively in order to examine and—if possible—help to strengthen throughout the world the values and institutions which we cherish.

We believe that the gathering of not only members of the Council's Parliamentary Assembly itself but of so many observer delegations such as our own suggests the urgency of our tasks here this week. All of us, however preoccupied with governmental and personal obligations in our respective countries, have assembled in order to make manifest, both to those struggling under adverse conditions to uphold democratic practices and those committed to democracy's extinction, that we believers in democracy are on the move: on every continent, in every conceivable type of society, throughout the developing world as well as in the industrialized nations. This is true despite all the terrible impediments which have been placed in our path by those committed to unfree societies, whether of the non-democratic Left or the non-democratic Right.

The deliberations now getting underway, in our opinion, must not end with the conclusion of this assembly, however successful, but find means of continuing the dialogue among democracies and, in our opinion, extending it to the emerging democratic states of Latin America, Africa, Asia and Oceania. Would it not be a wondrous event, Mr. President, if the Council of Europe's next such ingathering of the democratic clans—our next quorum call for free societies—"Strasbourg, II," if you will—occurred under the Council's auspices possibly in the developing world to dramatize our commitment to extending practical support and assistance to democratic nations wherever they evolve?

It has often been observed, correctly, so that we in the United States are a "nation of nations," our citizens having come to us over the past centuries—often as political or religious refugees from the whole gamut of oppressive regimes—in order to find that margin of liberty so admirably summarized in many of the essential points noted in the Council's draft of a "Democratic Manifesto."

Our heritage as a nation and our present commitments, therefore, oblige us to avow among our beliefs a dedication to the universality of the democratic faith. We hold this truth to be self-evident, in short, that democracy's extension to the developing world remains neither a luxury nor an impossibility. We are dedicated, in fact, to demonstrating the inevitability of democratic development whenever a people finds itself capable of determining without coercion its own destiny.

It is fitting, at this point, Mr. President, to read to you and to this assemblage the letter of greeting to this conference sent by the President of the United States, Ronald Wilson Reagan:

DEAR MR. PRESIDENT: I congratulate the Council of Europe for its initiative in organizing this Conference on Parliamentary Democracy. It is an expression of what is strongest and most vibrant in the societies of the participating countries and will help point the way to broader cooperation and participation in the future.

I have spoken about my own deeply held conviction that governments and their citizens need to work internationally to strengthen democratic institutions. I am consequently particularly pleased that the Congress of the United States has been voting to support the bipartisan National Endowment for Democracy and to enable the Endowment and the United States more effectively to cooperate with others in advancing democracy. This is a cause in which all democratic parties—in the United States and elsewhere—can join with full conviction.

I wish you full success in your deliberations and look forward to further cooperation with those governments participating in the Conference and with democratic governments everywhere.

Members of the Council of Europe, I think it is important to note that President Reagan speaks for all members of this U.S. delegation and for our entire country in expressing his high hopes for this gathering. We have come to listen, to learn, to contribute, and to cooperate in the common task of developing not only our conceptual understanding of democratic processes today but our practical ability to bolster the chances for democratic success in a world filled with those who fear and despise free societies.

I am especially hopeful that—by this time next year—through the bipartisan Endow-

ment and institutions affiliated with the two political parties, labor and business—the United States will have reinforced meaningfully its tangible commitment to partnership programs and exchanges designed to bolster democratic institutions throughout the world.

Would it not be a splendid and historic occasion, Mr. President, if this Senate today fulfilled that bipartisan hope and passed this Endowment legislation? Once this legislation has been enacted, as I stated earlier, the Foreign Relations Committee will have a chance to review with the officials of the endowment and various institutes to be funded by it their procedures, bylaws, initial programs and plans. To do that, however, we must first pass the bill which I hope we can do expeditiously with the perfecting, technical amendment that I have sent to the desk.

I ask unanimous consent that the article entitled "Meeting Moscow's Ideological Challenge" be printed in the RECORD.

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

[From the Washington Times, Sept. 29, 1983]

#### MEETING MOSCOW'S IDEOLOGICAL CHALLENGE

(By William Brock and Michael Samuels)

For the first time, the United States has an opportunity to harness the experience and energies of the private sector in meeting the global ideological challenge presented by the Soviet Union and its allies. Whether or not that opportunity becomes a reality depends on Senate approval this week of a proposal to create a National Endowment for Democracy.

Prompt passage of the legislation (S. 1342) will send a strong message to the world that the American people fully intend to support the growth and development of democratic pluralism abroad.

The legislation pending in the Senate would establish a National Endowment for Democracy as a private, non-profit corporation. It would receive an annual appropriation from the Congress and would be subject to Congressional overview and guidance.

The unique feature of the proposed Endowment is that all of the overseas programs would be designed and implemented by private sector groups including business, labor, the two political parties, and others. The Endowment legislation specifically names four of the organizations that would receive funds: the Center for International Private Enterprise, the Free Trade Union Institute, and separate Republican and Democratic Institutes for International Affairs.

Each of the political party institutes will draw personnel and program ideas from congressional representatives, academia, and the national committees but neither is part of their respective national committee structures. The Center for International Private Enterprise is part of the National Chamber Foundation and will include on its governing board leaders from representative business groups. Similarly, the Free Trade Union Institute is affiliated with the AFL-CIO and will draw on labor's extensive experience in Asia, Africa, and Latin America.

Other private sector groups such as the media, the legal profession, cooperatives, and academia are being encouraged to apply for funds.

Our involvement with the National Endowment for Democracy stems from a research study conducted, with President Reagan's support, by the bipartisan American Political Foundation. In addition to the two of us, the study group board also includes RNC Chairman Frank J. Fahrenkopf, Jr., DNC Chairman Charles T. Manatt, Sen. Christopher Dodd, AFL-CIO President Lane Kirkland, Rep. Dante Fascell, Richard V. Allen, and other distinguished private sector representatives.

This group of business and labor leaders, Republicans and Democrats, liberals and conservatives, strongly supports the Endowment concept. The Report, which was presented to the Administration and Congress in mid-April, recommended the establishment of the Endowment and documented the many potential benefits of such programs for the United States and for democratic forces around the world.

The Endowment concept is based on providing support for what President Reagan called, in his speech to the British Parliament last year, the infrastructure of democracy—political parties, business associations, free labor movements, a free press, and other elements of democratic pluralism. Each of the organizations receiving funds from the proposed Endowment would provide training, exchange programs, and support to its counterparts abroad.

The experience of the AFL-CIO's labor institutes clearly demonstrates that the most effective means of halting the spread of communism is to support democratic groups through institution-to-institution assistance on a partnership basis. As democratic political parties, business groups, labor unions, media, and other institutions emerge and grow stronger, the forces of tyranny can be more effectively checked.

Although government-to-government forms of aid are essential and should be continued, the direct assistance from experienced business people, political party leaders, union experts, and others can make a decisive difference in building democratic pluralism abroad.

Some criticism has been directed at the proposed Endowment in the Senate and in the earlier House vote. For the most part, criticism reflects domestic partisan concerns that the proposed Endowment would be dominated by one party or the other. Some question the relative distribution of funds between business and labor. Such concerns are groundless.

Both political party institutes have been designated to receive the same amount of funding and have the same representation on the proposed Endowment board. In the cases of business and labor, the appropriate Congressional committees decided that, initially, labor would receive a larger amount as recognition of the work that regional labor training institutes have already done in strengthening democratic trade unionism while opposing communism in Africa, Latin America, and Asia.

As the business Center's programs develop, labor and business will receive equivalent funding in future years. Further, its broad bipartisan structure assures that no one group will be in a position to control the proposed Endowment. Congress, of course, will exercise a strong oversight function to ensure that the proposed Endowment ade-

quately coordinates programs and that all programs are in the national interest.

Domestic concerns aside, it is long past time that the American private sector becomes an essential element of the national effort to provide support for democratic, pluralism worldwide. Indeed, the private sector is American democratic pluralism. What better way to confront our most dangerous adversaries than through our own democratic pluralist institutions?

Mr. PERCY. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection? If there is no objection, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2344) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

#### amendment no. 2345

(Purpose: To provide for suspension of assistance to any country not meeting projected reductions in illicit drug production.)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The clerk will report.

The bill clerk read as follow:

The Senator from Florida (Mrs. HAWKINS), for herself and others, proposes an amendment numbered 2345.

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

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

The amendment is as follows:

At the bottom of page 48, add the following:

#### TITLE VII—GENERAL PROVISIONS INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or

from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provisions of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances."

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 9 of part I, relating to international narcotics control assistance)'

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961."

Mrs. HAWKINS. Mr. President, today I am introducing an amendment to S. 1342, the Department of State authorization bill which is designed to combat the corruption, violent crime, addiction, and health hazards victimizing Florida and the rest of this country as a result of the flow of illegal drugs from abroad.

This amendment is cosponsored by Senators PERCY, BIDEN, COCHRAN, DECONCINI, D'AMATO, HUMPHREY, MOYNIHAN, PELL, ABDNOR, MURKOWSKI, WILSON, and MATTINGLY.

The American people have had enough. Something must be done to stop this degradation of our country and its citizens. Consider these outrageous statistics on the size of the narcotics industry, its cause and effect relationship with other types of crime, and our economy.

The Drug Enforcement Administration estimates that illicit drug trafficking revenues now exceed \$80 billion per year, trafficking profits now exceed \$80 billion per year. That is an increase of almost 50 percent from 1977.

Researchers at the National Institute on Drug Abuse found that 243 addicts in one city had committed a total of 500,000 crimes over an 11-year period.

A December 1982 special report in the Harvard Business Review revealed that in 1981 drug use among a civilian workforce of 108 million cost employers \$16.4 million in lost productivity and crime.

Obviously, the most tragic impact of illegal drugs in this country is the damage done to our young people:

According to a 1981 survey by the National Institute on Drug Abuse, 1 out of every 14 high school seniors uses marihuana daily.

Over one-third of America's young adults currently use illegal drugs.

Over 3 million people between the ages of 18 and 25 use cocaine on a regular basis.

During the past 20 years, the health of all Americans in general has been improving, with one notable exception: The death rate of young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts indicate that drug abuse has been the major factor in this terrible trend.

Marihuana, in particular, poses severe health hazards. The most commonly used illicit drug in the United States, it is not only carcinogenic but also impairs the functioning of the heart, brain, and reproductive system. Since it is often used in combination with alcohol, marihuana compounds the devastating problem of drunk driving.

Cocaine use can be even more dangerous; it can, for instance create compulsive drug-taking behavior that disrupts the normal life of the user. This problem is compounded by the fact that since 1976, cocaine use has become both more prevalent and more intense. Indeed, increased smoking (freebasing) and injection pose even greater health risks than the inhalation (snorting) of cocaine. As a result, there has been an escalation of injuries and deaths related to cocaine, and the number of individuals undergoing treatment for cocaine abuse has doubled since 1978.

During 1981, heroin related deaths rose 25 percent, surpassing the 800-per-year level for the first time since 1976. There are now nearly 500,000 heroin users in the United States.

Millions of young Americans have been left emotionally, psychologically, and physically crippled by drug use.

The nation of Colombia is the source of 90 percent of the cocaine, 70 per-

cent of the marihuana, and nearly 100 percent of the quaaludes entering the United States.

Major producers of opium include: Pakistan: 300 to 400 metric tons, Thailand 10 to 15 metric tons, Afghanistan 200 metric tons, Burma 150 to 170 metric tons and Iran with 400 to 600 metric tons. Major producers of cocaine include Bolivia with 35,000 acres of coca and Colombia with 44,000-60,000 acres. No one should sit idly by and let this happen without fighting back. The blame does not lie exclusively on foreign nations. Our tax laws and overly generous judges must share the blame, along with parents who are too busy, too uninterested, and too permissive—and perhaps uninformed about the very real dangers of drug abuse. Our national media, as well frequently glamorizes and defends drug use. Even health professionals in the past have misled the public about the consequences of illegal drug use.

We need action on all fronts. The administration made a public stand in the President's national narcotics control strategy paper released last year. The South Florida Task Force has done a fantastic job in combating the influx of drugs into Florida. While it is clearly impossible to cut the flow completely, a significant break has already been made.

Time and again, however, experts who have examined the desperate situation have identified eradication of the drug crop in the fields as the best possible means of attack. Since plants cannot hide or move and can be easily destroyed, this strategy has cost effectiveness. In two recent instances—in Mexico and Turkey—crop eradication proved successful in effectively reducing drug crop cultivation and protection. Historically, we can see that eradicating the supply at its source does effectively reduce the drug problem. During World War II when the supply lines of opium and heroin to the U.S. market were cut off, our heroin problem fell quickly to insignificant proportions.

My amendment is a response to the damage inflicted upon our society by foreign drug producers. It would directly link drug eradication by foreign governments with bilateral U.S. assistance and U.S. votes on grant or loan requests at multilateral development banks. Because American taxpayers are the major donors to the Inter-American Development Bank and to the World Bank, drug control would be made a clear priority internationally. In effect, my legislation would communicate to drug-producing countries that if they want any military or economic aid, they must demonstrate to us and the other victim nations a willingness to help solve an international problem—drug abuse. As signers to the Single Convention on Narcotic Drugs

of 1961, as amended in 1971, foreign countries already made a solemn commitment to eradicate illegal drugs.

During the past 3 years, the Government of Colombia has received over \$2 billion in grants and low-interest loans from the Inter-American Development Bank and the World Bank. Peru has received over \$1 billion, Thailand nearly \$2 billion, Pakistan nearly \$1 billion. I ask unanimous consent that a summary of bilateral and multilateral assistance received by major drug-producing countries be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mrs. HAWKINS. Mr. President, if the foreign governments prove to be unwilling to cooperate, then we must act to protect our own vital interests. It is in our power to oppose loans and grants to major drug producers from the multilateral development banks until they take real and verifiable action against illicit drug production and trafficking.

My amendment would do exactly that—by requiring U.S. opposition to loans and assistance by multilateral development banks to major drug-producing countries unless the President determines and certifies to the Congress that they do the following:

First, cooperates with U.S. drug control efforts, and

Second, eradicate their illegal marijuana, cocaine, and opium crops. Minimum eradication requirements for each major drug producing country would be set through administration-congressional consultation.

Direct linkage of drug eradication with U.S. votes at the multilateral banks, therefore, is the most effective means of establishing drug control as a priority in our relationship. It is vital that U.S. foreign assistance be used as a preventative tool for stopping drugs at their source. While our foreign policy interests with other countries are broad, none should supersede our desire for Americans at home to live free of violent crime and drug abuse. We should consider no nation our friend who contributes to some of the most serious domestic problems facing our Nation. We should not use taxpayers' dollars to help a country that makes victims of us.

Adoption of this amendment will establish illegal drug control as a clear foreign policy priority. I urge my colleagues to join me in this effort to destroy drugs at the source. We must consider foreign assistance in a broader context than we have in the past. Illegal drugs have destroyed too many American lives to continue our relationship with major drug producing countries business as usual.

Mr. President, I must thank the chairman of the Foreign Relations Committee and the ranking minority member of the Foreign Relations Committee for working closely with me during this time while we were working out the language for this amendment. I wish to thank them for their continued cooperation and for their sensitivity to this most important problem that we have.

#### EXHIBIT 1

(Dollars in millions)

Major producing country	Illegal drug (metric tons)	Assistance 1980-82
Afghanistan	Opium (200)	1.0
Do		4.1
Bolivia	Cocaine (55,000)	35.3
Do		195.5
Burma	Opium (500)	28.2
Do		365.7
Colombia	Marihuana (7,500-11,000)	42.8
Do	Cocaine (2,500-3,000)	2,085.1
Iran	Opium (400-600)	0
Do		0
Jamaica	Marihuana (900-1,200)	230.4
Do		311.2
Laos	Opium (50)	0
Do		43.0
Pakistan	Opium (100)	336.4
Do		997.9
Peru	Cocaine (50,000)	201.4
Do		1,268.4
Thailand	Opium (50)	269.0
Do		1,948.3

<sup>1</sup> U.S. dollars.

<sup>2</sup> Multilateral.

Sources: The National Narcotics Intelligence Consumers Committee, "The Supply of Drugs to the U.S. Illicit Market From Foreign and Domestic Sources in 1981 With Projections Through 1985."

"Country Reports on Human Rights Practices for 1982," report submitted to the Committee on Foreign Relations, U.S. Senate, and Committee on Foreign Affairs, U.S. House of Representatives by the Department of State.

Mrs. HAWKINS. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I wish to compliment Senator HAWKINS on her remarks concerning the Hawkins-Percy diplomacy against drugs amendment. This amendment is the product of many months of consultation with members and staff of the Committee on Foreign Relations and with other distinguished Senators, especially Senator MOYNIHAN, who has worked fruitfully with the committee in the past on international narcotics control measures.

Earlier this year, as part of the 1984 foreign assistance authorization, the Committee on Foreign Relations approved an amendment to section 481 of the Foreign Assistance Act of 1961. That amendment, which was originally proposed as a separate bill by Senator MOYNIHAN, and which I carried forward in committee with Senators HELMS, PELL, BIDEN, and SARBANES, established a closer relationship between the provision of U.S. assistance and the development and execution by source countries receiving U.S. assistance of methods to combat illicit narcotics enterprises.

A purpose of the amendment was to make clear that the Congress consid-

ers the provision of U.S. assistance an investment in the well-being and future development of the recipient country. But recipient countries that do not deal effectively with serious illicit narcotics problems affecting U.S. interests must be considered poor long-term investments. Likewise when significant prospects for improvement do exist, U.S. assistance is worth providing to encourage and support the recipient country in combating its illicit narcotics problem.

The committee amendment also provided that if the Congress disagrees with the President's determination that adequate steps are being taken by the country receiving aid to combat its illicit narcotics problem that the Congress by concurrent resolution can cut off aid to the country in question. This provision was included in the amendment prior to the Supreme Court's Chadha decision. But as a result of the Chadha decision, the validity of the amendment has been brought into question. Therefore, I decided to work with Senator HAWKINS to take the substance of the committee-approved Moynihan proposal and to incorporate her most important and workable ideas into a measure that would receive overwhelming support by the Senate. The amendment which Senator HAWKINS and I are proposing today represents the results of these efforts.

Specifically, the Hawkins-Percy amendment would do the following:

Require the President to report annually on the efforts of major illicit drug producing countries that receive U.S. assistance to reduce their illicit narcotics production aimed at the United States;

Require the President to include in the annual report his estimate of the maximum amount of reduction in illicit drug production that can be achieved by each major illicit drug producing country receiving U.S. assistance. This reduction level would be subject to change after consultation with the Senate Foreign Relations and House Foreign Affairs Committee;

Require the President to suspend U.S. assistance and to oppose financial assistance by the World Bank, the IDA, the Inter-American Development Bank, and the Asian Development Bank for each major illicit drug producing country that does not achieve the projected reductions reported by the President. However, the President would be permitted to waive the suspension of assistance if the country in question is not able to reduce illicit drug production because of factors beyond its control such as climatic, geographic or political conditions, or if the President determines that continuing assistance is in the national interests of the United States;

Require the President, in the event that assistance is suspended, to submit a written report to the Congress on those measures that have been planned, prepared and undertaken by such country before assistance can be renewed.

One potential concern is the provision that requires the United States to oppose loans in the MDB's if bilateral assistance has been suspended. However, Public Laws 92-246, 93-373, and 93-537 already contain similar provisions for the MDB's although they have never been invoked since they became effective in 1973.

Another concern is the State Department's opposition to ascertaining the maximum amount of reductions that can be achieved. State will argue that such estimates will be inexact. But State is sure to be cautious in making estimates. Moreover, the amendment does not require reductions but does require the State Department to report what can be achieved. If reductions are not possible, then the State Department will have to report this information to Congress. Certainly, if a country is receiving U.S. assistance to control illicit narcotics the Congress should know what the administration believes that country can or cannot achieve in a given year.

The impact of this amendment, if approved, would be significant. For the first time, the executive branch would be required to determine and to report to Congress on the capacity of a government receiving U.S. assistance to reduce its illicit drug production. This is a considerable undertaking, but it can have the positive effect of raising the priority of international narcotics control at the State Department. The amendment would also increase congressional leverage and oversight in the area and provide the Congress with an improved data base for assessing the accuracy of the executive branch's judgments. At the same time, the amendment contains a degree of flexibility that allows the President to waive its application when this is clearly justified.

Mr. President, as Senator HAWKINS has made so clear, drug abuse in the United States is one of the most serious problems facing this country. Through the years many different approaches have been tried to cope with the growing influx of illicit narcotics into the United States from producing countries in South America and Asia. But while we have had a very modest degree of success in combating the problem in one country or another, the overall problem has grown enormously. The time has come, therefore, to put forward fresh ideas on how we can turn back the tide of illicit narcotics pouring into the United States. It is my hope that the Hawkins-Percy

amendment will help to accomplish this important objective.

I know of no objection to the amendment on this side.

Mr. PELL. Mr. President, this amendment tracks language that was unanimously adopted earlier this year by the committee during its markup of the foreign assistance legislation.

If adopted into law, this provision would require a Presidential determination of illicit narcotics, and other controlled substances, reduction levels for all aid recipient nations.

Failure to achieve the reduction levels would result in the suspension of all but emergency and narcotics control assistance, until the recipient nation has developed a plan for the reduction, and eventual elimination, of the production or distribution of drugs coming into the United States.

I am delighted to be an original cosponsor of this amendment because of my deep conviction that the time has come to put our money where our mouth is. If a country is not doing all it can to cooperate in reducing, and eventually eliminating this problem, then we ought not to be giving it aid until it does.

● Mr. D'AMATO. Mr. President, I join today as a cosponsor of this important legislation, which provides for the suspension of assistance to any major drug producing country that does not achieve significant reductions in its illicit drug production. I applaud my distinguished colleagues, Senators HAWKINS and PERCY, for introducing this bill.

I also want to take this opportunity to praise the efforts of the State Department to encourage substitute crop and other development programs in the drug producing nations. Laudable as these efforts are, however, they can never achieve all that is necessary. Frequently, there is no single crop that provides an equivalent economic alternative for farmers of coca, marijuana, and opium. The remoteness of the growing areas and cultural traditions also act against the effectiveness of our development-oriented policy.

Mr. President, to have an effective drug control policy, we need sterner measures. We need to attach costs that the profit motivated will understand. We need a "stick" as well as a "carrot".

This legislation does precisely that. It directs the President to suspend assistance to major drug producing nations that fail to make significant and achievable reductions in illicit drug production. It also directs the Secretary of the Treasury to instruct each U.S. Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds

of these institutions to such country. These actions would not need to be taken in two cases: If the failure were due to factors beyond the country's control or if furnishing assistance is determined by the President to be in the national security interests of the United States.

Aid could be restored once the government of the country involved commits itself to an effective plan, involving legal and law enforcement measures, to suppress illicit cultivation, production, processing, transportation, and distribution of the dangerous drugs and controlled substances it produces.

In the past 6 months I have conducted a series of hearings on efforts to combat our national drug abuse epidemic. Evidence submitted at these hearings conclusively demonstrates the limitations of our best crop reduction, interdiction, and law enforcement efforts. Ninety percent of the dangerous drugs used in this country still come from abroad. Increased numbers of law enforcement agents work to counter the narcotics blight 12 or more hours a day, 7 days a week. Still, the drugs pour in. No matter how many seizures these hard-working public servants make, there are no more droughts of dangerous drugs. We do not seem able to keep out more than 15 percent of most dangerous drugs or 20 percent of the marijuana that smugglers attempt to bring into this country.

One indication of the overabundance of the drug supply is most distressing to me as a Senator from New York. Preliminary results of a study conducted by the New York State Division of Substance Abuse Services indicate that, in the first 6 months of 1983, the number of addicts in New York City rose by over 4,000, to reach the most alarming level of 190,000. Of the estimated one-half million narcotics addicts in the United States, 241,000—or nearly 50 percent—live in New York State. Despite these increases in the heroin addict population, heroin prices remain stable, a fact that indicates the supply has grown to meet the demand.

We must have better cooperation from other countries in controlling their narcotics production. The damage to our national health, productivity, and domestic tranquility that is done as a result of drug abuse is too great for us not to use every available means of persuasion on the major drug producing nations. The threat of a possible suspension of aid is one of these means.

On July 15, 1983, the Senate passed by a vote of 91 to 0 an amendment to the Department of Defense authorization bill that was similar in intent to this legislation. This amendment, which unfortunately did not survive a

House-Senate conference, would have prohibited making any military aid available to any nation the President determines is not taking adequate measures to control the production, transportation, sale, or export of illicit drugs.

I urge my colleagues to give this bill the same level of support they gave to that earlier amendment.●

Mr. BIDEN. Mr. President, I rise to speak on behalf of the amendment, introduced by the Senator from Florida, of which I am an original cosponsor. This amendment had its genesis with an earlier provision, introduced by Senator MOYNIHAN and myself, which was unanimously adopted by the Senate Committee on Foreign Relations during its markup of the foreign assistance legislation last May. The Moynihan-Biden amendment provided for the suspension of all U.S. assistance, except emergency aid, to any nation that failed to take adequate measures to prevent illicit narcotics, and other controlled substances from entering the United States.

The major feature of the Moynihan-Biden language was to establish a procedure for renewing assistance to a nation that had had it suspended because of its failure to take adequate measures to reduce and, ultimately, to prevent the production or distribution of illicit narcotics and other controlled substances in or through its territory. Our amendment stipulated that in those circumstances aid could be resumed if, and only if, the recipient nation had prepared and committed itself to a plan to reduce, and better control illicit narcotics and other controlled substances being shipped to the United States. The plan called for in our provision required an explicit timetable for implementing this objective, and also required prior review by U.S. officials.

The amendment which is before the Senate today, incorporates language governing the suspension and resumption of U.S. assistance that is almost identical to the original Moynihan-Biden provision unanimously adopted by the Committee on Foreign Relations. However, Senator HAWKINS amendment goes one step further. It requires that the President determine appropriate levels of reduction for each aid recipient to be achieved in the forthcoming fiscal year, and to report to the Congress on the progress, or lack of it, in achieving the previous year's reduction targets.

The amendment sets forth an elaborate procedure of executive-legislative branch consultations, and subsequent congressional hearings prior to the final Presidential determination on reduction targets. All U.S. assistance, except emergency aid and narcotics control assistance would then be suspended until and unless the recipient nation provided the United States

with a plan for reduction in illicit narcotics and other controlled substances.

Lest some argue that the adoption of this amendment ties the hands of the President in executing his foreign policy, I would remind my colleagues that this amendment provides a waiver authority which allows the President to continue to provide assistance to a nation that had failed to meet the reduction targets of the previous year of one of two conditions is met: One, if the President determines that the failure to reduce was due to events "beyond the control" of the recipient nation; or two, if the President determines that the continuation of such assistance is in the U.S. national security interest.

Mr. President, according to the National Narcotics Intelligence Consumers Committee, in 1980, the most recent year for which figures are available, the U.S. illicit drug market amounted to \$79 billion, which would make it the third largest business in the United States. The 3.6 to 4.3 metric tons of heroin smuggled into the United States in 1980 produced an estimated \$8 to \$9.5 million. Cocaine was the No. 1 revenue earner with an estimated 25 to 30 metric tons producing \$27 to \$32 million. Marihuana was second, with sales of 10,000 to 15,000 metric tons producing \$18 to \$27 million.

The almost unavoidable conclusion, after reviewing the nature of U.S. drug control efforts over the last decade and surveying the extent of the current drug abuse problem, is that the drug control efforts simply have not been very effective. The size of the drug market has expanded significantly. The profits accruing to drug traffickers are so high now that it is almost inevitable that the traffickers will be able to find the necessary laborers and that public corruption will spread. Some economic analyses of the drug market, such as those by the Drug Enforcement Administration, estimate that U.S. drug interdiction efforts would have to intercept over 75 percent of the drugs flowing into this country before it would become economically disadvantageous to the drug traffickers to persist. Most law enforcement authorities, hazarding what is of necessity only a rough guess, estimate that at best only 10 percent of the illicit drugs smuggled into the United States are intercepted.

Furthermore, even when a smuggling ship is intercepted, it is important to realize the relative chunk that is taken out of the marihuana inventory. A seizure of a ship coming from Latin America with 14 tons of marihuana on board is a big catch. With over 14,000 tons of marihuana smuggled into the United States every year and about 1,200 tons grown domestically, this sort of major intercept un-

fortunately amounts to less than 0.1 percent of the entire U.S. supply.

The difficulty of intercepting heroin shipments to the United States is only greater. The quantities are much smaller, the possibilities for concealment much greater.

The size of the problem can be gleaned from considering the amount of heroin available from Pakistan. In 1982, over 2,000 kilograms of heroin were seized within Pakistan. A comparable amount of Pakistani heroin was seized overseas. Presumably, given the difficulty of intercepting heroin shipments, these 4 tons of heroin represent a very small percentage of all the Pakistani heroin available for the market in 1982 and, in fact, being bought, sold, and smuggled. Yet, experts calculate that the American heroin market requires only 4 to 5 tons of heroin a year.

In short, considering the total tonnage of heroin produced in the Golden Triangle, Southwest Asia, and Mexico every year, the American market can be saturated with only a drop out of the bucket of available heroin. The high profit accruing to heroin traffickers in the United States—the world's most profitable heroin market—very nearly guarantees that as long as there is one drop left in that bucket, intensive efforts will be made to smuggle it to the United States.

The drug problem in the United States has been large. It has been chronic. It has consistently resisted a succession of declared wars, national strategies, regional task forces, inter-agency strike forces, and simple legislation.

Relating to this issue I would just like to inform my colleagues that this week I will file the report on S. 1787, my bill to establish a cabinet office to oversee foreign and domestic U.S. policy in the fight against drugs. Many of my colleagues will recall that this bill was vetoed by the President in the 97th Congress after overwhelming support in both the Senate and the House. I am happy to report that the bill passed out of the Senate Judiciary Committee by a vote of 12 to 5 and will come to the Senate floor with the endorsement of Senate Drug Enforcement Caucus cochaired by Senator HAWKINS and Senator DECONCINI.

I will not take up floor time now to dwell on the need for one person with the authority to develop and oversee our antidrug program as I believe, once again, that that opportunity will be here soon. Let me just say that those of us who have been charged with oversight of the Federal narcotics control effort over the past three Congresses have come to a firm conclusion; that lack of coordination is one of the most serious impediments to an effective international and domestic drug control strategy.

In closing, I am proud to cosponsor this amendment because of my long-held belief that we must clearly demonstrate on an international level, that we can no longer tolerate the ever increasing availability of drugs on American streets.

We should have no illusions here that this single amendment, if adopted, will solve the problem. It will not. It will, however, finally put some teeth into our efforts abroad to reduce the increasing amounts of illicit drugs entering this country. By using our aid program, and our votes at the multilateral development banks, as leverage we can and must achieve progress toward the reduction, and better control of a drug problem that I believe is fast becoming our No. 1 domestic problem. We need to get out the message that our foreign assistance effort is an investment by us in the recipient nation; it is no entitlement program. And if we determine that our investment is threatened by concerns such as the international drug problem, then we will take swift and immediate measures to protect our interests.

Mr. DECONCINI. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from Florida (Mrs. HAWKINS) and say at the outset that such an amendment is long overdue.

Mr. President, for years the United States, through the State Department and the Drug Enforcement Administration, has been attempting to encourage known source and transshipment countries to eradicate coca leaves, cannabis, and opium poppies and to crack down on the transportation of drugs out of their countries into the United States. A combination of corruption at high levels of government in many of these countries and the dependency of the countries on the drug trade has rendered the U.S. eradication efforts virtually helpless. The State Department pumps millions of dollars in assistance to facilitate the eradication of drug crops in source countries and millions more to assist in promoting crop substitution in those same countries. With the possible exception of Mexico and Turkey, evidence of large-scale eradication efforts in source countries has been virtually nonexistent.

Frankly, Mr. President, I would rather see the provisions contained in S. 1143, the Diplomacy Against Drugs Act, adopted in this bill. I am a cosponsor of that bill and I believe that it contains the tough, painful medicine that is needed to really force the source countries to eradicate coca leaves, marijuana plants, and opium poppies. That bill calls for a 20-percent eradication target for these countries that they would have to meet in order to continue to receive foreign aid. However, Senator HAWKINS' amendment to the State Department

authorization bill is a good compromise that still means business and I urge its adoption today.

Mr. President, the amendment would require a written report from the President on those measures being undertaken for the next fiscal year by each major source country for which the President is proposing to furnish foreign aid, and would establish firm drug eradication targets for each drug-producing country. Then, if those countries failed to meet those targets, foreign aid for those countries would be cut off and our U.S. officers at the International Bank for Reconstruction and Development, the International Development Association, the IMF, and other international financial organizations would be directed to oppose the extension of loans or other financial assistance to these countries.

Mr. President, this is a good beginning. I know that the Senator from Florida would like to go further, as would I. But this amendment is a critical first step in showing those countries which are growing and producing the insidious drugs that poison our children and other citizens in this country that we no longer will tolerate the unabated flow of narcotics across our borders. I hope that this amendment will be adopted and I look forward to working with the Senator from Florida in other efforts to stop the drug traffic before it reaches our shores.

Mr. COCHRAN. Mr. President, as a cosponsor of Senator HAWKINS' amendment, I am pleased to speak in support of this measure to directly link drug eradication by foreign governments with bilateral U.S. assistance and U.S. votes on grant or loans at multilateral development banks.

Statistics indicate that over 90 percent of the illegal drugs in the United States are produced abroad. As Senator HAWKINS mentioned, Colombia is the major source for cocaine, marijuana and quaaludes entering the United States. Other source countries include Bolivia, Peru, Thailand, Afghanistan, and others. Yet we continue to provide billions of dollars of assistance in the form of grants and low interest loans to these same countries.

It is time that we let these countries know that drug eradication is of the highest priority and that we expect their cooperation in solving the international drug problem. Senator HAWKINS' amendment would do just that by requiring the President to suspend foreign assistance to major illicit drug producing countries or by requiring U.S. opposition of loans and other assistance to these countries through the International Bank for Reconstruction and Development, the International Development Association, the InterAmerican Development Bank, and the Asian Development Bank.

The determination to suspend assistance or oppose loans would be made on the basis of annual reports made to the Congress regarding the progress major producing countries are making to prevent cultivation, processing, or transporting of illegal drugs. The President's report would set forth targets for the maximum amount of reduction in illicit drug production that is achievable for the fiscal year and the actual reductions achieved during the previous fiscal year. The President would report to Congress on each country for which he proposes to furnish U.S. assistance. Foreign assistance would be suspended for each country failing to achieve the projected reductions. Exceptions have been provided in the amendment for our national security interests and for circumstances beyond the control of the producing nation.

Mr. President, if we are to solve our drug trafficking and drug abuse problems at home, we must destroy drugs at their source. I urge my colleagues to support this amendment.

Mr. MOYNIHAN. Mr. President, I am pleased and proud to be an original cosponsor of this amendment. I do hope the Senate will adopt it overwhelmingly, thus to emphasize the depth of this body's commitment to the eradication of the illegal narcotics traffic.

Shortly after I returned from a trip to South Asia last February, I testified to the Senate Committee on Foreign Relations, urging that action be taken to provide disincentive for nations such as Pakistan to grow poppies, which are in turn refined into the heroin that finds its way to the streets of America's cities.

In fact, I believe I can say with confidence that the poppies I saw growing in the Northwest Frontier Province of Pakistan last February could be found within a mile or two of this Chamber in the heroin that is being sold tonight on 14th Street. Some of those poppies are probably now in New York as well, or they are also in Chicago and indeed across the land.

I am pleased that the current proposal has been developed in the months since February, when the notion was first presented to the committee. I would ask unanimous consent that the text of my proposed testimony, which was submitted to the Foreign Relations Committee on March 2, 1983, be printed at the conclusion of my remarks.

I need not elaborate on the nature—or the extent—of the problems associated with drug abuse in this country. Senators are surely aware of recent reports about the growing supply of dangerous drugs, and the alarming increase in health problems and criminal activity that inevitably follow.

In a two-part series earlier this year, the New York Times brought national attention to bear on the paradox of growing public tolerance for the use of illegal drugs even as more is being learned about the "wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent 'acceptability.'"

The costs include losses to business due to absenteeism and higher health bills, injuries resulting from traffic accidents and other incidents that could be traced to drug consumption.

Less immediately apparent, however, is the inexorable deterioration of public confidence in the institutions of government that flows from our collective inability to end this traffic and resolve the numerous social problems associated with it. The Washington Post may have signaled only the beginning of a process of diminishing public confidence in Government when it reported, on January 30 that:

A flood of illegal drugs, primarily heroin and cocaine, has fueled a nationwide crime wave that is causing many Americans to lose faith in the ability of government to protect them.

In the same story, the Post reported that law enforcement officials have recently estimated that:

Between 40 percent and 60 percent of all serious crimes that occurred in the United States in 1981 were drug-related.

FBI Director William H. Webster was reported by United Press International to have said, on February 9, that drug trafficking has become the Nation's "No. 1" crime problem.

The number of overdoses of heroin and cocaine is also rising. Once again, I cite the Washington Post, which on February 4 reported that:

In the first nine months of 1982 . . . 9,139 victims of heroin overdoses were admitted to 820 hospital emergency rooms in 26 metropolitan areas monitored by the National Institute of Drug Abuse—roughly a one-third increase over the same period in 1981.

The same 820 emergency rooms took in 4,615 people suffering from cocaine overdoses in the first three-quarters of 1982, more than the total for all of 1981.

Lest popular misconceptions about the nature of cocaine abuse pass unchallenged, I would also point out that the number of fatal overdoses of cocaine is growing fast. Reports from 85 medical examiners around the country indicate that 272 deaths were attributed to cocaine in 1980, 335 in 1981, and a rising trend in 1982. As Gene R. Haislip, director of enforcement at the Drug Enforcement Administration said in an interview in the Post on February 4:

We're seeing a definite shift to a more vicious type of cocaine abuse. There is a clear upward nationwide trend to mainlining and freebasing the drug that is an obvious change for the worse.

Where does heroin and cocaine come from? From abroad, and mainly from countries with whom the United

States strives mightily to be friendly, and to whom it provides considerable sustenance in the form of economic and security assistance.

Most of the opium poppy that yields the raw material of heroin is grown these days in Pakistan and Thailand. And most of the cocaine originates in Colombia.

Despite various overtures by American officials, and the establishment of relatively large narcotics control operations in each of these three countries, they remain the largest suppliers of illicit narcotics to the United States.

At the same time, they are receiving fairly hefty slices of the foreign aid pie. We are in the middle of a 5-year program to provide Pakistan with \$3.2 billion in aid; Thailand received in the last fiscal year \$141 million in loans and grants from U.S. Government agencies. And Colombia received \$553.8 million in loans and grants from U.S. Government agencies in fiscal year 1982.

In return, I think it not unreasonable that we should insist that these countries we sustain should be required to help us stop the deadly international narcotics traffic. The measure before us would provide incentives for them to do so—by raising the prospect that the flow of assistance dollars could be interrupted if the flow of illicit narcotics to the United States is not.

I ask unanimous consent to have printed in the RECORD several of the recent newspaper reports which I have cited in these remarks, as well as the text of my testimony of March 2, 1983.

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

TESTIMONY OF SENATOR DANIEL PATRICK MOYNIHAN, VICE CHAIRMAN, SENATE SELECT COMMITTEE ON INTELLIGENCE

I would like to express my appreciation to the Chairman and the members of the Committee who have so graciously permitted me to make a brief presentation today during this examination to the President's proposal to provide foreign assistance to the countries of the Near East and South Asia. Having recently visited the South Asian subcontinent, in my capacity as Vice Chairman of the Senate Select Committee on Intelligence, I would like to comment with respect to the proposal for aid to Pakistan.

In particular, I am concerned about Pakistan's role as the single largest supplier of heroin to the American market. As I expect members of this Committee are aware, a report prepared for the Governor of New York last June by Joseph A. Califano, Jr., former Secretary of Health, Education and Welfare indicated that the number of heroin addicts in New York City had increased by 50 percent since 1978. A Rand Corporation study quoted in the Califano report indicated that heroin addicts averaged 167 crimes a year. And the trends in both instances were upward.

I believe that these twin problems of drug addiction and the crime that inevitably flows from it should be considered among the highest priorities in American foreign

policy making. And Pakistan should be at the center of these deliberations.

My own involvement in this aspect of foreign policy goes back to the time of my service in the White House as a domestic policy advisor. As the history of this involvement may help place the current problem with Pakistan—and my recent visit there—in a proper context, I would ask the indulgence of the Chairman as I relate a bit of this history.

In 1969, President Nixon asked me to be assistant for urban affairs. I agreed. I proposed to Mr. Nixon that among the first things to be done about American cities was to place the international drug traffic on the agenda of American foreign policy. He in turn agreed, and in the course of 1969, this was done. In August of that year, I flew eastwards to Calcutta, Istanbul, and lastly Paris. At each place, I talked with American and local officials, stating that the United States could no longer tolerate the extraordinary commerce in smuggled heroin then flooding our cities, especially on the East Coast, and bringing with it a plague of death and crime.

During the course of the 1960s, for reasons I don't think anyone fully understands, heroin addiction had become epidemic in our larger cities. Inevitably, crime, and the fear of crime, became epidemic also. This profoundly transformed American urban life. The fear was genuine. The most elemental of civil rights—the right to move about safely in one's own society—was being denied as effectively as if a law were passed abolishing it. We may not frequently think of the freedom to move about as a "right." But citizens of the Soviet Union surely do.

I reached Istanbul on September 2, 1969 and met with the Turkish Foreign Minister the next day. I explained that the heroin flowing into the United States began as opium grown in Turkey then processed in Marseilles, France. Most of it was grown in the province of Afyon, which in Turkish means "opium." It had been a traditional crop, grown for poppy seeds—seeds which we associate with bread and life, but which we were now to associate with the slow death in our cities. The Foreign Minister knew more about the drug traffic than perhaps he let on at the time, but he listened with courtesy to the proposition that the American government would in effect buy out the opium farmers, by providing the money to substitute new crops and markets.

I next flew to Paris where my reception was more distant. For one thing, the American embassy had never heard of a heroin problem, much less the "French Connection." Nor were the French authorities much interested, at first, in the fact that we didn't seem able to enforce our own laws. Slowly, however, after several more trips, more discussion, the French became convinced that they were part of our problem. In 1969, there was one death on the Riviera from heroin overdose. It apparently occurred to the French that heroin could become their problem also, but, in the main, they responded out of a civilized sense of responsibility. Not, I might add, without a touch of contempt, or at least wonder. That winter, I finally met the head of the French "Securite," a man whose name is known, but whose picture is rarely seen. He came to the American embassy for lunch. I described the extent of the heroin problem in the United States, and stated that it was coming from heroin factories in Marseilles, and asked if it could not be stopped. He listened. As he left, he asked "What kind of people

are you?" That we were only now coming to them about a matter which, had the roles been reversed, they would have been storming at us about decades earlier.

No matter. We were able to work together. The French Connection was broken. The Turkish opium fields closed down.

Whereupon in the 1970s' heroin production moved to Mexico. The United States government was much better organized now. The issue was on the agenda of American foreign policy. By the end of that decade, the Mexican connection had been broken, too.

Whereupon heroin production moved to Pakistan, where it remains today. The speed of the transfer is astonishing. The National Narcotics Intelligence Consumers Committee produces an annual Narcotics Intelligence Estimate. The most recent NIE reports that, in 1976, "negligible" amounts of heroin came into the United States from Southwest Asia. Proportion: zero. By 1980, the proportion had risen to 60 percent. It is now probably three-quarters. Moreover, though "Southwest Asia" is a term that normally refers to Pakistan, Afghanistan and Iran, last year's N.I.E. explains that the chaos in Iran and the war in Afghanistan have all but eliminated these two countries as suppliers of heroin to the world market. So we are talking about Pakistan.

In the last Congress, I introduced legislation (S. 2670) that would have forbidden any economic or military aid to any foreign country that was the source of illegal drugs coming into our country and, at the same time, that was not cooperating with us in trying to stamp it out. My proposal would have also prohibited trade—except for food and medicine—with such a country.

Certainly, Pakistan is a recipient of much aid—we are in the midst of a five year program that will provide \$3.2 billion in aid to Pakistan. Is it cooperating in halting the heroin traffic?

On Sunday, February 6, I met with President General Mohammad Zia-ul-Haq, and raised the issue, much as I had done in other places at other times. This time, I would have to say the response was considerably more forthcoming. General Zia is, of course, a fundamentalist Moslem who, having placed his nation under martial law, has restored much traditional Islamic law. Among other things, this bans "intoxication" while at prayer and that is deemed to extend to the use of opium and its "higher" derivatives.

Specifically, he declared his government's determination to get hold of the opium-heroin problem "for our own sake, more than for anyone else's." He said that legislation would soon be promulgated providing penalties of up to life imprisonment for narcotics offenses.

There is a hitch. There always is. The opium fields and the morphine and heroin laboratories are mostly located in the Northwest Frontier Province. This is the land of the Pathans, a warrior race, whose first recorded battles were with Alexander the Great (remembered still as "Iksander") and who have battled on, more or less continuously, through history. The terrain in this area is the natural environment of the guerrilla fighter—as the Soviet Union is learning across the border in Afghanistan. When Pakistan became an independent state in 1948, it retained the nominal suzerainty over the area which the British had exercised, and indeed kept the name of Northwest Frontier Province for the region. The laws of Pakistan in some ways do and

some ways don't extend to the region, which is referred to simply as being "tribal."

How seriously, then, should we take General Zia's assurances on opium and heroin if he does not actually control the area?

My own visit to the poppy-growing heart of the Northwest Province the following day was not altogether heartening. I traveled with Mr. Stan Samuelson, an embassy officer with long experience in agricultural matters. With what would seem the complete cooperation of the central government authorities of Pakistan—always keeping in mind the limits of their authority—he is working with farmers who have been growing opium, trying to persuade them to try other crops and helping them do so.

We went through valley after valley which last year, he reported, were covered with poppies, but now "clean." We had tea at every village and were introduced to opium farmers now "reborn" and sinners no more. But after listening to one large landowner announce that there was not a single poppy growing on a single one of his fields this spring, Samuelson asked how much opium he had stored up from last spring's crop. Much body language. Shrugs of the shoulders. No answer.

Finally, we drove through the valleys that were not "clean". No one bit. Covered with opium plants, about four inches high, still in the leaf stage. They will produce opium in May. By September, this could produce death in New York, or Chicago, or Los Angeles.

So there is good news and bad news. But surely only one conclusion: If Pakistan desires economic and military aid—four F-16 fighterbombers were delivered just before I arrived, but many more are scheduled—it must wipe out heroin production at every stage in what is its national territory no matter what the British called it.

And our government must be implacable on this point. Else the question arises again: What kind of people are we?

My own suggestion, which I would respectfully urge the members of the Foreign Relations Committee to consider as they proceed through their deliberations of this year's foreign aid bill, would be that the Congress exact legislation along the lines I proposed last year in S. 2670. That is, we should simply require that governments such as Pakistan's eliminate the heroin production facilities, and the poppy crops, in their countries before we will give them money or equipment or subsidized loans for buying American military equipment. We should further require that, in the case of countries which have been identified by the National Narcotics Intelligence Consumers Committee as countries of origin of illicit narcotics, the President would have to certify to Congress that such a country's government has actually made progress—not just announced its intention to make progress—in the eradication of poppy crops, opium refineries and heroin factories.

It seems to me quite reasonable that we should insist that the countries we sustain should in return be required to help us to stop the deadly international narcotics traffic.

Thank you, Mr. Chairman, for hearing me today.

[From the New York Times, Mar. 21, 1983]  
U.S. SOCIAL TOLERANCE OF DRUGS FOUND ON RISE

(By Glenn Collins)

Social scientists believe that the level of public tolerance of the use of illegal drugs is

continuing to rise in all levels of American society.

They say, further, that the growing availability and acceptability of these drugs is effecting profound social changes that have neither been fully acknowledged nor fully understood.

The signs of the raised level of acceptance are widespread.

At a rehearsal break in a recent Manhattan practice session of an Ivy League alumni choral group that counts stockbrokers, lawyers, and corporate executives among its membership, one successful businessman held out a bit of hashish to a fellow singer, aged 49, "Have some?" he asked.

At 9 A.M. the other morning on the Brooklyn Heights promenade, a youth in a blue windbreaker, out walking his German shepherd, took a deep drag on a marijuana cigarette. None of the joggers and walkers nearby gave him a second glance.

In the office of a university in New York, a professor who had traveled from the Midwest for a job interview inquired solicitously about the health of the sniffing department head sitting behind the desk before her, "Oh," he said offhandedly, "that's not a cold. I've been doing too much cocaine lately."

"In a very short time, cultural patterns have changed dramatically," said Dr. Richard Jessor, a social psychologist who is director of the Institute of Behavioral Science at the University of Colorado at Boulder. "It is now normal for the majority of young people to have experience with a range of substances that was unavailable to previous generations. And that raises important and interesting questions for social policy that haven't been addressed."

Dr. Norman Zinberg, professor of psychiatry at Harvard University, said: "Nobody in the United States is more than one handshake away from virtually any drug they want to get. Drugs are used in every stratum, across the board, from blue-collar people to professionals. There is no distinction between 'heads' and 'juicers' anymore."

Dr. Jessor's and Dr. Zinberg's views were generally reflected in a series of interviews and a survey of the opinions and findings of drug-abuse experts, medical and treatment authorities, drug users and law-enforcement officials across the nation.

Some of these experts say that drug use has become so widespread that it often goes unnoticed, and that, in focusing on the dangers of specific drugs like cocaine, society has overlooked the very phenomenon of drug use itself. They view with increasing alarm the availability of illegal substances including cocaine, marijuana, heroin, LSD, angel dust and the nonmedical use of tranquilizers, Quaaludes and diet pills.

And they are deeply concerned over what they regard as a wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent "acceptability." These experts see the effects of such substances in tragic indicators like emergency-room statistics and automobile-accident rates, and insist that there are equally important costs in the workplace, schools and family life.

Others say, however, that the long-term social effects are not entirely clear. They contend that most people now using drugs have successfully integrated them into their lives to help cope with stress, and that the overall results may not necessarily prove harmful to society.

These authorities, while deploring the misuse, say that people's sophistication

about the dangers inherent in different drugs is increasing. An alarmist view cannot be supported, they contend, by recent Federal statistics. These studies show either a decline or a stabilization among American youth in the use of most types of drugs.

All seem to agree that there is now a basic paradox in social attitudes toward drugs.

"Society is giving all of us a double message," said Dr. Robert E. Gould, professor of psychiatry and associate director of the family life division of New York Medical College. "On the one hand, we are told, 'Don't take illegal drugs.' At the same time, this is a drug-taking culture and a drug-encouraging culture. Look in anyone's medicine chest and see how many drugs Americans rely on. Drug-taking is often portrayed in the media as glamorous and chic. And the message the commercials give is: If you have a problem, take a pill."

#### DEPENDENCE ON CHEMISTRY SEEN

Dr. Gould does not suggest that taking aspirin is the same as taking heroin. "But the cumulative effect of these messages is," he said, "that you won't have to suffer, chemistry can give you an answer, the route that drugs offers is the easiest way to get out of anxiety. It focuses on instant gratification, and not on solving the underlying problems."

The substances available in this \$90 billion-a-year marketplace have become so diverse, and some so new, that even the experts cannot keep track of them all.

"The selection in the delicatessen of drugs is much greater than it's ever been," said Dr. M. Duncan Stanton, director of research for the Addicts and Families Program at the University of Pennsylvania School of Medicine and the Philadelphia Child Guidance Center. He conducted a nine-year study of hard-drug users.

In some respects, wholesale access to drugs is a situation with little cultural precedent.

"Most societies since the beginning of time have had intoxicants and integrated them into rites of passage like weddings or celebrations," said Dr. Robert B. Millman, director of the Alcohol and Drug Abuse Service at the Payne Whitney Psychiatric Clinic in New York.

"But these societies were using the one or two substances endemic to that area," he said, citing alcohol as an example. "Most people didn't get into trouble with these substances—they were integrated into the society, in the sense that people knew how to control them."

"The ominous thing about the present-day Western culture is that we have access to all intoxicants from all societies, and we don't know how to control them. This can be very dangerous to those who are at risk: the young, the psychologically disturbed and the disadvantaged."

#### "YOU CAN GET ANYTHING YOU WANT"

That availability cuts across age, class, professional and geographic distinctions. "You can get anything you want, anywhere," said 15-year-old Eileen Otero, who grew up in Queens and Manhattan, and now attends a parochial high school on Manhattan's East Side. "Drugs are all over. I never go a day without someone offering me weed."

Availability is no doubt a key factor in widespread use. In the general population, the increase in use of illegal drugs has been dramatic in the last two decades. In 1962, less than 4 percent of the population had ever used an illegal drug. Two decades later,

according to the National Institute on Drug Abuse, 33 percent of Americans age 12 and older reported having used marijuana, hallucinogens, cocaine, heroin or psychotherapeutic drugs for nonmedical purposes at some time.

The increase in cocaine use, particularly, has been substantial, doubling among those over age 26 in the three-year period from 1979 to 1982. The 1982 survey was based on 5,624 Americans living in households at a fixed residence and is projected on national census figures.

Sixty-four percent of American young people have tried an illegal drug before they finish high school, and more than a third have used drugs other than marijuana, according to another 1982 National Institute study. The research showed that 59 percent of the seniors had tried marijuana, 16 percent had tried cocaine, 10 percent had tried LSD and 1 percent had tried heroin.

Nearly all young people, 93 percent, had tried alcohol. The high use of alcohol among young people is, of course, not a new phenomenon in America, but its use in conjunction with drugs is regarded as a growing problem.

Some observers say the overall statistics themselves illustrate the new level of social tolerance and are not overly concerned.

R. Keith Stroup founded the National Organization for the Reform of Marijuana Laws in 1970, and is now a lawyer practicing in Washington.

"I think marijuana gained respectability as the people who smoked it gained respectability," he said. "The great number of middle-class recreational drug users use them like their parents used alcohol."

But many of those who treat the casualties of this quiet transformation are worried about its effects.

"The culture just isn't seriously looking at soft or recreational drug use as a health problem," said Dr. Mitchell S. Rosenthal, a psychiatrist who is president of Phoenix House in Manhattan, the nation's largest private drug-treatment program. "Everyone wants to talk about the newest drug—cocaine or Valium or angel dust. And what that ignores is that the culture just naturally takes for granted that there will be a new drug."

Dr. Rosenthal believes that drug abuse is an insufficiently recognized factor in the national statistics on suicide, auto and other accidents, plane crashes, mental breakdowns, work-related problems, truancy and teen-age pregnancies. Since the role of drugs is usually ignored in tallying such statistics, it is difficult to measure precisely.

#### LINK TO ACCIDENTS TABULATED

However, 6 percent of those in New York State, 729,000 people, it is estimated, had in the last six months driven an automobile while feeling the effects of drugs, according to the most recent study of drug use among state residents. It is estimated that 58,000 New Yorkers reported having automobile accidents while driving under the influence of drugs. The study, a 1981 survey of 3,500 New Yorkers residing in households, was conducted by the state's Division of Substance Abuse Services.

As a result of using drugs, the study showed, an estimated 618,000 state residents experienced problems in work or school, 565,000 experienced problems with family and friends, and 443,000 experienced health problems.

The researchers reported that residents with household incomes of \$50,000 or more had the highest drug use in the state, and 6

percent, an estimated 51,000, of these residents were considered to be serious abusers.

In specific incidents, drug abuse has caused everything from snowmobile accidents to drownings.

"The only subgroup in our society that has shown an increase in mortality rates is our adolescents," said Dr. William Pollin, director of the National Institute on Drug Abuse. "That trend is also true for accidents, homicides and suicides, and many of those trends may be related to drug and alcohol use." Though drug use among the nation's youth has generally declined, he said, "We are still the country with a higher level of drug use among young people than any other country in the world."

In the workplace, drug use is reported to have been directly involved in everything from train wrecks by marijuana-smoking engineers to the arrests of nuclear power-plant guards by the Oregon State police for using marijuana, amphetamines, cocaine and LSD.

#### COST TO EMPLOYER ESTIMATED

Industry studies have estimated that drug or alcohol abuse costs an employer at least 25 percent of a worker's salary in loss of productivity, poor attendance and increased medical benefits. The economic, social, health and crime-related losses caused by drug abuse in a single year have been placed at \$10 billion to \$20 billion, according to the Blue Cross and Blue Shield Associations.

Among professionals, doctors have traditionally been singled out for abuse problems because of their easy access to drugs. But the problem exists among other professional groups as well.

"This is in every way a conservative community," said a highly placed court administrator in a major Middle Western state who requested anonymity. "But I know prosecutors who regularly prosecute marijuana cases and smoke pot at the same time."

She said that although the stresses of their trade had long made trial lawyers vulnerable to alcohol abuse, younger lawyers were combining alcohol with other drugs. "Don't imply from what I'm saying that it's just lawyers," she continued. "Lots of cocaine is used and sold by other professionals in this town."

"One sitting criminal court judge," she said, "who has a reputation as a tough sentencer in cases involving possession of cocaine and heroin, once lectured me about how provincial I was about not using cocaine myself. He told me I should grow up." In other words, that she should have used cocaine, as he had.

"What really bothers me is the hypocrisy of it," she continued. "Sentencing people to the terrible prisons we have in our state for things the prosecutors are doing themselves."

#### PERSISTENT PROBLEM IN MILITARY

For another large employer, the military, drug use has been a matter of concern since the Vietnam War, and is a persistent problem. According to a 1981 study by the House Select Committee on Drug Abuse, two thirds of the sailors on the aircraft carrier Forrestal, including the men who launch F-14 jet fighters, regularly used marijuana and pep pills to relieve the fatigue of working 16- and 18-hour days.

Assertions about the effects of drugs in the workplace are often simplistic, said Dr. John C. Kramer, who, in the Nixon Administration, was an associate director of the White House Special Action Office for Drug Abuse and Prevention.

"People tend to forget that lots of jobs are very boring," said Dr. Kramer, a psychiatrist who is an associate professor at the University of California at Irvine. "For a carpenter who has to hit the same kind of nail in the same spot on the same pieces of wood all day, marijuana may be the only thing that makes his hammering seem new."

Perhaps the least statistically measurable hidden cost is the effect of drug abuse on American families. "Undoubtedly there is a cost in family life," said Dr. Kramer. "In all family problems, ordinary conflicts can be exaggerated when an individual is using drugs."

#### WEAKENING OF PARENTS SEEN

Dr. Stanton of the University of Pennsylvania says changes in the structure and transience of American families have increased their vulnerability to drug abuse and other problems.

"Social, economic and cultural changes have altered family patterns, taken supports away from parents and weakened them," he said. "It has blurred the difference between parents and kids."

Such abstract social trends are evident in the real-life experience of one family. "My drug use forced the family to confront many issues that were not out in the open," said 18-year-old Debbie Marks, a New York University freshman who lives in Manhattan. She started smoking marijuana and drinking in the seventh grade, after her parents' divorce.

By the age of 16, she was finishing a bottle of Jack Daniels every night, and was experimenting with LSD during the day, having tried everything else but heroin. In 1981, she entered a treatment program at Phoenix House and, after a four-month battle with her multiple addictions, has been drug-free for 14 months since.

"I was very naïve," said Mrs. Marks. In Debbie's treatment, Mrs. Marks joined family-therapy sessions with her 20-year-old son Scott, and with her former husband, Sam, and his wife, Bonnie, and with Debbie.

"I think that parents have to take over and be parents again," she said. "When I was growing up, my parents said no and that was it—but I wanted my children to be my friends. And that was wrong."

Dr. Pollin of the National Institute on Drug Abuse says one should remember that social toleration of some drugs is not necessarily the same as approval. "There is much less shock value now involved in, say, seeing someone smoking a joint or using coke," he explained. "But there has also been a trend countering that: the steady and accelerating passage of legislation banning head shops, which has been a grass-roots movement."

#### CLOSING OF SHOPS SOUGHT

In many communities across the country, antimarijuana organizations have attempted to shut down paraphernalia outlets, efforts that have paralleled the attempt to get drunken drivers off the road. The backlash against drugs has included a network of parent-initiated support groups, drug-information meetings and drug-treatment-referral networks.

Dr. Pollin believes that drug use as a phenomenon peaked between 1977 and 79. In his organization's student surveys, the 1982 results showed a drop from 1981 in the number of high-school seniors who used marijuana daily, monthly or had used it in the last year. And daily use of marijuana among high-school seniors declined for the fourth successive year, from 10.7 percent in 1978 to 6.3 percent in 1982.

"It may be, as some have speculated, that our young people are beginning to heed the Government's health messages," said Dr. Ira Cisin, professor of sociology at George Washington University, who directs the Federal agency's national survey of Americans in households. "We do not know whether the downturn in marijuana use reflects a temporary economic slump or a continuing shift to more conservative behavior."

#### CHANGE IS RELATED TO AGE

In contrast, though, among those over age 26, the use of cocaine, marijuana, hallucinogens and stimulants reported in the study is rising, though not dramatically, save in the case of cocaine. In addition, the number of emergency-room visits and deaths involving drug abuse have increased among those age 30 to 39, unlike the patterns for younger age groups.

According to reports from the agency's national Drug Abuse Warning Network, there was a doubling of reports involving cocaine from 1979 to 81, the most recent statistics available; and there was a sharp increase, from 1,910 to 3,479, of reports involving heroin.

Dr. Pollin and a number of other experts attribute the contradictions between declining drug use among the young and rising drug use among older groups to the lingering effects of the 60's-generation culture on the rest of society. "The flower children of the 60's are now approaching middle age and they are bringing with them the residue of habits formed in earlier years," said Dr. Cisin.

Not everyone accepts that view, however. "I don't have the sense that we can attribute this to a group with a specific problem that is wending its way through the age pyramid, and then the problem comes to an end," said Dr. Jessor. "It seems unlikely that the drug problem is going to 'age itself out' of the population—that's rather wishful. Looking at it from the larger culture, drug use in general is an institutionalized phenomenon."

#### HE SEES PROCESS OF INTEGRATION

Whether or not drug use has reached that status yet, Dr. Zinberg of Harvard says a number of illegal drugs are undergoing a process of societal integration. "Of course it poses problems for those who are vulnerable to abusing these drugs," he said, "but a lot of the use has developed into what I call controlled usage."

"Most of these drugs are introduced with a bang," he continued, "and they are greeted with enormous hysteria. The process is not complete, but the large majority of people know how to control them. Hysteria has been replaced by a knowledge of the boundaries of these drugs."

Some drugs are much harder to control than others, he said. "I'm not happy about the extreme availability of cocaine," said Dr. Zinberg.

"We can reduce trafficking by making it prohibitively difficult for people to try it," said Francis M. Mullen, Administrator of the Drug Enforcement Administration.

Dr. Kramer agrees that it is necessary to control the availability of illegal drugs, but he says that to expect their elimination is unrealistic in an open society.

"As the stringency of controls increases," he said, "the social problems associated with the control of drug use become greater and greater. So, as you lengthen sentences and tighten up, you get more problems involving black markets and organized crime, and you

get more invasion of privacy and fundamental liberties."

#### SEES IT AS TASK IN GROWING UP

Dr. Jessor of the University of Colorado says coping with the presence of drugs may have become a kind of rite of passage for young people. "It may now be a development task that young people need to come to terms with," he said, "like separation from parents, career development, and sexuality. And so we ought to focus on education and provide the kinds of information and skills for the least irresponsible use of these substances."

Dr. Pollin offered a final, disquieting note on the future of the nation's drug culture: "The laboratories that produce ever-more potent psychoactive drugs are going to continue their efforts. The number of drugs out a decade from now will be twice as great as they were 10 years ago. The problem will never go away. It will be more complex."

[From the New York Times, Mar. 22, 1983]

#### DRUG ABUSE IN AMERICA: WIDENING ARRAY BRINGS NEW PERILS

(By Harold M. Schmeck Jr.)

American hotel guests in Cuzco, Peru, 12,000 feet high in the Andes, are sometimes surprised at being offered coca tea to help them adjust to the altitude. But it seems to help and they probably suffer no ill effects. Peruvian Indians have been using it for generations.

"At the other end of the spectrum," said Dr. Robert Byck of Yale University, an expert on cocaine, "is a man I encountered who was spending \$400,000 a year, buying cocaine by the half pound, and shooting it intravenously. He was sitting in a blacked-out cellar with an M-1 rifle, shooting at his hallucinations."

The man in the basement and the hotel guests in Cuzco were taking the same drug.

The two uses point up the dramatic difference in reactions to which many Americans are now subjecting themselves. Use of illicit drugs is continuing to rise among American adults, and social scientists believe that to a large extent this usage has become increasingly "acceptable" on all levels of American society. To medical experts, such acceptance represents dangerous ignorance. "The selection in the delicateness of drugs is much greater than its ever been," says Dr. M. Duncan Stanton of the University of Pennsylvania School of Medicine. Some of these natural or artificially produced chemicals are new or recently produced variants of older forms that are better understood than the new ones.

Some experts believe the biology of drug abuse is becoming more and more complex, as new compounds become available. In one recent tragic instance, three men and a woman in California developed serious, crippling conditions after taking a synthetic drug they had been sold as a "new synthetic heroin."

In fact, the drug, known to chemists as MPTP, was an industrial chemical. What happened to the four who used it showed that the chemical is a potent and remarkably selective poison for brain cells. Three of the four patients were hospitalized, according to a report in Science from Stanford University Medical Center. All three were almost totally immobile, unable to speak intelligibly. They had fixed unblinking stares and drooled continually. The fourth, treated as an outpatient, had a short-stepped

slow, shuffling gait and was otherwise similar to the other three.

The report said the patients appeared to have suffered damage to a specific region of the brain called the substantia nigra, producing effects that bore "a remarkable clinical resemblance to Parkinson's disease." An ironic twist to the tragedies was that the patients attempt to get "high" in a new way may have given science an important clue to the cause of parkinsonism.

Dr. Sidney Cohen of the University of California at Los Angeles said the traditional substances of abuse are being augmented by several entire series of new synthetic variants and "look-alike" drugs. "This kind of chemical smorgasbord is going to increase," he said.

Another expert, Dr. Jerome H. Jaffe of the University of Connecticut, said nevertheless that most current drugs of abuse, even some that have an aura of novelty, were actually old familiar chemicals.

It is clear from much experience, that effects depend on the chemistry of the drug itself, the amount used, and also on many other circumstances—how, when, where and why it is taken. Second, the effects of any illicit drugs depend greatly on unpredictable elements: the concentration and purity of the drug and the nature and amounts of the contaminants that go with it.

Cocaine use among adults in the United States has risen more rapidly in recent years than any other drug, according to the National Institute on Drug Abuse. It is an almost perfect example of the new attraction of the old and the biological complexities of current usage. Cocaine's effects depend greatly on why and where it is taken, the amount and frequency of use, the route of administration, the dilution of the dose and the chemistry of the diluents.

It clears from the blood rapidly so that a user must take it frequently to maintain the effects. Sleeplessness, loss of appetite and, when drug effects wear off, anxiety and severe depression may result.

The drug is a natural plant substance called an alkaloid, one of a large family of chemicals. Others include nicotine, caffeine, morphine, quinine and strychnine. Like these, cocaine has its legitimate uses. It is a local anesthetic employed in ear, nose and throat operations and, formerly, in surgery on the eye. Applied to mucous membranes with a swab, it is readily absorbed into the blood.

For nonmedical purposes, cocaine has been used in a bewildering variety of ways: by chewing the coca leaf, eating the alkaloid (purified to varying degrees), sniffing it as a powder, smoking cocaine paste or heating it and inhaling its vapors, or taking it by injection. Cocaine was used by the ancient Peruvians in religious ceremonies, and was made available by the Spanish to their Indian slaves because it seemed to improve performance and increase physical endurance.

The reported effects are euphoria, a sense of power, clarity of mind and, although the drug is a powerful stimulant, a sense of calmness. The drug raises heart rate, blood pressure and body temperature, and often dilates the pupils. Large overdoses can cause high fever and fatal convulsions.

Cocaine is taken up quickly by the blood and is absorbed readily in the brain. The form called free base in this country, is commonly smoked and is extremely dangerous.

Whether cocaine is addictive is a matter of debate, often obscured by differences in definition. Users do not suffer the same agonizing withdrawal effects as users of the opiate

narcotics, experts say. But heavy users can experience deep mental depression in the drug's absence, and show powerful compulsion to continue taking it.

Cocaine's anesthetic effects are believed to be caused by the drug blocking nerve signal transmissions from nerve cell to nerve cell by hampering the flow of sodium ions across nerve cell membranes.

The elevated heart rate and blood pressure are attributed to a different sort of interference with nerve signal transmission, the effect is thought to be that of preventing nerve cells from again taking up a nerve signal transmission substance after they have discharged that chemical in transmitting a signal to adjoining cells. The process is known as re-uptake.

This effect, called prevention of re-uptake, is also the traditional explanation of the drug's powerful euphoric effects, but Dr. Byck said, it is probably not the real answer.

Chronic use can destroy tissues of the nose and lung as a result of diminished blood supply. Heavy use of the drug, particularly by injection, can produce serious mental effects, including hallucinations and psychosis. An extreme overdose may bring on fatal high temperature and convulsions. Cocaine users often say that occasional use via the nose will not necessarily have serious ill effects. But Dr. Byck emphasized that, while the statement may be true, it can be dangerously misleading. It is difficult for anyone to keep use of the drug "occasional," he said, and every compulsive user started out with single or occasional use.

#### STIMULANTS

Cocaine is one of the often-abused drugs that are classified as central nervous system stimulants. Of the others, the best known are probably amphetamine and its close chemical relatives. They are longer acting than cocaine, but share some other effects with it. The amphetamines produce excessive activity, restlessness, loss of appetite. Heavy users may suffer hallucinations, paranoia and, on sufficient overdose, coma and death.

There is also a growing category of "look-alikes," so called because they are packaged to look like amphetamines, but contain milder stimulants such as ephedrine, phenylpropanolamine and caffeine.

Public health experts like to include nicotine in discussions of drug abuse, because it too can cause a habit difficult to break and because of the serious long-term health effects of its principal vehicle, the cigarette.

Marijuana, also taken customarily by smoking, is generally viewed as a drug with various effects. It clearly poses psychological dangers to adolescent users and many diverse effects have been attributed to it. The overall importance to health of the physical effects is still a subject of debate.

#### DEPRESSANTS

At the opposite end of the drug abuse spectrum from stimulants is an even larger category of psychoactive substances sometimes grouped under the general name depressants. They include the narcotics, opium, morphine, heroin and others; the many kinds of barbiturates; and the sleep-promoting drugs such as methaqualone.

These drugs may be taken to achieve a psychological "high," but their common action is actually to depress the activity of the central nervous system. Dr. Cohen said the effects perceived by the user depend on multiple factors of personality, expectation and social situation as well as on pharmacology.

The narcotics and many others in this broad category can produce classical addiction, with the development of tolerance and withdrawal symptoms that can be severe. They include restlessness, nausea, vomiting, chills and "gooseflesh," diarrhea and abdominal cramps. Heart rate and blood pressure may go up. Involuntary muscle spasms may add to the victim's agonies during the worst phase of the withdrawal.

In a chapter on drug addiction and abuse in the widely used medical text Goodman and Gilman's "The Pharmacological Basis of Therapeutics," Dr. Jaffe notes that tolerance does not develop uniformly to all of the actions of a narcotic drug. There may be stronger tolerances to one action than to another. But no single biochemical model seems able to account for all of the complex phenomena that are seen with the many classes of drugs that produce tolerance and physical dependence.

Dr. William Pollin, director of the National Institute on Drug Abuse, said alcohol should always be included in discussions of drug abuse because that particular depressant of the central nervous system is among the most widely abused of such drugs and probably contributes to more deaths, disabilities and human tragedies than any of the others.

#### HALLUCINOGENS

Another class of substances that figure importantly in the drug abuse world are the hallucinogens, including phencyclidine, known as PCP, lysergic acid diethylamide, known as LSD, and far older natural plant substances such as mescaline, produced by some cacti, and psilocybin, the main psychoactive ingredient in some species of mushrooms.

These too vary in their chemistry and probably in their specific actions, but, in a sense, they all seem to open the floodgates of brain activity so that the user may be deluged with internally produced perceptions—colors, odors and sounds and sometimes more structured hallucinations. A guide for physicians prepared by the American Medical Association said intoxication with these substances involves profoundly disturbed behavior and loss of contact with reality.

A booklet prepared by Blue Cross-Blue Shield Associations in collaboration with the National Institute on Drug Abuse lists among possible ill effects of hallucinogens: "breaks" from reality, "flashback" experiences of the drug's effects long after its use has been discontinued, impaired memory and perceptions in some cases, anxiety and depression.

#### INHALANTS

Considered particularly dangerous by experts are some of the substances generally referred to as inhalants. These are a diverse group of volatile substances including gasoline, toluene, paint thinners, dry cleaning solutions, nitrous oxide and amyl and butyl nitrites. They vary in potential for harm, but some of the compounds, including toluene, can produce physical damage to the brain and some can give rise immediately to disturbances in heart rhythm that can be fatal.

"The intoxicating effect is immediate, though not long-lasting," the medical association's guide said of some of these inhalants. "The products inhaled are inexpensive, legal and readily available in the home or workplace, and the compact packaging of items such as glue or nail polish remover makes these easy items to carry in a pocket or purse."

A particularly dangerous practice, according to the guide for physicians, is that of placing a bag over the head to increase the concentration of inhaled vapor.

"Users describe the sensations evoked by inhalants as euphoria and excitement, accompanied by a feeling that 'something wonderful is about to happen,'" the publication said.

What may actually happen, drug experts say, is sudden death.

[From the Washington Post, Jan. 30, 1983]

#### U.S. CRIME WAVE LINKED TO FLOOD OF HEROIN, COCAINE

(By Courtland Milloy and Edward D. Sargent)

A flood of illegal drugs, primarily heroin and cocaine, has fueled a nationwide crime wave that is causing many Americans to lose faith in the ability of government to protect them, federal officials and law enforcement experts told a conference here this week.

"It is the inundation of drugs—some of which are grown here—that is eroding public confidence and corrupting public officials," FBI Director William Webster said at the three-day conference, which was sponsored by the Washington Journalism Center.

The result of that erosion of confidence has been the burgeoning of private anti-crime efforts, including security guards, guard dogs, bars and alarm systems, self-defense classes and handgun sales. Officials estimated the private security industry already does \$10 billion in business a year—and is growing.

"I think we're on a continuum where every day, public confidence diminishes in the ability of the government to deal with their public safety," said Sen. Joseph Biden Jr. (D-Del.), ranking minority member of the Senate Judiciary Committee.

"The longer we wait, the more likely Americans will feel they need to go to a store and get a gun for their car or bedroom or kitchen," Biden said. "I think we're reaching the breaking point."

According to Francis M. Mullen, acting administrator of the federal Drug Enforcement Administration, there are about 492,000 known heroin addicts in the United States and about 4.4 metric tons of heroin were smuggled into this country in 1981. He said that there are about 15 million cocaine users and that about 60 metric tons of cocaine, mostly from Colombia, made it to the United States that year.

More than 90 percent of the supply of drugs, he said, was imported through organized crime networks. When asked if there had ever been an organized crime figure working as a "mole" within the DEA, Mullen said "yes," but did not elaborate.

Between 40 percent and 60 percent of all serious crimes that occurred in the United States in 1981 were drug-related, according to estimates by law enforcement officials at the conference.

Crime was also related to such diverse factors as warm weather and the nation's demographics. Crime trends showed, officials said, that there are more crimes committed during summer months than winter months and that persons between the ages of 14 and 25 are more likely to commit crimes than persons in any other age group.

That demographic trend led Newman Flanagan, president of the National District Attorneys Association, to predict that the crime wave would bottom out by the end of the decade, as the current young genera-

tion, which represents a miniature "baby boom," grows older.

Fear of crime, experts noted, has given rise to increases in public appeals for stiffer anticrime legislation, including the abolition of parole, imposition of mandatory sentencing and the death penalty—none of which has been proved to reduce crime.

Analysis of the nation's criminal justice system, reveals that emphasis on the "system" is misdirected because there is no system, just a "habit of bad practices that hasn't changed for 50 years," said Sam Dash, former Watergate committee chief counsel and currently a law professor at Georgetown University.

Citing the results of two presidential commissions on crime, from 1957 and 1967, both of which showed that most crimes go unreported and that many of those that are reported go unsolved—including 48 percent of all reported rapes—Dash concluded:

"The system has very little impact on crime. What we're talking about in terms of what police do, what prosecutors do, what courts and prisons do is simply retouching a tiny part of the crime problem that comes to our attention. The rest of it is all outside the system."

Dash added, "If you look at who gets caught up in the system—the jails and prisons—it's basically your poor, black amateur, the losers in the crime game. However, they are not costing society nearly as much as white-collar criminals or organized crime."

Following a steady reduction in police officers since 1960, fewer streets are being patrolled. Thus, many neighborhoods have turned to watch groups, which experts generally applaud. However, they point out, the key to a successful neighborhood watch group is a close-knit neighborhood, based on tight families, where youth are disciplined and watched by adults, not necessarily their parents.

Yet, according to Lynn A. Curtis, president of the Eisenhower Foundation for the Prevention of Violence, it is the deterioration of neighborhoods, with their educational and support systems, that is the root cause of crime. With unemployment reaching 11 percent, maintenance of neighborhoods will prove even more difficult in the years ahead, Curtis said.

Nonetheless, according to Webster, statistics released by the FBI show that crime in America reached an all-time high in 1980, began leveling off in 1981 and showed a five percent decline during the first six months of last year. "That's encouraging," Webster said. "But we still must ask ourselves: encouraging compared to what?"

[From the Washington Post, Feb. 4, 1983]

#### YOUNG AMERICANS CUT USE OF MARIJUANA

(By Thomas O'Toole)

Young Americans have cut down their use of drugs such as marijuana and methaqualone (Quaalude), but more overdoses of cocaine and heroin are showing up in hospital emergency rooms because of changes in the ways these drugs are being used, according to government officials.

"The rapidly increasing epidemic of drug use in this country in the 1960s and 1970s has finally begun to recede, particularly among young people," Dr. Edward N. Brandt, Jr., assistant secretary for health at the Department of Health and Human Services, said yesterday at a news conference.

"However, while there may be fewer illicit drug users in our population, we know from the people who show up in emergency

rooms that the health consequences of drug use have not abated," he said.

In the first nine months of 1982, Brandt reported, 9,139 victims of heroin overdose were admitted to 820 hospital emergency rooms in 26 metropolitan areas monitored by the National Institute on Drug Abuse—roughly a one-third increase over the same period in 1981.

The same 820 emergency rooms took in 4,615 people suffering from cocaine overdoses in the first three-quarters of 1982, more than that total for all of 1981. The 820 hospitals sampled by NIDA constitute less than 20 percent of the nation's total.

A more in-depth sampling of emergency room cocaine cases in six cities by the Drug Enforcement Administration from May to October, 1982, showed dramatic increases over the same period in 1981. New York showed a 36-percent increase; Boston, 46.4 percent; New Orleans, 52.9 percent; Miami, 71.5 percent; Philadelphia, 83 percent, and Los Angeles, 90.4 percent.

The number of heroin- and cocaine-related deaths is also increasing although the statistics for drug fatalities run at least nine months behind those for emergency room admissions.

Reports from 85 medical examiners showed 272 cocaine deaths in 1980, 335 in 1981 and a rising trend in 1982. The same medical examiners reported 898 heroin deaths in 1980, 930 in 1981 and a similar rising trend for 1982.

Most of the heroin overdose cases were addicts using a stronger form of the drug that has been available in recent years, Brandt said.

Most of the cocaine overdose victims were users who moved from the conventional method of snorting the adulterated powder through the nose to the more dangerous techniques of injecting liquid cocaine into the veins, called "mainlining"; injecting it with heroin, called "speedballing," or smoking it in its pure powder form, known as "freebasing."

"We're seeing a definite shift to a more vicious type of cocaine abuse," Gene R. Haislip, DEA's director of enforcement, said in an interview.

"There is a clear upward nationwide trend to mainlining and freebasing the drug that is an obvious change for the worse," Haislip said.

Freebasing cocaine gets the drug to the brain in its pure form in fewer than seven seconds, a method of use that narcotics experts describe as "devastating."

"There is probably no more of a compulsion for a drug than the freebasing of cocaine," said Dr. Jack Durell, associate director of NIDA for science, in an interview. "It very quickly becomes a devastating experience that drives the users into total submission."

On the brighter side, NIDA reported yesterday that its annual survey of high school seniors indicated that daily marijuana use by young people has declined for the fourth successive year.

NIDA's survey of 17,700 students across the country showed that one out of 16 high school seniors used marijuana daily. As recently as 1978, one in nine seniors smoked marijuana every day.

NIDA said it sees the same downward trend in young people's use of Quaalude and cocaine; NIDA officials said that DEA's crackdown on illegal methaqualone imports and the high price of cocaine (\$100 a gram) could be factors.

Why are young Americans smoking less marijuana? Drug experts said there is increasing concern among youths about the effects of chronic use on their health, and less peer acceptance of marijuana use. The growing necessity for students to do well academically also is cited.

[From the Washington Post, Feb. 10, 1983]

#### FBI DIRECTOR SAYS DRUGS TOP PROBLEM

FBI Director William H. Webster said yesterday that drug trafficking has become the nation's No. 1 crime problem.

Webster, in a meeting with reporters as he approaches his fifth year in office, said that illegal narcotics activities generate "tremendous corruption" in society.

"The amounts of money available for corruption in the drug industry are extraordinary," he said.

Webster said that the Reagan administration's efforts to have the FBI work with the Drug Enforcement Administration in cracking down on large-scale narcotics operations is a major step toward dealing with the drug problem.

While there have been some signs of declining use of marijuana among younger people, Webster said, "There is obviously sufficient demand [for drugs] to support a lot of illegal activity."

In a related area, Webster said the DEA was investigating drug use on Capitol Hill because there "were allegations of pervasive misconduct."

Asked whether it is fair for federal authorities to investigate users because they may hold political office, he replied, "That's the problem the Department [of Justice] is wrestling with."

"Usage tends to be the lowest level of concern [for the FBI]," Webster said. "But a judgment was made here, because [of] the allegations of who the users were, that a higher standard was required."

[From the New York Times, Feb. 20, 1983]

#### THAIS HESITATE TO WRECK OPIUM FIELDS OF TRIBES

(By Colin Campbell)

BANGKOK, THAILAND, February 19.—The Thai Government, which has outlawed the cultivation of opium poppies, has nonetheless declined for now to destroy thousands of acres of poppy fields, according to senior Thai and Western drug enforcement officials.

The eradication of opium crops is a major part of the Reagan Administration's domestic and international campaign, announced last fall, against illicit drugs.

Both the Administration and a recent United Nations report have warned that expanding worldwide narcotics traffic is endangering the health of millions, skewing national economies and financing organized crime.

#### THAIS AWAIT SUBSTITUTE CROPS

The Thai Government has said that poppy eradication is one of several Thai weapons against narcotics. But senior Thai officials indicated in interviews this month that the essence of Thai policy is to encourage mountain tribespeople to plant substitute crops before destroying the poppy fields.

Despite the Reagan Administration's urging and despite the successes of eradication programs in India, China, Turkey and elsewhere, the Thais say their non-Thai-speaking hill tribes have cultivated opium for generations and might starve if suddenly deprived of the cash.

The price of opium on the mountain markets last year ranged from about \$75 to \$100 a kilogram, and is currently about \$80. A kilogram equals 2.2 pounds. The price of heroin, by contrast, has been rising and now sells on the Burmese border for about \$4,000 a kilogram. Narcotics officials say demand for heroin has been growing.

Thai officials also point out that in the 1960's, Government efforts to move tribal villages away from areas of Communist and other insurgencies evidently caused some tribespeople to join with the insurgents.

Chaiya Poonsiriwongse, Governor of the important opium-growing province of Chiang Mai, said he shared the widespread opinion among officials that Thailand's Communists had been losing ground and no longer threatened the Government. But he said he feared they could rise again in the mountains by exploiting discontent over the destruction of the opium fields. "They try to cause unrest among the hill tribes," he said. "They say we're trying to annihilate them."

#### NOTHING DOING

When asked if Thailand planned to destroy its opium fields, Mr. Chaiya said, "Nothing doing." Such an attack on the hill tribes, he said, would be "out of the question."

"It's easy to stop people from growing opium," the Governor said. "But what are you going to do with half a million mountain tribesmen?"

Maj. Gen. Chavalit Yodmani, recently appointed Secretary General of Thailand's Narcotics Control Board, sounded the same theme. He said 300 mountain villages depended directly on opium crops. Asked how many villagers that included, he said about 100,000.

This year's opium crop in northern Thailand, though damaged by cold and rainy weather, is expected to yield between 40 and 50 tons of opium, or enough to be refined into four or five tons of heroin.

Thailand's homegrown opium is a comparatively small part of the amount grown throughout the so-called Golden Triangle region, where the borders of Burma, Thailand and Laos meet. Together these nations produced more than 600 tons of opium last year, 80 percent of it in Burma. Yet Thailand's contribution remains significant, and at least one Reagan Administration member, Dominick DiCarlo, Assistant Secretary of State for International Narcotics Matters, has criticized the Thai Government for its failure to destroy opium in the fields.

Western narcotics officials in Thailand say about 10 percent of the heroin available in the United States last year came from the Golden Triangle region. Officials predict that for 1983 the share may rise to 18 percent. Chemical analyses of heroin sold in California indicate that a third of the West Coast's heroin comes from the Golden Triangle.

General Chavalit said that "the Thai Government has the intention not to allow the production of these drugs."

"But we have to do it our own way," he said. "We can't be dictated to by Mr. DiCarlo."

He added: "If we keep hitting people who don't have enough to eat, we will have huge problems. If we have them arrested, where will we put them?"

#### POLICY NOT WIDELY KNOWN

Thailand's policy against eradication is neither widely known nor often expressed.

For years the Government has instead chosen to emphasize the introduction of new crops to its northern mountains. Its crop substitution program began 15 years ago, under royal patronage, and has since been aided by grants and technical help from the United Nations, the United States and several West European countries.

Some areas of Thailand's northern mountains have switched from opium to potatoes, coffee, kidney beans and other crops. Thousands of tribespeople have come under the control of the central Government.

In other recent antinarcotics efforts, the Government has stepped up its blocking of the some three-fourths of the Golden Triangle's heroin that passes through Thailand on its way to Hong Kong and has cracked down most recently on heroin refineries along the Thai-Burmese border.

Many Thai officials suggest that the cost and effort of destroying opium would be more than it was worth. "The area is so vast," General Chavalit said. "Is it practical that we use all that manpower in actually cutting down the fields?"

#### PROFITS CONSIDERED SMALL

Official corruption is not thought to play a part in Thailand's policy against eradication. Thai police officers are frequently arrested for transporting heroin, but the profits from raw opium are considered too small to excite the cupidity of even low-ranking officers, much less policy makers.

Some United States officials have expressed sympathy for Thailand's position. In October, Attorney General William French Smith said in an interview here, after talks with Thai officials and a plane ride over the opium fields, that "it's just not really feasible to do some of the things that might, from a distance, seem to be the obvious thing to do, like march through the hills and pull up the poppy plants."

On Dec. 14, however, Mr. DiCarlo expressed a less-patient view. He told a House Judiciary Subcommittee that Thai efforts at crop-substitution had been of "limited success in reducing the numbers of acres planted with opium poppies, since the Thai Government has yet to take effective action in enforcement of the opium-growing ban."

Western narcotics officials insist that most of Thailand's commercial opium fields are in the relatively accessible provinces of Chiang Rai, Chiang Mai, Mae Hong Son, Nan and adjacent northern provinces, and not in the country's more remote mountains. The progress of the Government's rural roadbuilding program has made them more accessible.

"I'm personally convinced that the Thais could eradicate all the opium in Thailand in one season if they wanted to," a senior Western narcotics official said. He said he sympathized with arguments that crop destruction might alienate some tribespeople, but he said he thought the fears were exaggerated and the complexity of insuring their welfare overstated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida (Mrs. HAWKINS). The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS: I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from North

Carolina (Mr. EAST) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—96

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

NOT VOTING—4

Baker  
Chafee

Cranston  
East

So the amendment (No. 2345) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2346

(Purpose: To provide for research and training regarding the Soviet Union and Eastern Europe)

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Indiana for the purpose of offering an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana (Mr. LUGAR) proposes an amendment numbered 2346.

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

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

On page 2, strike out lines 8 and 9 and insert in lieu thereof "\$1,478,713,000 for the fiscal year 1984 and \$1,478,713,000 for the fiscal year 1985."

At the bottom of page 48, add the following:

TITLE VII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING ACT OF 1983

SHORT TITLE

SEC. 701. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 702. The Congress finds and declares that—

(1) factual knowledge, independently verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced research;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists and the facilitation of;

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists including on-site conduct of advanced training and research to the extent practicable; and

(4) it is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

DEFINITIONS

SEC. 703. As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Board" means the Soviet-Eastern European Studies Advisory Board.

ESTABLISHMENT OF THE SOVIET-EASTERN EUROPEAN STUDIES ADVISORY BOARD

SEC. 704. (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Board which shall be composed of the Secretary of State, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advancement of Slavic Studies, the Secretary of Defense, and the President of the Association of American Universities. The Secretary of State shall be the Chairman.

(b) The Advisory Board shall meet at the call of the Chairman and shall hold at least

one meeting each year. Three members of the Advisory Board shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Board in carrying out its functions under this title.

(d) The Advisory Board shall recommend grant policies for the advancement of the objectives of this Act. In proposing recipients for grants under this title, the Advisory Board shall give the highest priority to national organizations with an interest and expertise in conducting and disseminating research and training concerning Soviet and Eastern European countries. In making its recommendations, the Advisory Board shall emphasize the development of a stable, long-term research program.

AUTHORITY TO MAKE PAYMENTS

SEC. 705. (a) The Secretary of State, after consultation with the Advisory Board, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.

(b)(1) One part of the payments made in each fiscal year shall be used—

(A) in consultation with officials of the United States Government designated by the Secretary of State, to develop and keep current a research agenda of fundamental research dealing with major policy issues and questions of Soviet and Eastern European development; and

(B) to conduct a national research program at the postdoctoral or equivalent level in accordance with that agenda, such program to include—

(i) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, which contracts shall contain, to the extent practicable shared-cost provisions; and

(ii) the awarding of contracts for such research projects as the respective institution determines will best serve to carry out the purposes of this title after reviewing the proposals submitted under clause (i).

(2) One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis to the extent practicable at American institutions of higher education; and

(iii) to include—

(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institutions determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to research institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

#### APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

SEC. 706. (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purposes for which the payments will be used in accordance with section 705; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid under this title, and (B) to insure the verification of the costs of the continuing education and research programs conducted under this title.

(b) The Secretary of State may approve or deny any application for whatever reasons he deems necessary to carry out the provisions of this title.

(c) Payments under this title may be made in installments in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

SEC. 707. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance and an accounting of any such assistance used to cover administrative expenses of such institution, if such administrative expenses represent more than 10 percent of such assistance, together with such recommendations as the Advisory Board deems advisable.

#### FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 708. Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

#### ALLOCATION OF FUNDS

SEC. 709. Of the funds authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, \$5,000,000 for each fiscal year shall be available only to carry out the provisions of this title.

#### TERMINATION OF PROVISIONS

SEC. 710. The provisions of this title shall terminate ten years after its date of enactment.

Mr. LUGAR. Mr. President, this amendment authorizes a new \$5 million program in Soviet and East European studies. The substance of the amendment is the same as S. 873 which has been approved by the Foreign Relations Committee.

I believe this amendment is important due to the increasingly apparent need for knowledge of the Soviet bloc. The gaps in our knowledge of the Soviet Union are enormous. The existing generation of Government and academic specialists on Soviet studies will soon retire and, according to one estimate, nearly half of the recognized academic experts currently working on Soviet affairs will be dead or retired by the end of this decade. The situation in our universities had become grave, as faculty positions in Soviet studies are being eliminated and funds for research libraries and journals have dwindled. Sensing a future of diminishing opportunity, talented young scholars are channeling their energy away from Soviet studies to what appear to be more promising career fields.

Recent occurrences have magnified the need to increase our expertise on the Soviet Union and East Europe. We must increase our understanding of the Soviet and mindset which will enable us to anticipate as well as understand their actions. We will then be capable of more effectively formulating policy response. For this reason I am advocating this amendment.

Briefly, this amendment will establish within the State Department a segregated research fund of \$5 million. This fund will be administered by the Secretary who will utilize a statutory board established in this amendment.

The fund will be used: to develop a research agenda on the major policy questions of the Soviet Union and Eastern Europe; to conduct a national research program at an advanced level; to establish and implement a program of graduate, post doctoral, and teaching fellowships; and to disseminate research findings and information on the Soviet Union and Eastern Europe.

S. 873 established an independent trust fund of \$50 million with the interest from the fund used to finance Soviet studies. I have encountered opposition to the trust fund concept from Senators and the administration. I am sympathetic to their concerns and therefore this amendment has eliminated the trust fund and provides for yearly appropriations.

This amendment is similar in most respects to S. 873, however, it differs substantially in organizational details. A research fund created within the State Department will be administered

by the Secretary of State under the advice of an independent Advisory Board. The Advisory Board will be committed to advancing the objectives of this act and shall give the highest priority to organizations devoted to Soviet studies. Of importance is also the development of a stable, long-term research program.

I have confidence that this amendment, although structurally different, addresses the concerns of those dedicated to making this program work. First, it provides the long-term funding necessary. The administration is committed to this program and has requested 5 years of funding within a 10-year authorization. Second, it is independent. Although within the State Department, it is funded on its own. The segregated research fund of \$5 million assures that funds cannot be diverted to other uses. Third, it is credible and efficient, emphasizing the use of existing organizations with both specialized and generalized expertise in the field of Soviet studies. Fourth, it provides congressional oversight with Congress maintaining a watchdog role through year-to-year appropriations and representation on the Advisory Board by the Librarian of Congress. This congressional oversight is intended to be broad and nonpartisan.

Mr. President, although structurally the amendment has assumed a new complexion, the purpose of the amendment remains the same. I am convinced that we can achieve the goals that this amendment attempts to accomplish. I understand that any expenditure of funds requires solid justification, but I feel strongly that this program will provide strength to the security of the United States in years to come.

#### THE IMPORTANCE OF SOVIET STUDIES

● Mr. BIDEN. Mr. President, I am pleased to join in cosponsoring this amendment to improve and expand U.S. research and training regarding the Soviet Union and Eastern Europe. Senator LUGAR and I originally offered a somewhat different version of this measure last year, and were pleased to win approval by the Senate Foreign Relations Committee last summer. This amendment tries to take into account various suggestions and concerns which had been raised about the earlier proposals.

The technical changes, in my judgment, are less significant than the compelling need for the United States to improve our current and future intellectual capabilities to understand the Soviet Union and Eastern Europe. Since we introduced this measure, we have witnessed the death of Leonid Brezhnev and the occasionally puzzling accession of a new Soviet leadership, twists and turns in Soviet arms control proposals, and the disturbing

events surrounding the Soviet attack on the Korean civilian airliner.

Although it is vitally important to be able to comprehend and interpret such developments correctly, our national capabilities to do so are dwindling because we have not maintained our investment in Soviet and East European studies. This amendment will begin to correct this problem.

Mr. President, on August 14, 1983, the Washington Post carried an article by John Stremlau, an associate director of the Rockefeller Foundation, on the need to combat what he called a dangerous and self-inflicted ignorance about the Soviet Union. I ask that Mr. Stremlau's article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 14, 1983]  
WHAT WE DON'T KNOW ABOUT THE SOVIETS—  
A DANGEROUS AND SELF-INFLECTED IGNORANCE THAT MUST BE COMBATED

(By John Stremlau)

In its competition with the Soviet Union, the United States continues to function as a dinosaur. While the country willingly expends nearly \$250 billion for defense, our annual production of Ph.Ds with advanced training for analyzing Soviet foreign policy rarely exceeds seven or eight, and the number of Soviet specialists writing books and articles in this field probably totals fewer than 30.

The situation inside the government is alarmingly similar. As Robert Legvold of the Council on Foreign Relations has noted, if the president were to call together all officials who are experts on Soviet policy toward an important region, or even toward a key country such as the Federal Republic of Germany, they could meet around a card table. Rarely is there any part of the world where Soviet involvement is the continuing concern of more than one or two individuals. All too often it is the concern of none.

Some steps are being taken to remedy this situation. A bill before Congress would provide minimal but secure financial base for research and training in Soviet studies through income from a \$50 million trust fund. It is sponsored by Sens. Richard Lugar and Joseph Biden, and Reps. Paul Simon and Lee Hamilton.

Maj. Gen. William Odom, assistant chief of staff for Army intelligence, has been instrumental in increasing Defense Department support for non-classified research and in seeking broader based federal funding of Soviet studies.

Private foundations are also becoming increasingly concerned about the failure of faculties at most universities to conduct research in the complex and important field of Soviet foreign policy. The urgency of the problem was driven home to me during a recently completed national competition sponsored by the Rockefeller Foundation for two \$1 million grants for advanced training and research on Soviet international relations. The recipients are Columbia University's Harriman Institute for Advanced Study of the Soviet Union, and a joint program to be administered by the University of California at Berkeley and Stanford.

But the congressional proposal, foundation grants and the generosity of a few concerned citizens—notably, W. Averell Harriman—are only modest first steps toward rebuilding a base of expertise that has been

lost in recent years. The quality of advanced training and research must also change.

Ironically, just as new dimensions to Soviet-American competition have underscored our need to understand and anticipate Soviet political, diplomatic and military behavior, we find that most Russian and East European area study programs have been left to linguists and historians. Universities are not developing experts with interdisciplinary training in economics, politics and other social sciences. Those aspects of Russian area studies that are germane to understanding contemporary Soviet international relations have been most seriously retarded by a sharp decline in funding and faculty appointments for Soviet experts.

Moreover, it is the rare Soviet scholar today who is willing or able to render his or her research findings intelligible to a concerned public. The reward system of an academic environment in which access to tenure, granted by specialists who prescribe increasingly esoteric research and writing, discourages, wide-ranging research on important topics and simplicity of expression.

Efforts to advance Soviet foreign policy studies in the United States must be substantial, salient and sustained. New financial and intellectual resources must be attracted to allow for experimentation with different approaches to training and research. Soviet studies are too important to be left to Soviet experts alone, and ways must be found to educate those in other fields, such as social change in developing countries, international trade, or nuclear weapons technology on the domestic and foreign considerations that affect Soviet behavior toward these issues.

At the same time, some of those who choose to specialize on Soviet affairs must be encouraged to explore the wider international implications of their work. Room also should be found for foreign scholars to train and do research at leading U.S. centers so that their national perspectives on the Soviet Union can be better appreciated and we can begin to develop a broader understanding of Soviet strengths and weaknesses.

Clear signs are emerging of a new interest in Soviet foreign policy on campuses across the country. Student enrollment in international relations courses, especially those that focus on the Soviet Union, is rising. Furthermore, some Russian center directors and a few university presidents have begun to approve new curricula and to reserve faculty positions for linking Soviet studies with arms control and other international programs. These developments should produce new employment opportunities, although primarily for those with more than traditional area studies training.

Persistent U.S.-Soviet global tensions, while both sides have recourse to nuclear weapons, require that the nation be equipped with more than a basic appreciation of Russian language and culture. The activities of leading Russian and international studies centers must be geared to three basic objectives:

1. Developing an elite corps of men and women with potential to emulate such outstanding scholar-diplomats of the postwar period as Llewellyn Thompson, Charles Bohlen, and George Kennan, who could play a critical role in helping the United States avoid miscalculations in bilateral dealings with the Soviet Union;

2. Acquiring a better national understanding of how the U.S.-Soviet rivalry engages the interests of third countries that have

the capacity to exacerbate or reduce the risk of East-West tensions; and

3. Using an enhanced knowledge of the Soviet Union's international behavior to build a bipartisan consensus in the United States for policies aimed at reducing nuclear weapons and, more important, the risk of conflicts that could precipitate their use.●

Mr. PERCY. Mr. President, I know of no opposition to the amendment of the distinguished Senator from Indiana on this side.

Mr. PELL. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2346) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Idaho, who has a privileged matter.

Mr. McCLURE. Mr. President, is the Senator from Arkansas seeking recognition to offer an amendment?

Mr. PRYOR. I am.

Mr. McCLURE. How long will that take?

Mr. PRYOR. To offer the amendment?

Mr. McCLURE. To conclude it.

Mr. PRYOR. I will say no more than 15 minutes. That does not include time for the rollcall vote.

Mr. McCLURE. We are ready to proceed to the conference report on the Interior appropriations matter, and I want to cooperate with the managers of the bill and the Members on the floor with respect to the timing of that. We are prepared to do that, and I think the majority leader indicated that when we were ready to proceed with the conference report, we would interrupt the pending business.

Mr. PERCY. That is the understanding of the floor managers.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside and that we proceed to the consideration of the conference report.

The PRESIDING OFFICER. The Chair has an interest in that matter.

Mr. McCLURE. I understand that. I will withhold the request, and the Senator from Arkansas can proceed, and perhaps we can interrupt the consideration of his amendment.

Mr. PRYOR. I will be glad to comply with that request.

Mr. McCLURE. I thank the Senator from Illinois, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

## AMENDMENT NO. 2347

(Purpose: To establish in the Department of State the position of Under Secretary of State for Agricultural Affairs)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 2347.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. —. (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

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

"SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities." (b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

Mr. PRYOR. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Those wishing to converse will please retire to the cloakrooms.

Mr. PRYOR. Mr. President, this amendment would create within the State Department the new position of Under Secretary of State for Agricultural Affairs.

Also sponsoring this amendment are Senators ANDREWS, BUMPERS, SASSER, PRESSLER, LEAHY, BOREN, COCHRAN, HEFLIN, BAUCUS, and MELCHER.

I propose this new senior position because it has become clear that agricultural policy is being made today by those officials who make foreign policy. Time and again, foreign policy decisions are made with little consideration of the effect of the decisions on American farmers.

## EMBARGOES

The most obvious example of a foreign policy decision's backfiring on our own people is the recent grain embargo directed against the Soviet Union. There are times, such as the 1979 invasion of Afghanistan, when it is neces-

sary to take dramatic steps to counter Soviet aggression, and the U.S. farmer will be the first one to step forward to support appropriate efforts. But the results of the embargo were not what the policymakers had in mind.

The only countries to benefit from the action were Argentina, Australia and Canada, whose grain exports to the U.S.S.R. soared. The Soviet Union apparently suffered no ill effects at all. So who was hurt by the embargo? Only the American farmer, who saw his grain market sharply reduced, his prices lowered, and his future buyers made suspicious of his reliability as a supplier.

In the past decade, there have been four embargoes of agricultural goods. No wonder the United States saw its market drop from a 72-percent share in world grain exports to 58 percent.

We must make it convincingly clear to our customers around the world that they should not expect embargoes from the United States. They should expect us to be reliable suppliers. Any uncertainty about the reliability of U.S. food exports will cause our trading partners to make arrangements with other suppliers.

An agriculture specialist understands this. The average diplomat may not.

A high-level State Department official attuned to the special consideration of American agricultural policy might have advised against the embargo or at least made sure its effects on farmers were fully considered.

Here in the Congress, we have tried, through various means, to prevent embargoes from happening in the future. But less than 2 months ago, when the Korean airliner was shot from the sky by the Soviet Union, we again heard a chorus of voices calling for another embargo. Clearly, we need someone at the State Department to protect the farmers' interests. We need an advocate in the State Department for the American farmers.

## EXPORTS

Agricultural products account for 20 percent of all U.S. exports and contribute \$26 billion to the balance of trade. Agricultural exports account for \$95 billion of our domestic economic activity and provide 1.2 million jobs. Each extra \$1 billion in exports creates as many as 35,000 new jobs.

Increased agricultural trade would provide a welcome outlet for farm products and create jobs in food processing industries. The European Community is already seeking to expand its exports to the Third World, and an aggressive role by State Department officials here and abroad will be necessary if we are to maintain our preeminence as a supplier of the world's food.

## TRADE BARRIERS

Before we can see an expansion of U.S. food sales abroad, however, we need to get rid of some of the barriers

that stand in the way of fair competition for food customers, particularly the rigid protectionist policies of Japan and the European Community.

Not surprisingly, serious trade disputes increase tensions and damage overall relations between the countries involved. For example, it appears that the opening shots have been fired in a trade war with France in Egypt involving subsidized exports of wheat flour, butter, and cheese. France and the United States have been allies since before the founding of the Republic, and I am sure the effects of these agricultural disputes are giving our diplomats great concerns.

U.S. Foreign Service personnel are in an ideal position to monitor the slightest changes in trade policy around the world, and under the guidance of an Under Secretary of Agricultural Affairs their efforts could help to head off the creation of the sort of trade barriers which are giving us so much trouble.

If we had had an Under Secretary of State for Agricultural Affairs last spring, we might not have knuckled under to the French and Japanese in Williamsburg. If you remember, those two nations refused to allow any reference to agricultural protectionism in the final communique. Mr. President, of all the issues considered by the Williamsburg conference, the question of agricultural trade barriers may have been the most important to the economic well-being of our Nation, and I wonder if the State Department gave that issue the weight it deserved.

## OTHER ISSUES

Briefly, Mr. President, let me mention just a few other areas where the State Department deals directly with agricultural issues.

An extremely sensitive issue has been the matter of Commodity Credit Corporation guarantees of loans to Poland and Romania for the purchase of U.S. farm goods. The foreign policy ramifications of this controversy are varied and difficult to predict, but before this issue is resolved, the American farmer must be considered and consulted.

Trade programs, like the Caribbean Basin Initiative, may affect certain domestic producers of food and fiber.

As the administrator of the food-for-peace program (Public Law 480), promoter of agricultural exchange programs and monitor of economic trends abroad, the State Department is closely involved with the activities of the U.S. farmer and is in a position to affect our farmers in numerous bilateral and multilateral negotiations.

Through the Agency for International Development—AID—a part of the State Department, this country not only funds agricultural development projects in developing countries but also sends agricultural specialists

abroad to train others in cultivation and marketing techniques.

In fact, in this year's budget, we find that one-half of AID's funding is for agriculture and rural development programs.

Who knows, in the State Department, the actual impact of these decisions in that department on the American farmer?

Some people feel that these U.S. specialists may be doing too good a job. Brazil, for example, has been a recipient of developmental assistance—\$11.4 million in grants in 1982—and is now competing head-to-head with U.S. farmers who are trying to export their soybeans.

An Under Secretary for Agricultural Affairs would be in a position to foresee possible damaging effects of AID programs on U.S. farmers and see that certain Government programs do not work at cross purposes with each other.

Finally, more often than not, agriculture and foreign policy objectives coincide, and our farmers will enthusiastically support U.S. foreign policy if only they feel that their own interests are being represented and represented well. Today, however, the American farmer has little or no access to the makers of our own foreign policy, which affects every farmer and every farm family in our great country.

We need to provide a permanent, specialized conduit for the concerns of the farmer within the highest levels of the State Department.

Mr. President, when I first introduced this bill, I honestly had no idea just how desperate our farmers were for attention from the State Department. But during the past year, as I have traveled—not just in my State of Arkansas but all around the country—and spoken and listened to farm groups of all description, I have casually mentioned my legislation to create an Under Secretary of State for Agricultural Affairs. I must say the response has been overwhelming.

I hope our colleagues will respond tonight in an overwhelming vote by creating the position at the highest level in the State Department to speak for the agricultural interests of the United States of America.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I think this is a good amendment. It has been cleared on this side of the Chamber, and we hope it will be acceptable to the majority.

Mr. PERCY. Mr. President, the manager of the bill on the majority side knows of no objection to the amendment, and I think we can just simply proceed with a voice vote on it.

Mr. PRYOR. Mr. President, I am not asking for a rollcall vote under those circumstances.

I thank the managers of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2347) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that following the action on the amendments by Mr. ZORINSKY, I be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. McCLURE. Mr. President, reserving the right to object, it would be my understanding that that does not displace the right to call up the privileged matter, the conference report.

Mr. BYRD. The Senator is correct.

Mr. McCLURE. With that understanding, I have no objection.

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

AMENDMENT NO. 2346, AS MODIFIED

Mr. PERCY. Mr. President, I ask unanimous consent that several technical modifications be made in the amendment by Senator LUGAR which was just adopted. This request is made at Senator LUGAR's request. The modification I send to the desk contains those technical corrections. The only changes are to delete the two phrases handwritten on page 4.

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

The modification follows:

On page 4, line 13, strike "to the extent practicable".

On page 4, line 28, strike "to the extent practicable".

AMENDMENT NO. 2348

Mr. ZORINSKY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY) proposes an amendment numbered 2348.

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

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

The amendment is as follows:

On page 27, line 5, strike after "Program," through line 7 and insert in lieu thereof "and not more than \$7,100,000 shall be available for the Private Sector Program. Funds authorized to be appropriated by this act for the Private Sector Program shall be available only for grants to private not-for-

profit cultural or exchange-of-persons organizations or accredited colleges and universities.

Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, \$5,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States."

On page 27, line 12, insert "and" between "Program," and "not less than."

On page 27, line 14, strike after "Program" through line 16 and insert in lieu thereof."

On page 27 after line 16, add the following new subsection:

"(c) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, shall have made two or more trips financed in whole or in part by grants from the Private Sector Program. The foregoing limitation on the number of foreign trips shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, or to persons engaging in theatrical or musical performances. The limitations on foreign travel also shall not apply to the full-time staff of the recipient organizations if the Director of the Bureau for Educational and Cultural Affairs determines that the travel by a staff person is essential to the successful completion of the grant program and so certifies to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

Mr. ZORINSKY. Madam President, USIA's Office of Private Sector Programs repeatedly has been the focus of the Foreign Relations Committee's concern because of actions of questionable propriety as USIA's own Inspections Office refers to the awarding of grants tarnished by favoritism, conflict of interest, deficient management and lack of supervision.

Despite the adoption of guidelines earlier this year to correct mismanagement and the replacement of the Director of the Private Sector Office, abuses continue.

The latest scandal is the awarding of a new grant to the same organization which USIA's Inspection Office found to be involved in an earlier grant of questionable propriety. The director of that organization, until recently, was also a paid consultant to USIA. In hearings last month before the Foreign Relations Committee, Charles Wick, the Director of USIA, conceded that the director of the organization in question had, while a paid employee of USIA, approached officials responsible for approving the grant to his organization, and even tried to pressure them by asking their superiors to instruct them to vote in favor of the grant. The end result was that the grant, originally rejected by the Agency in July, was approved in August.

When USIA's own internal evaluation finds the Office of Private Sector

Programs to be flawed in a number of areas, including fundamental deficiencies in management, processes, and supervision, the Nation can ill afford to reward such an Office with an increase in funding. To do so would be fiscal madness. If congressional oversight means anything, then we must not reward wasteful spending with more money. At a minimum we must hold the line in spending for this program until Congress has observed a demonstrated record of competent management and fiscal soundness.

The amendment I am offering today would do just that—it proposes to hold the Office of Private Sector Programs to its fiscal year 1983 funding level and to limit Government-paid foreign travel under this particular program to two trips within 5 years for each individual. I believe this is a moderate and reasoned reaction to the circumstances which the committee finds at USIA.

Madam President, the amendment would straightline the budget for the Office of Private Sector Programs where there have been continuing problems.

I understand that this amendment is acceptable to the floor managers of the bill and I ask for its passage.

The PRESIDING OFFICER. Is there comment on this amendment?

Mr. ZORINSKY. Madam President, I ask for the immediate passage of the amendment if the floor managers have no objection.

Mr. PERCY. Madam President, the Senator's amendment is acceptable to the majority without any objection being raised on this side.

Mr. PELL. Madam President, the amendment is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2348) was agreed to.

Mr. ZORINSKY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2349

(Purpose: To promote competition in the awarding of USIA grants for International Youth Year)

Mr. ZORINSKY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY) proposes an amendment numbered 2349.

Mr. ZORINSKY. Madam President, I ask unanimous consent that the

reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27 after line 16, add the following new subsection:

"(d)(1) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants; subject to all applicable guidelines and notification requirements, to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange of persons.

"(2) No organization shall be designated by the United States Government, or any Agency thereof, as the official United States Commission or Committee for United States participation in International Youth Year unless (i) the membership of such organization is open to all major youth and youth service organizations, (ii) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts and expenditure and (iii) the composition of the Governing Board and the voting strength of organizations on the Governing Board reflects size of the membership of the constituent youth or youth service organizations.

"(3) No funds authorized to be appropriated by this Act shall be available to any organization to coordinate or plan for United States participation in International Youth Year which does not meet the criteria specified in subsection (d)(2).

"(4) In the event two or more eligible organizations seek recognition as the official United States Commission or Committee on International Youth Year, the Secretary of State may designate one organization as the official organization. In designating the official organization the Secretary of State shall give major weight to the number of young people who are members of the constituent organizations."

Mr. ZORINSKY. Madam President, 1985 has been declared "International Youth Year." This event has attracted the interest of many youth and youth service organizations, including Campfire, the Boy Scouts of America, the Girl Scouts, the 4-H National Council, and the YMCA.

In early 1981 some of these groups, at the urging of the State Department, formed a U.S. Committee on International Youth Year to coordinate U.S. activities in celebration of Youth Year. Led by Campfire, Inc., the U.S. committee has attracted the participation of some 67 organizations including the Boys Clubs of America, the Girls Clubs of America, the Salvation Army, the Future Homemakers of America, and the Youth Ministry of the Lutheran Church of America.

Apparently, however, this collection of organizations was not sufficiently political for the State Department. In late 1981 the Reagan administration designated the U.S. Youth Council as the official organization to coordinate U.S. Youth Year activities. In the last 2 years, the U.S. Youth Council and a closely associated body—the National

Strategy Information Center—have received over \$100,000 in noncompetitive, sole source contracts for Youth Year. Annually the U.S. Youth Council has received some \$800,000 in sole source, noncompetitive grants for its other activities.

The U.S. Youth Council include some recognizable youth groups—the Young Democrats and the Young Republicans for example—and many more organizations that have very small memberships and little more than a post office box. The Youth Council is run by a group of geriatric young people—well over the 25 age limit for International Youth Year—who keep membership in the Youth Council, and access to the \$800,000 in taxpayer funds, tightly controlled; none of the mainstream youth groups I cited is a member. Overall the U.S. Youth Council—representing a country of 230,000,000—has fewer national members than the National Youth Council of Ireland—population 2½ million.

In late summer USIA approved a \$58,000 grant to the U.S. Youth Council Youth Year project—the International Youth Year Commission—which in fact was a passthrough to another group, the National Strategy Information Center (NSIC). This was done in spite of a finding by USIA's Inspection Office that NSIC's activities with regard to a previous grant was of questionable propriety. USIA has subsequently admitted that a USIA consultant, Dr. Roy Godson who is also a consultant to the U.S. Youth Council and the Washington Director of the NSIC, improperly used his official position to pressure members of the grant review panel in favor of the NSIC grant. Meanwhile, in clear violation of its guidelines and procedures, USIA did not even review a less expensive competing application from Campfire.

My amendment would require competition among applicants for USIA grants for International Youth Year. It would require that any officially designated U.S. committee be open to all major youth organizations—including currently excluded groups such as the Boy and Girl Scouts, Campfire, the Salvation Army, the 4-H and so on—and that voting on the board reflects the size of the membership of the constituent organizations. The amendment would not exclude the U.S. Youth Council from competing, although it would have to alter its restrictive membership procedures.

I believe the amendment is noncontroversial and I hope it will be acceptable.

Madam President, this amendment would open up the observation of the International Year of Youth to all youth organizations.

Mr. PERCY. Madam President, there is no objection on this side. The amendment is acceptable.

Mr. PELL. Madam President, we accept the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2349) was agreed to.

Mr. ZORINSKY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

#### AMENDMENT NO. 2350

(Purpose: To conform provisions of the War Powers Resolution to a decision of the Supreme Court invalidating the congressional veto)

Mr. BYRD. Madam President, I send an amendment to the desk and ask it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2350.

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

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

The amendment is as follows:

At the bottom of page 48, add the following:

#### TITLE VII—GENERAL PROVISIONS

##### AMENDMENTS TO THE WAR POWERS RESOLUTIONS RELATING TO CONGRESSIONAL PRIORITY PROCEDURES

SEC. 701. (a) Section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) is amended by striking out "if the Congress so directs by concurrent resolution" and inserting in lieu thereof "if there is enacted into law a joint resolution or bill directing such removal".

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5 (B)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5 (C)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to twelve hours in each House."

Mr. BYRD. Madam President, Members will recall that the U.S. Supreme Court ruled as unconstitutional the legislative veto in the Chadha case. Obviously the same veto in the War Powers Act which provides for the withdrawal by concurrent resolution of troops that have been introduced into an atmosphere of hostilities or circumstances which would indicate imminent hostilities, would be unconstitutional.

The Supreme Court ruling in the Chadha case clearly indicates that that part of the War Powers Act which, by concurrent resolution, would withdraw troops would be unconstitutional, and I fully agree with the Supreme Court in the Chadha case.

The Constitution requires every law to be presented to the President for his approval or disapproval, that is with the exception of a joint resolution providing for a constitutional amendment.

Now for a bill or joint resolution to become law it has to pass both Houses in the same form and be presented to the President, for his approval or disapproval. So the concurrent resolution approach failed to meet the constitutional requirement for two reasons: One, it did not have the force of law.

This provision also failed because it was not "presented" to the President. A concurrent resolution only is a measure that passes both Houses and deals with matters between the two Houses. It does not go to the President.

This amendment that I have offered would provide for withdrawal of troops by joint resolution and, as I say, a joint resolution is the same as a bill, with the one exception I have already indicated, in that it passes both Houses in the same form, and it is presented to the President for his approval or disapproval.

So my amendment would allow Congress to withdraw troops from a situation in which they were involved in hostilities only if Congress did so by passage of a joint resolution. That joint resolution would go to the President, he could veto it. It would require two-thirds of both Houses to override his veto.

This cures the constitutional flaw on two points: One, it would be a law, because it would be a joint resolution, that passed both Houses and would go to the President. So, it meets the re-

quirements of "presentation" to the President.

I have a statement which I will include in the RECORD as an explanation of my amendment but my words that I have just uttered, although they constitute an abridgement of the statement I think are sufficient to make clear the import of the amendment.

Mr. President, the amendment I am proposing would cure any unconstitutional defect which might exist in section 5(c) of the War Powers Resolution. The amendment would revise that part of the War Powers Resolution which provides that Congress may direct a withdrawal of American troops abroad in a situation of hostilities, through the mechanism of a concurrent resolution. In other words, the current law provides that Congress may direct such a withdrawal through a concurrent resolution rather than a joint resolution or a bill. As my colleagues are aware, a concurrent resolution does not require a Presidential signature to become law. However, a joint resolution or a bill require a Presidential signature.

I believe it is important to make a resolution of withdrawal conform to the presentment clause of the Constitution, article I, section 7, clause 2. The requirement of presentment to the President for signature is a key issue addressed by the Supreme Court of the United States, in addressing the congressional veto question in *INS v. Chadha*, 462 U.S. (1983), decided June 23, 1983, and in affirming a lower court ruling in *U.S. Senate v. Federal Trade Commission*, 463 U.S. (1983).

There is substantial probability that the Court would find 5(c) unconstitutional on grounds that I will point out. While I do not necessarily concede the unconstitutionality of 5(c), I believe it is very important to dispel the constitutional murkiness which now surrounds this provision as a result of the Chadha decision. This is because the 5(c) provision is meant to deal with a situation of rather short duration, less than 60 days, in which there is very substantial concern in Congress that American troops should be pulled out of a situation of hostilities immediately or nearly immediately. In such an emergency situation, the last thing I want is for the Congress and the President to get tangled up in the courts over the constitutionality of a concurrent resolution of withdrawal.

What kind of situation does section 5(c) envision? It is when U.S. Armed Forces are "engaged in hostilities" abroad without either first, a declaration of war by the Congress, or second, a specific statutory authorization such as Congress has passed pursuant to section 5(b) of the War Powers Resolution in the case of Lebanon. If our Armed Forces are engaged in hostilities, as section 5(c) envisions, then

they are clearly in a situation which has triggered the War Powers Resolution. That is, under section 5(b), the President may not continue U.S. involvement in hostilities for more than 60 days—90 days if he certifies in writing to the Congress that he needs the extra month to execute removal of U.S. forces. Therefore, if at the end of the 60 days—or 90 days under a Presidential certification—if the Congress has not taken positive legislative action specifically authorizing the President to keep U.S. forces in the situation, he must withdraw the troops. Therefore, the concurrent resolution clearly is intended to refer to the 60-day period which the Congress has given the President by virtue of legal authority granted in the war powers resolution. The President was in effect given a 60-day grace period to exercise what were intended to be war-making powers exclusively given to the Congress under the Constitution. The drafters of the war powers resolution recognized that there were certain situations in the modern world wherein the President may need to commit the Armed Forces of the Nation abroad in the absence of a declaration of war by the Congress. This could arise in the case of any number of emergency situations where very quick response was essential. Or, it could arise where U.S. forces have been introduced into a foreign country in which the situation changes—and one could use the present situation in Lebanon where U.S. Armed Forces, sent in under a limited peacekeeping role as part of the Multinational Force, came under fire in a rapidly changing situation. In the Lebanon case, hostilities involving U.S. Armed Forces did not begin until U.S. Armed Forces had been in Lebanon for an extended period of time. Therefore, there are certainly situations where U.S. Armed Forces become engaged in hostilities or where imminent involvement in hostilities is clearly indicated by the circumstances only after they have been on the ground in a foreign land.

In effect, the 60-day grace period given the President under the war powers resolution confers war-making authority upon him for that time and that time alone. Section 5(c) can be encompassed under the reasoning of the Supreme Court in *Chadha* where in a veto of otherwise permitted executive or agency action falls short of the constitutional requirements comprising an act of legislative power. As an act of legislative power the veto, according to the Court, violates the constitutional requirement that legislative power may be exercised only as provided in article I, sections 1 and 7—that is, by joint action of the House and Senate—bicameralism—and by presentment to the President. Indeed, the implication of the *Chadha* decision and its progeny is that even if the

source of Presidential authority is unclear in a given situation, congressional policy can be implemented "in only one way; bicameral passage followed by presentment to the President," *INS v. Chadha* at 34. It is, therefore, quite arguable that the concurrent resolution provision must instead be a joint resolution or a bill in order that the constitutional requirement of presentment be met.

That is the purpose of the amendment, Mr. President. U.S. Armed Forces in today's turbulent world will be deployed, one can assume, in various situations in which the war powers resolution might be triggered. It is not inconceivable that they will be placed in hostilities by a President whose judgment differs quite radically from that of the Congress. The difference in judgment and the nature of the hostilities may be such that the Congress cannot tolerate even a 60- or 90-day wait before the troops must be ordered home. Therefore, a provision which is clearly constitutional should be available in that situation. It is altogether possible that such a joint resolution or bill might be vetoed by the President. In that case, of course, the difference in judgment between the Congress and the President would have to be resolved in a veto override situation. Obviously there is a substantial difference between the majority required in both Houses in the case of a concurrent resolution and the supermajority needed in a veto override in the case of a joint resolution or bill. Nevertheless, the *Chadha* decision has driven us to attempt to correct what would probably be a constitutional crisis at exactly a time the Nation could not afford it. It would, in all probability, require a two-thirds majority to force our troops out prior to the 60-day deadline under the war powers resolution. Such a critical test may not be unreasonable in that a President's actions would really have to be so heinous or lacking in judgment that the Congress would be unwilling to give him even that short grace period. We are speaking here of a very extreme difference in judgment between the President and the Congress. It could occur, and a mechanism should be in place to address it.

Mr. President, my amendment also contains a clause which would reduce extended debate on a veto override of a joint resolution of withdrawal. As I have stated, such a joint resolution or bill under section 5(c) of the war powers resolution would be under circumstances involving intense pressure of time. Congress would have made a judgment that the President should order U.S. Armed Forces out of a situation of hostilities as soon as possible. The President's 60-day grace period would be cut short. If the President disagreed and vetoed the joint resolu-

tion or bill, Congress would then have to pass the measure over his veto.

My amendment would limit debate on veto override to 12 hours. As my colleagues know, a veto is a privileged matter which is considered upon being received by the Senate. The motion to proceed is not debatable, but the veto itself is debatable. As such, it can be subjected to extended debate and dilatory tactics. Under the circumstances where American servicemen are engaged in hostilities, I believe it is appropriate for the Senate to consider and vote on a veto override within a responsible timeframe. I am proposing that 12 hours of debate on such an important matter would be sufficient and appropriate under the circumstances.

I hope that all Senators will see the reasoning underlying this amendment, and I ask its passage.

Mr. PERCY. Will the distinguished minority leader yield just for a question? The concurrent resolution language used throughout the War Powers Act would be a resolution of the Senate and the House which would become effective even if not signed by the President; is that correct?

Mr. BYRD. That was what was in the law and what was, what has proved to be, the defect in the law. The Supreme Court ruled that a legislative veto by concurrent resolution was unconstitutional because it was not a law and had not been presented to the President. The same objection could apply to the legislative veto in the War Powers Act.

Mr. PERCY. The distinguished author of the War Powers Act, Senator Javits, did write an article, which I had inserted in the *RECORD*, maintaining that the *Chadha* decision did not invalidate the War Powers Act. But what the distinguished minority leader is doing is attempting to nail it down without any equivocation whatsoever and the procedure that would be followed then would be that a joint resolution to be adopted by both the House and Senate and sent to the President for signature. If the President decided not to sign it and vetoed it, then it would be sent back to both Houses and to be effective and to be law it would require a two-thirds vote, which is exactly the same thing that happened when the War Powers Act itself was adopted. It was vetoed by President Nixon, that veto being overwhelmingly overridden by both Houses.

So the distinguished minority leader is attempting to clarify an ambiguity that may exist and I, as a matter of comity with the administration, have asked for a response and reaction because we have worked out in the Lebanese situation an arrangement with the President whereby he worked with us in cooperation rather than in con-

flict in bridging the gap in the understanding that we had on that matter. We have not yet had a reaction back, but the administration now has it under consideration.

The Senator from Illinois will reserve his right to vote for the resolution anyway even if they do not concur because we do not always concur with the executive branch in these matters. I would like to personally study it, possibly other Senators might like to study it themselves, and I wonder then if the Senator, taking into account the administration, will the distinguished Senator ask for a rollcall vote on the amendment?

Mr. BYRD. I think the amendment is of such stature that it should have a rollcall vote, and I think the Senators would want a rollcall vote on this matter. However, I will not ask for one.

May I say that this amendment does not in the distinguished chairman's words "clarify an ambiguity." It cures a constitutional flaw in the law. The Supreme Court was right on the money when it ruled in the *Chadha* case that provision of the law to be unconstitutional which allowed a legislative veto by concurrent resolution. That provision did not pass the test on that point nor is a concurrent resolution presented to the President as is required by the Constitution for anything to be a law.

So the court was right on both points and this cured that defect by providing for a joint resolution which has to be passed by both Houses and has to be presented to the President for his signature for approval or disapproval. He may reject it, he may veto it, and Congress then can override if it can muster the two-thirds votes in both Houses as in the case of any other bill or joint resolution that is vetoed.

Mr. PERCY. I would like to ask my distinguished colleague whether or not—when I wrote to the President on this, after consultation with Senator Javits, that in the judgment of the Senator from Illinois the *Chadha* decision did not invalidate the War Powers Act—whether or not he recalled whether he joined together in that? That is why I used the word "ambiguity." But in one way or another I think the Senator's amendment is a helpful amendment. I think it is an important amendment. It probably should be voted on by the Senate, and if it could be set aside temporarily until we can at least report back to the Senate the reaction of the administration, it would be appreciated and we could take up other business in the meantime.

Mr. BYRD. If the Senator will yield, the Supreme Court in the *Chadha* decision did not deal with the War Powers Act.

Mr. PERCY. That is correct.

Mr. BYRD. No. 1.

No. 2, if it had been dealing with the War Powers Act based on its reasoning in the *Chadha* case it would not have ruled out the whole War Powers Act as being unconstitutional but it would have ruled out that provision dealing with the concurrent resolution.

Mr. PERCY. I thank the distinguished majority leader for the clarification, for offering the amendment, and also for his consideration now that we ask unanimous consent to temporarily set it aside so that all Senators and the administration may adequately consider it.

Mr. BYRD. Madam President, may I say that I have no problem with the Senator's desire to seek out the administration's feeling on the matter and I have no problem with temporarily setting it aside. I do think that it deserves the yeas and nays at such time as it is voted on, and I now ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. BYRD. I thank the chairman and I thank the Chair.

Mr. PERCY. I thank my distinguished colleague.

#### ORDER OF PROCEDURE

Mr. McCLURE. I think, under the arrangement that was announced by the majority leader earlier, it would be in order to interrupt the proceedings on this matter and call up a conference report on the Interior and related agencies appropriations bill.

Mr. PERCY. Madam President, reserving the right to object, I would like to read to my distinguished colleague from Idaho a transcript of what the acting majority leader said earlier this evening on the floor:

Mr. STEVENS. It is the pending business.

That is the State Department authorization bill.

No; I might say to my good friend if we could get to the Interior conference report we would attempt to conclude that business tonight and it would be our intention to return to this—

That is the State Department authorization bill.

—tomorrow morning.

I, therefore, feel that, inasmuch as we do have another hour and 15 minutes, we could keep on going on the State Department bill. Would it be possible, in the judgment of the distinguished Senator, continue work on this for another half-hour or so and then turn to the Interior bill?

Mr. McCLURE. Madam President, as a matter of fact, I do not believe it will take long to complete the conference report on the appropriations matter. And both pursuant to the action outlined by the majority leader when laying this matter down and also

because it is a privileged matter, I feel it necessary to move forward on that at this time. I do that with apologies to the managers.

Mr. PERCY. But to honor the statement made by the acting majority leader, I would now turn to my distinguished colleague who does have a conflict tonight and ask if it would be satisfactory to return to the State Department authorization providing we complete that business by 7:30?

Mr. PELL. Providing we go out at 7:30, it would be more than agreeable to me.

Mr. PERCY. Under those conditions, then I suggest the Senate proceed with the privileged matter.

#### INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. McCLURE. Madam President, I submit a report of the committee on conference on H.R. 3363, making appropriations for the Department of Interior and related agencies for fiscal year 1984, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1983.)

Mr. McCLURE. Madam President, I bring to the Senate today the conference report on H.R. 3363, an act making appropriations for the Department of the Interior and related agencies for fiscal year 1984.

Madam President, I should say at the outset that agreement on the 164 items in disagreement in the conference was reached only after many, many hours of difficult—and sometimes heated—debate. While I am not entirely satisfied with the resolution of each individual issue agreed to by the conferees, I nevertheless believe that this conference report represents a fair and a responsible compromise. In terms of budgetary impact, the conference bill as reported stands at \$7,953,783,000, an increase of slightly more than \$1 billion over the budget request, but a reduction of over \$100 million from the House-passed level

and nearly \$100 million from the level approved by the Senate.

In addition, the conference bill as reported stands at some \$450 million below the subcommittee's section 302(b) budget allocation, and represents an extremely modest 2.13 percent increase above the level approved for fiscal year 1983's regular Interior appropriations bill.

In terms of the policy impact of this bill, I would be less than honest if I did not indicate my displeasure with several of the provisions approved by the conferees. First and foremost are the prohibitions relating to oil and gas leasing on our Outer Continental Shelf lands. The House of Representatives had sent us a bill which contained 1 year prohibitions on leasing in portions of proposed lease sales in the east Gulf of Mexico, the North Atlantic, and in southern California. The Senate included no such prohibitions and, as a result, we are forced to compromise and accept limited prohibitions in order to get a bill out of the conference. Similarly, the conferees adopted a moratorium on Federal lands coal leasing until 90 days after the Linowes Commission presents its coal leasing report to the Congress.

Perhaps the other area that was so difficult for the conferees to decide was that of the strategic petroleum reserve. Both the House and Senate had approved a fill rate of 220,000 barrels per day, but, because of severe budget limitations, we were forced to drop this fill rate to some 186,000 barrels per day, thereby saving nearly \$750 million. The conferees also found it necessary to postpone SPR facilities construction at Big Hill, Tex., thereby saving another \$370 million.

While these actions were indeed difficult to take, they were nevertheless necessary. And I should add that they were only taken with the understanding that the Congress will look for an equal fill rate of 186,000 barrels per day for 1985, and that the administration will submit a budget request for Big Hill construction when it sends its 1985 budget proposals to the Congress in January.

As many of my colleagues will agree, the Interior and related agencies bill is among the more popular, and includes many items near and dear to all of us. In this light, let me mention just a few of the programs and their fiscal year 1984 funding levels approved by the conferees:

Land and Water Conservation Fund, land acquisition, \$230,390,000; Forest Service land management, \$1,354,006,000; Schools and hospitals weatherization program, \$48 million; Low income weatherization, \$190 million; Bureau of Indian Affairs and Indian Health and Education programs, \$1,861,905,000; National Endowment for the Arts, \$162 million;

and National Endowment for the Humanities, \$140 million.

With that, Madam President, there are a number of small items which were inadvertently left out of the statement of the managers which Chairman YATES has brought to the attention of the House when this conference report was considered by that body. I wish to bring these same matters to the attention of the Senate and ask unanimous consent that these corrections, along with a restatement of the Interior subcommittee's reprogramming guidelines, be printed in the RECORD at this point.

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

The statement of the managers excluded several other agreements that should have been included. They are:

**Fish and Wildlife Service: Animal damage control.** The managers have agreed to fund the research stations at Bend, Oregon and Olympia, Washington in this program through fiscal year 1984. These programs support the program of the Forest Service. The managers expect these programs to be in the Forest Service budget in fiscal year 1985.

**Institute of Museum Services: Conservation grants.** The managers agree that within the \$3,000,000 provided for conservation grants \$150,000 is to be allocated to the American Association of Museums to develop a program for conservation of cultural objects and property in cooperation with the National Institute for Conservation of Cultural Property and the American Institute of Conservation.

**Bureau of Indian Affairs: Housing program.** The managers agree that no relocation of the management of the housing program was envisioned in moving the funding from the Operations to the Construction account, and the program should remain under the direction of the BIA Central Office, and that it shall be removed from the band analysis beginning in fiscal year 1985.

**Office of Surface Mining, Abandoned Mine Reclamation Fund:** The managers agreed that funding for the Wise County, Virginia water project is to be derived from the state share under section 402(g)(2) of Public Law 95-87.

**Fossil energy:** The managers agreed that the increase for engineering and environmental analyses allows \$1,000,000 for technology data base, \$2,100,000 for the Grand Forks slagging gasifier and a total of \$1,300,000 for associated engineering, environmental and socioeconomic analysis.

**Fish and Wildlife Service:** The managers agree that \$84,000 is included in the allowance to permit the continued operation of the Crawford, Nebraska NFH by the Fish and Wildlife Service until such time as the State of Nebraska has accumulated sufficient funds in its special account to enable it to assume State control.

**National Park Service:** The managers agree that the National Park Service should pay \$750,000 from within available funds in settlement of the Amerecord Corporation claim.

**Energy conservation:** The managers agree that the new appropriation for the inventor's program is \$3,000,000, not \$1,500,000 as indicated in the Conference Report. Also, in the Bureau of Mines, there is a reduction of

\$1,500,000 to the House position for ground control.

**Reprogramming procedures:** The managers agree that the following are the current procedures governing reprogramming actions for programs and activities funded in the Interior Appropriations Act:

1. **Definition.**—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that finer level of detail shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations.

2. **Criteria for reprogramming.**—(a) Any project or activity which may be deferred through reprogramming shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(b) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

3. **Reporting and approval procedures.**—

(a) Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds \$250,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(1) Any land purchase not exceeding \$100,000.

(2) Any construction project not exceeding \$100,000, or which results in an increase or decrease of not more than 25 percent annually.

(3) Savings from a construction project in one of the Trust Territory governments may be applied to a shortfall on another project in the same area.

Timely reports on these reprogrammings shall be forwarded to the Committee by the Department.

(b) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals.

\* \* \* \* \*

7. **Report language.**—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. **Government Comptrollers.**—Vacancies occurring in the offices of the Government Comptrollers, Office of the Inspector General, shall not be reallocated to any other

organization unless approved through reprogramming procedures.

9. *U.S. Forest Service.*—The following procedures shall apply to the U.S. Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations and the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, in compliance with these reprogramming procedures.

(b) The appropriation structure for the Forest Service shall not be altered without

advance approval of the House and Senate Committees on Appropriations.

(c) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees, in compliance with these procedures.

11. *Land acquisitions.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Mr. McCLURE. Finally, Madam President, I ask unanimous consent that a table comparing new budget authority recommended in this bill to the 1984 budget request and the 1983 enacted level be printed in the RECORD at this point.

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

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	Nov BA Enacted F.Y. 80	Nov BA Enacted F.Y. 81	Nov BA Enacted F.Y. 82	Nov BA Enacted F.Y. 83	Nov BA Estimates F.Y. 84	Nov BA House F.Y. 84	Nov BA Senate F.Y. 84	Nov BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>TITLE I - DEPARTMENT OF THE INTERIOR</b>										
<b>BUREAU OF LAND MANAGEMENT</b>										
<b>Management of Lands and Resources</b>										
<b>Onshore Energy and Minerals Management</b>										
<b>Energy Resources</b>										
Coal Leasing.....	17,400	24,414	17,947	15,789	18,248	18,248	18,598	18,598	+2,809	+350
Oil & Gas Leasing.....	7,475	14,444	17,859	19,745	37,267	37,267	37,267	37,267	+17,522	---
Geothermal Leasing.....	1,480	2,091	2,305	2,272	3,197	3,197	3,197	3,197	+925	---
Oil Shale and Tar Sands Leasing.....	420	4,452	3,675	3,641	2,666	2,148	2,666	2,148	-1,493	-518
Subtotal: Energy onshore.....	26,775	45,401	41,786	41,447	61,378	60,860	61,728	61,210	+19,763	-148
<b>Energy offshore</b>										
Leasing.....	9,141	9,253	10,771	---	---	---	---	---	---	---
Environmental studies.....	37,000	36,534	29,056	---	---	---	---	---	---	---
Subtotal: Energy offshore.....	46,141	45,787	39,827	---	---	---	---	---	---	---
<b>Non-Energy Minerals</b>										
Mineral Material Sales.....	1,585	1,084	1,818	2,072	2,353	2,353	2,353	2,353	+281	---
Mineral Law Administration.....	3,274	4,244	4,565	6,559	8,902	7,302	8,302	7,302	+743	-1,590
Mineral Leasing.....	1,366	1,977	1,508	1,548	3,838	3,838	3,838	3,838	+2,290	---
Uranium operations.....	---	---	---	---	622	622	622	622	+622	---
Subtotal: Non-Energy Minerals.....	6,225	7,305	7,971	10,179	15,615	14,115	15,115	14,115	+3,936	-1,500
Subtotal: Energy and Minerals Management.....	79,141	98,813	89,584	51,626	76,993	74,975	76,843	75,325	+23,699	-1,648
<b>Lands and Realty Management</b>										
<b>Realty Operations</b>										
Energy Realty.....	8,771	5,894	5,712	7,316	4,178	4,178	6,678	6,678	-638	+2,500
Non-Energy Realty.....	13,817	19,617	23,104	12,714	21,030	15,744	19,030	18,530	+5,816	-2,590
Alaska Lands Program.....	---	---	---	11,860	12,183	12,183	12,183	12,183	+323	---
Subtotal: Realty operations.....	22,588	25,511	28,816	31,890	37,391	32,105	37,891	37,391	+5,501	---
Withdrawal Processing and Review.....	1,993	2,731	4,088	3,748	3,529	3,529	3,529	3,529	-219	---
Subtotal: Lands and Realty Management.....	24,581	28,242	32,904	35,638	40,920	35,634	41,420	40,920	+5,282	---
<b>Renewable Resources Management</b>										
<b>Forest Management</b>										
Public Domain.....	5,672	6,601	6,100	4,612	5,173	5,173	5,173	5,173	+561	---
Western Oregon.....	1,141	792	2,163	939	939	939	939	939	---	---
Subtotal: Forest Management.....	6,813	7,393	8,263	5,551	6,112	6,112	6,112	6,112	+561	---
<b>Range Management</b>										
Wild Horse & Burro Management.....	4,582	5,704	5,418	4,812	4,474	4,974	4,974	4,974	+142	+500
Grazing Management.....	28,663	36,110	36,138	34,169	27,660	27,660	35,060	31,360	-2,809	+3,700
Subtotal: Range Management.....	33,245	41,814	41,556	38,981	32,134	32,634	40,034	36,334	-2,647	+4,200
<b>Soil, Water, &amp; Air Management</b>										
Wildlife Habitat Management.....	13,816	18,037	17,942	16,772	11,595	16,595	11,595	16,595	-177	+5,000
Wildlife Habitat Management.....	12,554	16,017	14,918	14,942	10,515	11,515	13,515	13,515	-1,427	+3,000
<b>Recreation Management</b>										
Cultural Resources Management.....	2,192	3,402	4,510	4,498	4,905	4,905	4,405	4,605	+107	-300
Wilderness Management.....	7,677	10,317	13,970	12,097	7,239	7,239	7,239	7,239	-4,858	---
Recreation Resources Management.....	6,101	6,011	5,688	6,380	5,266	6,516	5,266	6,516	+136	+1,250
Subtotal: Recreation Management.....	15,970	19,730	24,168	22,975	17,410	18,660	16,910	18,360	-4,615	+950
<b>Fire Management</b>										
Subtotal: Renewable Resources Management.....	89,195	110,510	113,178	108,435	85,212	92,962	95,612	98,362	-10,993	+13,150
<b>Planning and Data Management</b>										
Planning.....	9,665	12,289	8,661	8,568	11,991	11,991	9,491	8,891	+323	-3,100
Data Management.....	12,103	15,767	12,012	12,791	13,914	13,914	12,791	13,914	+1,123	---
Subtotal: Planning and Data Management.....	21,768	28,056	20,673	21,359	25,905	25,905	22,282	22,805	+1,446	-3,100
<b>Cadastral Survey</b>										
Alaska.....	9,135	9,291	9,606	9,897	10,140	10,140	12,140	12,140	+2,243	+2,000
Other States.....	9,319	9,902	10,031	11,384	16,707	11,407	16,707	11,407	+23	+700
Subtotal: Cadastral Survey.....	18,454	19,193	19,637	21,281	26,847	21,547	22,847	23,547	+2,266	+2,700

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Fire control</b>										
Firefighting & Promotion.....	49,150	49,150	57,437	4,150	4,150	4,150	4,150	4,150	---	---
Rehabilitation.....	600	600	2,123	600	600	600	600	600	---	---
Subtotal, Firefighting and Rehabilitation.....	49,750	49,750	59,560	4,750	4,750	4,750	4,750	4,750	---	---
<b>Technical Services</b>										
Resource Protection.....	895	1,033	1,353	2,094	2,036	2,036	2,036	2,036	+32	---
Maintenance and engineering service										
Buildings.....	2,394	2,621	2,782	3,265	2,848	2,848	2,848	2,848	-417	---
Recreation.....	3,945	3,999	3,296	3,643	3,547	3,547	3,547	3,547	-46	---
Transportation.....	2,337	2,359	2,548	2,990	2,223	2,223	3,223	3,223	+233	+1,600
Engineering services.....	---	---	934	934	1,423	1,123	934	934	---	-187
Subtotal, Maintenance and engineering services..	8,276	8,700	9,504	10,804	9,701	9,701	10,254	10,254	-250	+813
Subtotal, Technical Services.....	8,971	9,813	11,137	12,908	11,777	11,777	12,590	12,590	-218	+813
<b>General Administration</b>										
Executive and managerial direction.....	8,879	8,800	5,210	5,482	5,781	5,781	5,781	5,781	+299	---
Equal employment opportunity.....	2,714	---	2,100	2,000	2,040	2,040	2,040	2,040	+40	---
Administrative services support.....	26,446	25,404	35,809	32,711	34,754	33,284	34,264	33,264	+555	-3,500
Bureauwide fixed costs.....	31,830	34,820	33,981	34,116	46,572	46,215	46,383	46,215	+6,999	-1,357
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
Subtotal, General Administration.....	69,869	71,024	77,100	74,309	86,137	81,362	82,470	81,362	+6,993	-4,857
Total, Management of Lands and Resources.....	361,733	415,401	423,853	330,226	352,563	348,852	359,014	359,601	+29,375	+7,638
<b>Construction and Access</b>										
<b>Construction</b>										
Buildings construction.....	2,438	1,441	392	258	---	---	---	---	-258	---
Recreation construction.....	1,321	684	502	460	---	---	---	---	-460	---
Transportation.....	2,975	2,941	---	---	---	---	1,000	---	---	---
Access.....	---	---	1,733	1,525	1,200	1,200	1,200	1,200	-325	---
Total, Construction and Access.....	5,834	4,166	2,627	2,243	1,200	1,200	2,200	1,200	-1,043	---
<b>Payments in Lieu of Taxes</b>										
Payments to Local Governments.....	100,000	103,000	95,520	96,320	96,320	96,320	105,000	105,000	+8,680	+8,680
<b>Land Acquisition</b>										
<b>Bureau of Land Management</b>										
Acquisitions.....	---	1,495	3,417	161	35	2,039	435	1,261	+1,100	+1,226
Acquisition Management.....	---	307	295	150	95	150	130	130	-20	+35
Total.....	---	1,802	3,712	311	130	2,189	765	1,391	+1,080	+1,261
<b>Oregon &amp; California Grant Lands</b>										
Construction and Acquisition.....	2,011	7,736	3,921	1,091	1,011	1,011	1,011	1,011	-80	---
Maintenance.....	5,753	4,831	4,221	5,000	4,203	4,203	4,203	4,203	-797	---
Renewable Resource Management.....	38,700	34,989	42,090	50,420	43,611	46,011	46,011	46,011	-4,409	+2,400
Planning and Data Management.....	1,340	922	354	452	311	311	311	311	-141	---
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
Total, Oregon & California Grant Lands.....	48,804	48,478	52,788	56,963	49,136	51,536	51,536	51,536	-5,427	+2,400
<b>Roads Improvement Fund</b>										
Improvement to Public Lands.....	9,620	11,107	11,601	9,690	8,530	7,280	8,530	8,530	-1,140	---
Farm Tenant Act Lands.....	1,000	1,335	950	909	850	724	850	850	-59	---
Administrative expenses.....	---	675	675	600	600	600	600	600	---	---
Total, Roads Improvements.....	10,620	13,117	13,226	11,199	10,000	8,604	10,000	10,000	-1,199	---
<b>Service Charges, Deposits, and Forfeitures</b>										
Rights-of-way Processing.....	5,518	7,135	4,807	8,006	11,000	11,000	8,000	8,000	---	-3,000
Adopt-a-horse program.....	444	414	320	1,150	1,150	1,150	1,150	1,150	---	---
Repair of Damaged Lands.....	140	747	1,200	820	820	820	820	820	---	---
Cost recoverable realty cases.....	---	---	14	30	30	30	30	30	---	---
Total, Service Charges, Deposits, and Forfeitures.....	6,102	8,296	6,341	10,006	13,000	13,000	10,000	10,000	---	-3,000
<b>Miscellaneous Trust Funds</b>										
Base Program.....	100	100	-19	100	100	100	100	100	---	---
Total, Bureau of Land Management.....	541,193	594,380	598,048	507,362	522,449	521,801	538,615	538,828	+31,466	+16,379

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>U.S. FISH AND WILDLIFE SERVICE</b>										
<b>Resource Management</b>										
<b>Habitat Resources</b>										
Field Operations.....	17,742	20,827	17,714	17,043	16,473	17,606	17,306	17,606	1563	+1,133
National Wetlands Inventories.....	2,120	2,425	2,487	3,638	3,691	3,691	3,691	3,691	453	---
Research and Development.....	16,009	16,265	13,550	13,045	11,873	13,259	13,259	13,259	1214	+1,384
Cooperative units.....	4,214	4,249	4,614	4,609	---	4,609	4,609	4,609	---	+4,609
<b>Subtotal.....</b>	<b>40,087</b>	<b>43,746</b>	<b>38,367</b>	<b>38,335</b>	<b>32,037</b>	<b>39,145</b>	<b>38,845</b>	<b>39,145</b>	<b>4830</b>	<b>+7,128</b>
<b>Wildlife Resources</b>										
Refuge operations and maintenance.....	52,488	56,990	64,793	73,754	88,798	88,944	88,798	89,194	+15,440	+396
Law enforcement and protection.....	8,164	8,674	9,150	9,253	9,419	9,959	11,419	11,419	+2,144	+2,669
Population management.....	18,608	19,860	18,894	18,052	17,009	18,559	18,559	18,559	1507	+1,550
Research and Development.....	11,666	13,114	17,752	12,038	10,914	11,694	11,771	11,814	-222	+902
Youth Conservation Corps.....	---	---	---	2,145	---	---	---	---	-2,145	---
<b>Subtotal.....</b>	<b>90,926</b>	<b>98,638</b>	<b>102,591</b>	<b>115,242</b>	<b>126,140</b>	<b>129,156</b>	<b>130,547</b>	<b>130,988</b>	<b>+15,744</b>	<b>+4,848</b>
<b>Fishery Resources</b>										
Hatcheries operations and maintenance 1/.....	18,222	20,340	22,983	25,512	20,302	22,080	25,742	26,650	+1,138	+6,348
Refuge operations and maintenance.....	300	850	1,151	1,590	2,162	2,162	2,162	2,162	+572	---
Law enforcement and protection.....	149	157	225	225	227	327	327	327	+102	+100
Population management.....	3,326	4,461	2,399	1,567	1,663	1,663	1,663	1,663	+96	---
Research and Development.....	18,391	18,558	18,504	9,904	9,671	11,971	9,671	10,971	+1,045	+1,300
Youth Conservation Corps.....	---	---	---	1,155	---	---	---	---	-1,155	---
<b>Subtotal.....</b>	<b>32,388</b>	<b>36,374</b>	<b>37,262</b>	<b>39,958</b>	<b>34,025</b>	<b>38,903</b>	<b>39,545</b>	<b>41,773</b>	<b>+1,818</b>	<b>+7,748</b>
<b>Endangered Species</b>										
Listing.....	2,484	4,181	1,987	2,012	2,047	3,047	2,047	2,547	+535	+500
Law enforcement and protection.....	4,757	5,470	5,672	5,707	6,913	6,100	6,100	6,100	+393	+1,187
Conservation.....	2,561	2,578	2,459	2,466	2,513	2,513	2,513	2,513	147	---
Recovery.....	4,891	4,629	5,217	4,962	4,214	4,430	4,214	4,530	-432	+314
Research and Development.....	1,292	2,084	2,434	2,942	3,674	3,974	3,974	3,974	+1,032	+300
Cooperation with states.....	4,900	3,920	---	2,000	---	4,000	---	2,000	---	+2,000
<b>Subtotal.....</b>	<b>20,887</b>	<b>22,782</b>	<b>17,769</b>	<b>20,889</b>	<b>17,361</b>	<b>24,064</b>	<b>18,848</b>	<b>21,644</b>	<b>+1,575</b>	<b>+4,303</b>
1/ FY83 Enacted amount includes \$94,000; funded in PL 97-377.										
<b>Administrative Services</b>										
Executive Direction.....	6,497	6,497	6,656	6,636	35,748	34,513	34,513	34,513	+27,877	-1,235
Administrative services.....	11,484	12,835	12,025	10,689	---	---	---	---	-10,689	---
Related support services.....	9,878	12,338	12,052	11,041	---	---	---	---	-11,041	---
1982 Pay annualization.....	---	---	---	---	---	2,700	---	2,700	+2,700	+2,700
Lower Snake River Compensation.....	---	---	---	---	1,029	1,029	---	---	---	-1,029
<b>Subtotal.....</b>	<b>27,861</b>	<b>31,870</b>	<b>30,733</b>	<b>28,366</b>	<b>36,777</b>	<b>38,242</b>	<b>34,513</b>	<b>37,213</b>	<b>+8,847</b>	<b>+434</b>
<b>Jobs Bill.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>20,000</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>-20,000</b>	<b>---</b>
<b>Total, Resource Management 2/3.....</b>	<b>211,349</b>	<b>233,430</b>	<b>226,722</b>	<b>261,987</b>	<b>246,340</b>	<b>269,530</b>	<b>262,338</b>	<b>270,803</b>	<b>+9,816</b>	<b>+24,463</b>
<b>Construction and Anadromous Fish</b>										
<b>Construction and rehabilitation</b>										
Refuges.....	43,024	25,498	8,903	7,982	7,605	7,605	13,340	13,340	+5,358	+5,735
Hatcheries.....	5,303	2,937	503	3,498	1,797	4,297	1,797	2,547	-951	+750
Fishery research facilities.....	5,718	3,460	655	1,049	1,585	4,351	1,585	4,351	+3,302	+2,764
Bee safety.....	---	---	622	634	1,510	160	1,160	1,160	+524	-350
Wildlife research facility.....	---	---	---	---	---	---	---	---	---	---
Anadromous fish grants.....	4,712	3,500	---	3,500	---	3,500	---	4,000	+500	+4,000
Capital development & maintenance management.....	---	---	---	---	1,903	1,903	1,903	1,903	+1,903	---
<b>Total, Construction and Anadromous Fish.....</b>	<b>58,757</b>	<b>35,397</b>	<b>10,683</b>	<b>16,665</b>	<b>14,400</b>	<b>21,814</b>	<b>19,785</b>	<b>27,301</b>	<b>+10,636</b>	<b>+12,901</b>

2/ FY83 includes \$3,300,000 for YCC.

3/ FY83 includes \$20,000,000 from Jobs Bill.

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

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<b>Wildlife Bird Conservation Account</b>										
Advance Appropriation.....	15,000	1,250	1,200	2,000	—	7,000	2,000	7,000	15,000	17,000
<b>Land Acquisition</b>										
<b>Fish and Wildlife Service</b>										
Acquisitions.....	—	8,144	15,494	26,200	—	40,814	29,100	40,797	114,597	140,797
Acquisition Management.....	—	1,139	997	1,000	—	1,500	1,000	1,500	1500	11,500
<b>Total.....</b>	<b>—</b>	<b>9,283</b>	<b>16,491</b>	<b>27,200</b>	<b>—</b>	<b>42,314</b>	<b>30,100</b>	<b>42,297</b>	<b>115,097</b>	<b>142,297</b>
<b>National Wildlife Refuge Fund</b>										
Payments in Lieu of Taxes.....	1,950	8,500	5,760	5,760	5,760	5,760	5,760	5,760	—	—
<b>Total, Fish and Wildlife Service.....</b>	<b>287,856</b>	<b>287,880</b>	<b>260,254</b>	<b>313,412</b>	<b>266,560</b>	<b>346,422</b>	<b>319,983</b>	<b>353,161</b>	<b>139,549</b>	<b>186,461</b>
<b>NATIONAL PARK SERVICE</b>										
<b>Operation of the National Park System</b>										
<b>Park Management</b>										
Management of park areas.....	61,019	70,615	62,173	57,054	61,630	61,630	62,053	61,953	14,899	1323
Concessions management.....	2,093	2,619	2,459	2,894	2,984	2,984	3,484	3,484	1590	1500
Interpretation and Visitor Services.....	44,334	58,142	58,428	62,344	61,233	67,168	67,868	67,168	14,821	15,935
Visitor protection and safety.....	56,189	61,338	59,839	45,259	70,343	70,393	70,343	70,393	15,134	150
Maintenance.....	159,166	192,078	211,827	243,134	230,798	233,847	231,398	231,819	-11,315	11,021
Resource management.....	48,538	52,729	75,460	96,097	92,237	92,987	92,237	92,987	-3,910	1750
Information publications.....	2,950	3,155	2,832	2,957	2,925	2,925	2,925	2,925	-32	—
International Park Affairs.....	—	563	477	384	395	395	395	395	111	—
Volunteers-in-parks.....	240	240	250	500	500	500	500	500	—	—
Youth Conservation Corps (transfer).....	—	—	—	3,300	—	—	—	—	-3,300	—
<b>Subtotal.....</b>	<b>374,529</b>	<b>441,479</b>	<b>473,745</b>	<b>534,723</b>	<b>523,045</b>	<b>532,829</b>	<b>531,203</b>	<b>531,624</b>	<b>-3,099</b>	<b>18,579</b>
National Recreation and Preservation.....	—	—	—	—	9,226	—	8,978	—	—	-9,226
Forest Fire Suppression and Rehabilitation.....	2,288	2,000	3,352	1,200	1,200	1,200	1,200	1,200	—	—
<b>Park Recreation and Wilderness Planning</b>										
Water resources.....	624	992	1,451	1,518	1,686	1,936	1,686	1,936	1418	1250
Rivers and trails.....	821	981	967	—	—	—	—	—	—	—
General management plans.....	2,877	3,782	2,213	2,246	2,283	2,883	2,283	2,883	1637	1400
New area studies.....	10	43	—	—	—	—	—	—	—	—
Land cost studies.....	9	—	—	—	—	—	—	—	—	—
<b>Subtotal.....</b>	<b>4,341</b>	<b>5,798</b>	<b>4,631</b>	<b>3,764</b>	<b>3,969</b>	<b>4,819</b>	<b>3,969</b>	<b>4,819</b>	<b>11,055</b>	<b>1850</b>
<b>Cooperative activities</b>										
<b>Statutory or Contractual Aid for Other Activities</b>										
Roosevelt-Campbell International Park Commission..	319	341	357	394	418	418	418	418	124	—
Ice Age National Scientific Reserve.....	405	440	564	588	588	588	588	588	—	—
Lowell Historic Preservation Canal Commission.....	399	405	384	407	425	525	425	525	1118	1100
Foster Theater.....	300	300	288	300	—	350	300	350	150	1350
Corcoran Galleries.....	300	300	288	300	—	350	300	350	150	1350
Mary McLeod Bethune NHS.....	—	—	—	—	—	200	(200)	200	1200	1200
Falls of Clude.....	—	100	48	—	—	—	—	—	—	—
Ozette Village Archeological Site.....	—	20	19	—	—	—	—	—	—	—
Garfield gravesite - Lakeview cemeteries.....	—	—	—	—	—	—	—	—	—	—
Washington Opera - Matching grants.....	—	—	—	—	—	—	—	—	—	—
Hampton NHS.....	100	—	—	—	—	—	—	—	—	—
Grand Canyon school dist.....	250	—	—	—	—	—	—	—	—	—
National Sunbon.....	—	1,000	—	—	—	—	—	—	—	—
Martin Luther King, Jr. NHS.....	—	—	—	—	—	—	—	100	1100	1100
<b>Subtotal.....</b>	<b>2,073</b>	<b>2,906</b>	<b>1,948</b>	<b>1,989</b>	<b>1,431</b>	<b>2,431</b>	<b>2,031</b>	<b>2,531</b>	<b>1542</b>	<b>11,100</b>
<b>General administration:</b>										
Central office.....	—	—	4,710	6,398	6,638	6,503	6,638	6,638	1240	—
Regional office.....	—	—	13,333	15,801	16,632	16,632	16,632	16,632	4831	—
Automatic data processing.....	—	—	3,296	4,128	4,218	4,218	4,218	4,218	190	—
Employee compensation payment.....	—	—	—	3,083	3,435	3,435	3,435	3,435	1352	—
Service wide administrative support.....	—	—	4,072	5,530	7,780	7,780	7,780	7,780	12,250	—
BSA space rental.....	—	—	—	9,733	10,833	10,833	10,833	10,833	11,100	—
Executive direction.....	6,195	6,245	5,995	6,411	6,691	6,691	6,691	6,691	1280	—
Unemployment compensation for federal employees.....	—	—	—	—	3,000	3,000	3,000	3,000	13,000	—
Public Affairs.....	—	—	—	—	1,694	1,694	1,694	1,694	11,694	—
<b>Subtotal, General Administration.....</b>	<b>6,195</b>	<b>6,245</b>	<b>31,406</b>	<b>31,084</b>	<b>60,921</b>	<b>60,786</b>	<b>60,921</b>	<b>60,921</b>	<b>49,837</b>	<b>—</b>
Pay supplemental.....	—	—	6,446	—	—	—	—	—	—	—
<b>Total, Operation of the National Park System 1/.....</b>	<b>390,844</b>	<b>458,428</b>	<b>521,528</b>	<b>592,760</b>	<b>599,792</b>	<b>602,065</b>	<b>608,302</b>	<b>601,095</b>	<b>18,335</b>	<b>11,303</b>

DISPOSITION SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How Dis Enacted F.Y. 83	How Dis Estimated P.Y. 84	How Dis House F.Y. 84	How Dis Senate F.Y. 84	How Dis Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates			
<b>Historic Preservation Fund</b>										
Grants-in-aid.....	---	24,460	21,024	46,500	---	21,500	21,500	21,500	-25,000	+21,000
National Trust for Historic Preservation.....	---	---	4,416	4,000	---	5,000	4,500	5,000	1,500	+5,000
Administrative expenses.....	---	1,540	---	---	---	---	---	---	---	---
<b>Total, Historic Preservation Fund 1/.....</b>	<b>---</b>	<b>26,000</b>	<b>25,440</b>	<b>51,000</b>	<b>---</b>	<b>26,500</b>	<b>26,000</b>	<b>26,500</b>	<b>-24,500</b>	<b>+26,500</b>
<b>Planning, Development and Operation</b>										
Recreation facilities.....	16,217	---	---	---	---	---	---	---	---	---
Visitor facilities fund.....	---	---	---	---	5,000	---	5,000	5,000	15,000	---
<b>Construction</b>										
<b>Buildings and Utilities</b>										
Advance planning.....	---	5,000	4,000	5,000	5,000	5,000	8,100	7,700	+2,700	+2,200
Large Site Programs.....	---	3,000	2,000	3,000	3,000	3,000	3,000	3,000	---	---
Special Planning.....	---	4,000	8,666	8,214	8,162	8,162	8,112	8,162	-52	---
Large Site Construction Projects 2/.....	74,304	28,430	79,506	142,002	55,813	89,575	72,943	88,775	-54,107	+32,962
Use of deferred funds.....	---	---	---	---	---	-63,600	-63,600	-63,600	-63,600	-63,600
<b>Total, Construction.....</b>	<b>74,304</b>	<b>43,367</b>	<b>95,032</b>	<b>159,094</b>	<b>72,475</b>	<b>42,437</b>	<b>28,535</b>	<b>46,032</b>	<b>-146,069</b>	<b>-30,438</b>
<b>Land Acquisition and State Assistance</b>										
<b>Assistance to States</b>										
Hatchfund grants.....	---	175,745	---	140,619	---	72,919	72,919	72,919	-17,200	+72,919
Administrative expenses.....	---	4,566	4,381	4,381	---	2,081	2,081	2,081	-2,300	+2,081
<b>National Park Service</b>										
Acquisitions.....	---	107,282	115,040	55,005	50,400	72,000	66,500	58,200	+6,195	+9,100
Acquisition assistance.....	---	15,000	8,160	7,500	4,571	7,821	7,800	7,800	+300	+3,229
Pinebluffs National Reserve.....	---	---	5,000	5,000	---	6,150	6,150	6,150	+1,150	+6,150
<b>Total, Land acquisition and state assistance 3/.....</b>	<b>---</b>	<b>296,593</b>	<b>133,462</b>	<b>182,505</b>	<b>54,671</b>	<b>161,471</b>	<b>149,450</b>	<b>146,150</b>	<b>-34,355</b>	<b>+93,479</b>
1/ FY83 includes \$25 million from PL 98-8.										
2/ FY83 Enacted amount includes \$3,000,000, funded in PL 97-377.										
3/ FY83 includes \$40,000,000 in Hatchfund Grants from PL 98-8.										
<b>NATIONAL RECREATION AND PRESERVATION</b>										
Recreation Programs.....	---	4,462	2,552	1,409	---	1,432	---	682	-727	+682
Nature Programs.....	---	2,758	1,110	1,673	---	1,694	---	1,694	+21	+1,694
Cultural Programs.....	---	---	---	4,425	---	5,476	---	5,611	+1,186	+5,611
Maintenance of the National Register.....	---	---	1,833	1,186	---	---	---	---	-1,186	---
Technical Preservation Services.....	---	---	1,102	1,364	---	---	---	---	-1,364	---
National Architectural and Engineering Record.....	---	---	925	598	---	---	---	---	-598	---
Interagency Archeological Services.....	---	---	1,968	1,275	---	---	---	---	-1,275	---
Undistributed.....	6,523	---	---	---	---	---	---	---	---	---
Environmental and Compliance Review.....	---	624	578	380	---	390	---	390	+10	+390
Grant administration.....	---	---	2,304	2,000	---	2,333	---	2,000	---	+2,000
(By transfer).....	---	---	---	---	---	---	---	---	---	---
Pay supplemental.....	---	---	235	---	---	---	---	---	---	---
<b>Total, National Recreation and Preservation.....</b>	<b>6,523</b>	<b>9,842</b>	<b>12,667</b>	<b>14,312</b>	<b>---</b>	<b>11,325</b>	<b>---</b>	<b>10,377</b>	<b>-3,935</b>	<b>+10,377</b>
<b>Urban Park and Recreation Fund</b>										
Grants to Cities 2/.....	---	700	7,680	40,000	---	10,000	---	6,700	-33,300	+6,700
Administrative expenses.....	---	300	---	---	---	---	---	---	---	---
1/ FY83 includes \$2,300,000 for YCC and from PL 98-8, \$28,730,000 in Maintenance and \$6,262,000 in Resource Management.										
2/ FY83 includes \$40 million from PL 98-8.										
<b>John F. Kennedy Center for the Performing Arts</b>										
Base Program.....	4,333	4,752	4,212	4,247	4,342	4,542	4,542	4,542	+295	+200
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
<b>Total, JFK Center for Performing Arts.....</b>	<b>4,333</b>	<b>4,752</b>	<b>4,212</b>	<b>4,247</b>	<b>4,342</b>	<b>4,542</b>	<b>4,542</b>	<b>4,542</b>	<b>+295</b>	<b>+200</b>
<b>Total, National Park Service.....</b>	<b>492,221</b>	<b>831,982</b>	<b>800,781</b>	<b>1,043,920</b>	<b>737,080</b>	<b>858,540</b>	<b>822,649</b>	<b>847,201</b>	<b>-196,719</b>	<b>+110,121</b>

## SUPERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>GEOLOGICAL SURVEY</b>										
<b>Surveys, Investigations, and Research</b>										
<b>National Mapping, Cartography and Surveys</b>										
National mapping, cartography and surveys	22,312	34,378	33,512	34,611	28,977	28,977	28,977	28,977	-5,634	---
Primary geodetic surveys	6,029	6,010	3,974	3,854	3,854	3,854	3,854	3,854	---	---
Modernization of mapping technology	2,027	2,010	3,073	3,073	---	8,028	8,028	8,028	14,135	10,028
Revision	9,542	10,107	9,041	10,657	8,116	8,116	11,116	8,116	-2,541	---
Orthorectification	4,746	5,992	4,109	4,104	4,301	4,301	4,301	4,301	-1,003	---
Printing and distribution of maps	---	---	---	---	8,500	8,500	8,500	8,500	---	10,500
Small intermediate and special surveys	15,053	15,594	15,200	14,214	11,114	14,664	13,614	13,614	-602	12,500
Earth resources observation system	11,778	12,295	11,904	9,910	9,910	9,920	9,920	9,920	130	1507
Cartographic and geodetic information	3,058	3,254	3,754	3,006	3,985	3,985	3,985	3,985	179	---
Synthetic aperture radar	---	---	---	3,000	---	3,000	---	1,500	-1,500	11,500
<b>Subtotal</b>	<b>84,542</b>	<b>89,744</b>	<b>88,251</b>	<b>89,611</b>	<b>77,080</b>	<b>93,053</b>	<b>90,003</b>	<b>90,503</b>	<b>1092</b>	<b>112,615</b>
<b>Geologic and Mineral Resource Surveys and Mapping</b>										
Earthquake hazards reduction	32,042	32,934	32,452	34,043	29,524	35,524	32,524	35,524	1481	16,000
Volcano hazards	4,387	12,456	9,578	10,830	7,392	10,892	10,892	10,892	162	13,580
Ground failure & construction hazards	2,044	1,833	2,741	2,718	2,074	2,792	2,074	2,074	-444	---
Nuclear hazards research	3,590	3,122	3,037	3,064	1,722	3,222	3,222	3,222	1158	11,500
Geologic framework	11,690	12,482	13,086	13,639	14,240	14,240	14,240	14,240	1601	---
Geomorphology	2,109	2,183	2,114	2,104	1,943	2,183	1,943	2,183	179	1240
Climate change	1,010	1,037	1,004	992	322	1,014	322	1,014	122	1492
Land resource data applications	2,460	2,250	833	635	---	626	---	---	-625	---
Mineral resource surveys	34,347	37,704	38,749	40,040	45,312	45,312	45,312	45,312	14,452	---
Energy geologic surveys	35,689	37,188	37,382	33,982	25,455	33,994	29,455	30,455	-3,527	15,000
Offshore geologic surveys	20,139	21,617	20,953	13,143	13,722	16,222	18,722	18,722	15,579	15,000
<b>Subtotal</b>	<b>149,527</b>	<b>165,306</b>	<b>162,329</b>	<b>156,810</b>	<b>141,906</b>	<b>166,021</b>	<b>158,906</b>	<b>163,638</b>	<b>16,828</b>	<b>121,732</b>
<b>Water Resources Investigations</b>										
Federal Program	53,186	54,054	48,795	54,561	35,399	62,999	56,661	61,061	16,500	15,662
Federal-State Program	40,684	42,756	44,220	44,164	47,113	49,613	47,613	49,113	14,949	12,000
Energy hydrology	19,658	22,652	15,341	15,145	9,637	12,637	12,137	12,137	-3,008	12,500
<b>Subtotal</b>	<b>113,448</b>	<b>119,462</b>	<b>108,356</b>	<b>113,870</b>	<b>112,149</b>	<b>125,249</b>	<b>116,411</b>	<b>122,311</b>	<b>10,441</b>	<b>110,162</b>
<b>Conservation of Lands and Minerals</b>										
Outer Continental Shelf lands	64,527	68,958	65,159	---	---	---	---	---	---	---
Federal and Indian lands	35,235	42,511	41,603	---	---	---	---	---	---	---
Roulette amendment	4,460	14,270	21,723	---	---	---	---	---	---	---
<b>Subtotal</b>	<b>104,242</b>	<b>125,739</b>	<b>128,485</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>General Administration</b>										
Facilities	3,776	3,896	3,309	14,527	14,242	15,494	15,620	15,494	1967	11,252
Transfer from NPS	12,327	11,909	10,074	12,684	13,243	13,243	13,243	13,243	1557	---
Pay supplemental	---	---	7,042	-7,915	---	-5,609	-5,609	-5,609	12,304	-5,609
BLM reduction	---	---	---	---	---	-8,500	-8,500	-8,500	-8,500	---
New sales receipts	---	---	---	---	---	-24,000	-24,000	-24,000	-24,000	-24,000
(Effect of fiscal year 1983 deferral)	---	---	---	---	---	---	---	---	---	---
<b>Total, Surveys, Investigations &amp; Research</b>	<b>469,662</b>	<b>516,054</b>	<b>507,846</b>	<b>363,389</b>	<b>350,928</b>	<b>374,951</b>	<b>356,074</b>	<b>367,080</b>	<b>13,691</b>	<b>116,152</b>
<b>Exploration of National Petroleum Reserve in Alaska</b>										
Exploratory drilling	129,500	94,000	---	---	---	---	---	---	---	---
Geophysical exploration	9,000	10,500	---	---	---	---	---	---	---	---
Geologic investigations and evaluation	3,000	1,000	---	---	---	---	---	---	---	---
Barrow Area Gas Operation, Exploration and Development	---	---	---	---	---	---	---	---	---	---
Operation and maintenance	1,427	1,501	2,196	---	---	---	---	---	---	---
Exploration and development	29,700	---	---	---	---	---	---	---	---	---
Environmental restoration	3,000	---	---	---	---	---	---	---	---	---
<b>Total, Reserve in Alaska</b>	<b>175,627</b>	<b>107,001</b>	<b>2,196</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Barrow Area Gas Operations, Exploration and Operation</b>										
Operations, exploration and development	---	---	---	6,400	---	---	---	---	-6,400	---
<b>Digital Cartography</b>										
Digital cartography	---	---	---	---	6,028	---	---	---	---	-6,028
<b>Total, Geological Surveys</b>	<b>445,489</b>	<b>423,057</b>	<b>510,042</b>	<b>369,799</b>	<b>356,956</b>	<b>374,951</b>	<b>356,074</b>	<b>367,080</b>	<b>-2,709</b>	<b>110,124</b>

INTERIOR BUDGET TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 83	New BA Enacted F.Y. 83	New BA Enacted F.Y. 82	New BA Enacted F.Y. 82	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>MINERALS MANAGEMENT SERVICE</b>										
<b>Minerals and Royalty Management</b>										
Leasing Outer Continental Shelf Lands and environmental program.....	---	---	---	46,055	42,004	42,004	42,004	42,004	-3,051	---
Resource evaluation.....	---	---	---	34,901	32,064	32,064	32,014	32,014	-4,787	---
Regulatory program.....	---	---	---	34,913	34,106	34,106	34,106	34,106	-2,807	---
<b>Subtotal, Minerals and Royalty Management.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>115,869</b>	<b>108,174</b>	<b>108,174</b>	<b>108,124</b>	<b>108,124</b>	<b>-10,645</b>	<b>---</b>
<b>Federal and Indian program:</b>										
Oil and gas.....	---	---	---	23,594	---	---	---	---	-23,594	---
Coal.....	---	---	---	9,579	---	---	---	---	-9,579	---
Other energy.....	---	---	---	3,798	---	---	---	---	-3,798	---
Repayment.....	---	---	---	2,273	---	---	---	---	-2,273	---
Water pump.....	---	---	---	680	---	---	---	---	-680	---
<b>Subtotal.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>39,924</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>-39,924</b>	<b>---</b>
General administration.....	---	---	---	---	---	---	---	---	---	---
<b>Subtotal, leasing management.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>155,793</b>	<b>108,174</b>	<b>108,174</b>	<b>108,124</b>	<b>108,124</b>	<b>-50,569</b>	<b>---</b>
Onshore royalty management (royalty collection).....	---	---	---	13,041	19,699	17,899	19,699	21,043	47,202	41,344
Offshore royalty management (royalty compliance).....	---	---	---	4,499	5,381	5,081	5,381	5,381	-1,118	---
Business development and maintenance.....	---	---	---	30,334	10,034	3,434	10,031	0,445	-1,909	-1,584
General administration.....	---	---	---	---	---	---	---	---	---	---
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
<b>Subtotal, royalty management.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>30,694</b>	<b>35,114</b>	<b>26,411</b>	<b>35,111</b>	<b>34,869</b>	<b>44,175</b>	<b>-242</b>
General Administration.....	---	---	---	7,119	20,983	20,568	20,568	20,568	43,449	-415
<b>Total, leasing and royalty management.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>194,506</b>	<b>164,268</b>	<b>155,183</b>	<b>163,803</b>	<b>163,561</b>	<b>-32,945</b>	<b>-457</b>
<b>Transfer to General Fund</b>										
Transfer to general fund.....	---	---	---	---	(-126,550)	(-126,550)	---	---	---	(+126,550)
<b>BUREAU OF MINES</b>										
<b>Mines and Minerals</b>										
<b>Minerals Research:</b>										
Health and Safety Technology.....	51,929	50,564	46,014	38,466	31,670	40,370	31,670	37,170	-1,296	45,500
<b>Conservation and Development:</b>										
Mining Technology.....	20,471	21,392	10,418	9,380	4,195	12,195	8,195	10,695	11,315	16,500
Resource Conservation Technology.....	---	---	---	6,162	1,610	1,610	3,470	2,970	-3,192	11,360
<b>Subtotal, Conservation and Development.....</b>	<b>20,471</b>	<b>21,392</b>	<b>10,418</b>	<b>15,542</b>	<b>5,805</b>	<b>13,805</b>	<b>11,665</b>	<b>13,665</b>	<b>-1,877</b>	<b>47,860</b>
Minerals and Materials Research.....	20,165	22,217	31,261	32,354	30,430	30,430	30,430	30,430	-1,924	---
<b>Subtotal, Minerals Research.....</b>	<b>92,565</b>	<b>94,173</b>	<b>87,693</b>	<b>86,362</b>	<b>67,905</b>	<b>84,605</b>	<b>73,765</b>	<b>81,265</b>	<b>-5,097</b>	<b>413,360</b>
<b>Minerals Information and Analysis:</b>										
Minerals Information.....	5,378	9,362	19,597	10,399	10,890	10,890	10,890	10,890	4491	---
Mineral Data Analysis.....	20,173	20,528	9,412	15,994	17,953	17,953	17,953	17,953	11,957	---
<b>Subtotal.....</b>	<b>25,551</b>	<b>29,890</b>	<b>29,009</b>	<b>26,393</b>	<b>28,843</b>	<b>28,843</b>	<b>28,843</b>	<b>28,843</b>	<b>12,448</b>	<b>---</b>
Mining research and development.....	---	---	---	5,000	---	---	---	---	-5,000	---
Mineral Institutes.....	---	---	---	9,244	---	---	10,330	9,350	-250	49,350
General Administration.....	15,917	18,256	20,247	20,801	20,835	20,785	20,835	20,835	134	---
Construction and rehabilitation.....	---	---	---	336	---	---	---	---	---	---
Druckon facilities.....	---	---	---	4,073	---	-5,064	-2,564	-2,564	-2,564	-2,564
(to transfer).....	---	---	---	(991)	---	---	---	---	---	---
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
Transfer.....	---	---	---	-105	---	---	---	---	105	---
Standard level user charges.....	---	---	---	---	---	-1,304	-1,304	-1,304	-1,304	-1,304
<b>Total, Bureau of Mines.....</b>	<b>134,033</b>	<b>142,319</b>	<b>150,602</b>	<b>140,053</b>	<b>117,583</b>	<b>127,865</b>	<b>129,925</b>	<b>136,425</b>	<b>-11,628</b>	<b>418,842</b>

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How SA Enacted F.Y. 80	How SA Enacted F.Y. 81	How SA Enacted F.Y. 82	How SA Enacted F.Y. 83	How SA Enacted F.Y. 80	How SA Enacted F.Y. 81	How SA Enacted F.Y. 82	How SA Enacted F.Y. 83	Conference compared to F.Y. 83	Conference compared to Estimates
<b>OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT</b>										
<b>Regulation and Technology</b>										
State Regulatory Program Grants (Effect of fiscal year 1981 deferral).....	21,480	25,000	24,422	22,150	37,400	23,400	30,100	30,100	15,950	1500
Federal Regulatory Programs										
Program operations and inspections.....	16,305	16,943	20,458	19,393	19,491	11,741	11,791	11,791	66,348	81,080
Technical services and research.....	13,978	17,048	4,919	10,903	9,811	10,354	9,211	9,811	-4,082	4560
<b>Subtotal.....</b>	<b>30,855</b>	<b>36,786</b>	<b>25,577</b>	<b>21,294</b>	<b>26,402</b>	<b>26,052</b>	<b>21,102</b>	<b>21,582</b>	<b>486</b>	<b>44,290</b>
Mineral Institutes.....	9,904	9,345	---	---	---	---	---	---	---	---
Small Operator Assistance.....	15,000	---	---	---	---	---	---	---	---	---
General Administration.....	2,020	10,340	8,506	4,000	5,095	5,798	5,895	5,845	-1,045	-50
Post-Operational.....	---	---	---	---	---	---	---	---	---	---
Transfer.....	---	---	---	105	---	---	---	---	-105	---
Standard Level User Charges.....	---	---	---	---	---	-47	-47	-47	-47	-47
<b>Total: Regulation and Technology.....</b>	<b>64,627</b>	<b>69,470</b>	<b>58,513</b>	<b>46,461</b>	<b>57,497</b>	<b>45,900</b>	<b>48,450</b>	<b>68,480</b>	<b>64,907</b>	<b>11,953</b>
<b>Abandoned Mine Reclamation Fund</b>										
State Reclamation Program Grants.....	25,000	29,000	59,124	682,500	193,900	193,900	193,900	193,900	661,400	---
Federal Reclamation Programs										
Fund amendment.....	7,260	3,654	4,724	4,901	4,400	4,200	4,400	4,200	41,397	6290
Interior reclamation projects.....	35,574	28,770	20,040	64,697	90,452	25,432	10,452	13,152	-1,825	12,700
Rural lands reclamation program.....	18,986	10,309	18,339	3,450	3,082	10,082	3,082	10,582	66,732	17,500
Technical research.....	888	6,267	1,124	6,881	5,281	5,281	1,221	1,221	---	---
<b>Subtotal.....</b>	<b>54,434</b>	<b>44,240</b>	<b>52,237</b>	<b>24,749</b>	<b>29,003</b>	<b>53,053</b>	<b>20,003</b>	<b>31,253</b>	<b>16,504</b>	<b>110,450</b>
Small Operator Assistance.....	10,000	5,000	---	---	---	---	---	---	---	---
General Administration.....	5,000	4,237	3,960	3,960	4,099	4,099	6,099	6,099	4139	---
Standard Level User Charges.....	---	---	---	---	---	-24	-23	-24	-24	-24
<b>Total: Abandoned Mine Reclamation Fund.....</b>	<b>94,914</b>	<b>82,485</b>	<b>115,333</b>	<b>161,209</b>	<b>218,902</b>	<b>251,028</b>	<b>218,729</b>	<b>229,228</b>	<b>148,609</b>	<b>110,426</b>
<b>Total: Office of Surface Mining Reclamation and Enforcement.....</b>	<b>179,603</b>	<b>172,164</b>	<b>173,846</b>	<b>221,670</b>	<b>282,299</b>	<b>316,928</b>	<b>283,829</b>	<b>294,678</b>	<b>173,008</b>	<b>112,379</b>
<b>BUREAU OF INDIAN AFFAIRS</b>										
<b>Operation of Indian Programs</b>										
Education										
General Operations.....	193,398	189,440	176,104	177,675	174,947	175,575	175,433	175,333	-1,742	1384
Johnson O'Malley Educational Assistance.....	29,308	29,469	25,954	26,229	26,000	26,580	26,000	26,000	-229	---
Continuing Education.....	47,074	51,054	52,446	51,451	48,121	51,587	52,315	52,821	11,370	14,700
Alaska schools.....	---	---	11,100	9,250	---	---	---	---	-9,250	---
<b>Subtotal: Education.....</b>	<b>270,060</b>	<b>270,183</b>	<b>265,604</b>	<b>264,105</b>	<b>249,068</b>	<b>253,742</b>	<b>253,748</b>	<b>254,154</b>	<b>-9,951</b>	<b>15,084</b>
Indian Services										
Tribal Government Services.....	16,903	22,067	23,789	25,473	23,534	23,694	23,694	23,694	-1,779	1160
Social Services.....	87,264	93,951	90,351	100,002	98,609	101,109	98,609	98,609	-393	11,000
Law Enforcement.....	27,577	30,624	32,515	35,697	34,521	34,944	34,944	34,944	-753	4423
Housing.....	19,360	22,493	29,810	53,233	22,068	22,117	---	---	-53,233	-22,648
Self-Determination Services.....	46,460	52,203	49,222	52,822	40,198	58,779	40,279	58,779	15,957	-1,419
Revolving Fund Settlement Program.....	5,544	5,498	4,178	3,899	3,951	3,951	3,951	3,951	152	---
<b>Subtotal: Indian Services.....</b>	<b>201,128</b>	<b>227,236</b>	<b>229,845</b>	<b>271,126</b>	<b>242,881</b>	<b>244,594</b>	<b>221,477</b>	<b>220,977</b>	<b>-50,149</b>	<b>-21,904</b>
Economic Development and Employment Programs										
Employment Development.....	51,438	45,434	27,120	27,429	27,441	26,341	26,341	26,341	-1,608	-1,300
Business Enterprise Development.....	8,647	8,456	8,136	10,854	15,543	10,521	10,521	10,521	-333	-5,022
Road Maintenance.....	17,686	19,405	17,628	21,037	22,351	22,081	22,081	22,081	11,044	-270
<b>Subtotal: Economic Development and Employment Programs.....</b>	<b>77,771</b>	<b>73,297</b>	<b>52,884</b>	<b>59,320</b>	<b>65,335</b>	<b>58,943</b>	<b>58,943</b>	<b>58,943</b>	<b>-377</b>	<b>-6,592</b>
Natural Resources Development										
Natural Resources: General.....	770	883	891	981	787	787	787	787	-194	---
Agriculture.....	22,648	23,170	21,143	25,029	23,262	23,081	22,084	22,081	-12,148	-381
Fisheries.....	23,618	24,487	21,005	30,119	26,290	26,292	27,092	27,092	-3,827	4082
Water Resources.....	3,204	5,100	6,663	6,978	6,782	7,282	6,722	7,222	4244	1560
Wildlife & Parks.....	3,512	11,447	12,895	15,453	15,784	17,854	16,077	17,708	62,247	11,846
Fire Suppression.....	7,800	7,800	7,740	800	600	600	600	600	-200	---
Minerals and Mining.....	7,972	8,093	7,570	8,233	6,872	7,972	6,872	7,287	-836	4525
Irrigation and Power.....	4,813	5,212	6,008	6,740	9,809	8,934	7,634	9,009	17,261	---
Budget Amendment.....	---	---	---	---	-5,000	---	---	---	---	15,000
<b>Subtotal: Natural Resources Development.....</b>	<b>74,237</b>	<b>85,712</b>	<b>84,743</b>	<b>104,341</b>	<b>84,296</b>	<b>92,542</b>	<b>88,645</b>	<b>92,688</b>	<b>-11,453</b>	<b>18,392</b>

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How BA Enacted F.Y. 80	How BA Enacted F.Y. 81	How BA Enacted F.Y. 82	How BA Enacted F.Y. 83	How BA Estimates F.Y. 84	How BA House F.Y. 84	How BA Senate F.Y. 84	How BA Conference Report	Conference compared to F.T. 83	Conference compared to Estimates
<b>Trust Responsibilities</b>										
Environmental Quality Services.....	412	1,242	1,189	1,143	---	---	---	---	-1,143	---
Risks Protection.....	75,444	16,837	17,327	16,491	16,373	18,323	16,773	17,823	11,332	41,500
Bowl Estate and Financial Trust Services.....	24,970	26,162	77,350	28,405	27,719	27,531	27,719	27,531	-874	-188
<b>Subtotal, Trust Responsibilities.....</b>	<b>50,798</b>	<b>43,441</b>	<b>45,866</b>	<b>46,039</b>	<b>44,042</b>	<b>45,854</b>	<b>44,497</b>	<b>45,354</b>	<b>-865</b>	<b>41,317</b>
<b>General Management and Facilities Operation</b>										
Management and Administration.....	50,274	50,248	49,465	47,854	49,434	46,774	49,434	46,274	-1,508	-3,160
Protective operations.....	---	---	4,300	7,241	5,570	5,776	5,520	5,976	-1,271	450
Facilities construction program.....	2,940	3,434	4,161	4,582	6,829	6,829	6,829	6,829	12,247	---
Facilities Maintenance.....	77,076	84,509	83,300	88,900	88,910	89,713	90,592	91,113	12,213	12,203
<b>Subtotal, General Management and Facilities Operation.....</b>	<b>130,290</b>	<b>138,191</b>	<b>141,356</b>	<b>148,577</b>	<b>150,673</b>	<b>148,786</b>	<b>157,375</b>	<b>156,186</b>	<b>41,609</b>	<b>-587</b>
Pay supplemental.....	---	---	8,752	---	---	---	---	---	---	---
ADP user charges.....	---	---	---	---	---	(8,243)	---	(3,000)	(13,000)	(13,000)
Restore overhead reduction.....	---	---	---	---	---	(8,243)	---	(5,243)	(15,243)	(15,243)
<b>Total, Operation of Indian Programs 1/.....</b>	<b>804,484</b>	<b>838,140</b>	<b>828,572</b>	<b>893,508</b>	<b>836,515</b>	<b>844,441</b>	<b>819,700</b>	<b>872,382</b>	<b>-71,296</b>	<b>-14,213</b>
<b>Construction</b>										
Buildings and Utilities.....	44,725	73,117	48,436	82,000	36,000	50,420	46,725	50,220	-32,508	114,220
Irrigation Systems.....	43,449	27,665	46,197	48,900	5,325	5,700	5,700	5,700	-43,200	4375
Land acquisition.....	1,200	---	---	---	---	---	---	---	---	---
Salt River Pina-Naricopa Settlement.....	3,917	---	---	---	---	---	---	---	---	---
Miscellaneous.....	(19,380)	(22,893)	(29,810)	(53,233)	(22,048)	(22,117)	23,000	23,000	423,000	123,000
<b>Total, Construction 2/.....</b>	<b>93,291</b>	<b>106,182</b>	<b>94,620</b>	<b>131,700</b>	<b>41,325</b>	<b>56,320</b>	<b>75,425</b>	<b>78,920</b>	<b>-52,788</b>	<b>137,995</b>
1/ FY83 includes \$30,000,000 in Indian Services Rescissions: \$12,500,000 in Agriculture; \$5,000,000 in Forestry; and \$2,500,000 in Wildlife and Parks from P.L. 98-8.										
2/ FY83 includes \$34,000,000 in Buildings and Utilities and \$30,000,000 in Irrigation Systems.										
<b>Bureau Construction</b>										
Base Program.....	64,479	48,625	47,160	43,585	4,000	4,000	4,000	4,000	-39,585	---
Alaska Native Claims.....	30,000	30,000	---	---	---	---	---	---	---	---
<b>Eastern Indian Land Claims Fund</b>										
Hoopa Indian Claims Settlement funds.....	---	81,500	---	---	---	---	---	---	---	---
Nehanuckel Pequot Claims Settlement Fund.....	---	---	---	---	---	---	900	900	1900	1900
<b>Trust Funds</b>										
Base Program.....	28,000	28,000	53,000	63,000	63,000	63,000	63,000	63,000	---	---
<b>Revolving Fund for Loans</b>										
Limitation on direct loans.....	---	(12,680)	(14,770)	(19,970)	(13,075)	(13,075)	(13,075)	(13,075)	(-6,895)	---
<b>Indian Loan Guaranty and Insurance Fund</b>										
Limitation on guaranteed loans.....	---	(2,250)	(27,630)	(15,000)	(19,000)	(19,000)	(19,000)	(19,000)	(13,200)	---
<b>Total, Bureau of Indian Affairs.....</b>	<b>1,022,254</b>	<b>1,126,447</b>	<b>1,023,340</b>	<b>1,131,793</b>	<b>944,840</b>	<b>967,781</b>	<b>963,025</b>	<b>969,127</b>	<b>-162,671</b>	<b>424,782</b>
<b>TERRITORIAL AFFAIRS</b>										
<b>Administration of Territories</b>										
<b>Guam</b>										
Economic Development Fund.....	500	---	240	500	---	---	---	---	-500	---
Construction grants.....	9,675	11,970	11,246	8,028	4,038	11,350	13,350	11,350	13,322	47,312
<b>Subtotal, Guam.....</b>	<b>10,175</b>	<b>11,970</b>	<b>11,486</b>	<b>8,528</b>	<b>4,038</b>	<b>11,350</b>	<b>13,350</b>	<b>11,350</b>	<b>12,822</b>	<b>47,312</b>
<b>American Samoa</b>										
Operations grants.....	17,308	17,600	17,644	21,563	18,900	18,900	22,902	20,400	-1,163	41,500
Construction grants.....	---	9,150	7,099	1,777	2,000	3,500	5,000	5,000	13,223	43,000
Economic Development Fund.....	---	500	240	500	---	---	500	---	-500	---
Special program grants.....	---	---	144	---	---	---	---	---	---	---
<b>Subtotal, American Samoa.....</b>	<b>17,308</b>	<b>27,250</b>	<b>25,147</b>	<b>23,840</b>	<b>20,900</b>	<b>22,400</b>	<b>28,402</b>	<b>25,400</b>	<b>11,560</b>	<b>14,500</b>

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How BA Enacted F.Y. 80	How BA Enacted F.Y. 81	How BA Enacted F.Y. 82	How BA Enacted F.Y. 83	How BA Estimates F.Y. 84	How BA House F.Y. 84	How BA Senate F.Y. 84	How BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Northern Mariana</b>										
Covenant grants.....	18,886	26,643	22,442	24,143	25,742	25,742	25,742	25,742	11,289	---
Covenant inflation adjustment.....	3,268	3,684	3,482	---	---	---	---	---	---	---
Construction grants, other.....	---	---	1,274	18,750	5,000	10,000	10,000	10,000	-750	65,000
<b>Subtotal: Northern Mariana.....</b>	<b>22,154</b>	<b>30,327</b>	<b>26,998</b>	<b>42,893</b>	<b>30,742</b>	<b>35,742</b>	<b>35,742</b>	<b>35,742</b>	<b>6089</b>	<b>65,000</b>
<b>Northern Mariana Federal Law Commission.....</b>										
Federal Courtiers.....	360	65	192	---	---	---	---	---	---	---
Virgin Islands.....	1,657	888	834	---	---	---	---	---	---	---
Trust Territory and Northern Mariana.....	453	818	898	---	---	---	---	---	---	---
American Samoa.....	484	594	546	---	---	---	---	---	---	---
Guam.....	288	810	887	---	---	---	---	---	---	---
<b>Subtotal: Federal Courtiers.....</b>	<b>3,082</b>	<b>3,134</b>	<b>3,057</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Transfer to Inspector General.....</b>										
Virgin Islands deficit grant.....	10,000	---	---	---	---	---	---	---	---	---
Virgin Islands construction grant.....	21,000	9,800	21,505	2,500	1,300	1,300	4,300	2,500	---	11,000
<b>Territorial Administration</b>										
Office of Territorial Affairs.....	1,110	1,077	1,035	1,911	2,070	2,070	2,070	2,070	1139	---
BLIC Reduction.....	---	---	---	-30	---	---	---	---	130	---
Technical Assistance.....	---	250	2,300	2,750	800	2,200	2,500	2,200	-50	11,300
<b>Subtotal: Territorial Administration.....</b>	<b>1,110</b>	<b>1,327</b>	<b>4,335</b>	<b>4,131</b>	<b>2,870</b>	<b>4,270</b>	<b>4,570</b>	<b>4,270</b>	<b>1139</b>	<b>11,300</b>
<b>Local Development Bank.....</b>										
Pay supplemental.....	---	---	---	---	2,000	---	---	---	---	-2,000
<b>Total: Administration of territories.....</b>	<b>85,079</b>	<b>77,915</b>	<b>92,092</b>	<b>73,072</b>	<b>62,130</b>	<b>75,262</b>	<b>86,564</b>	<b>79,282</b>	<b>68,870</b>	<b>117,112</b>
<b>(Inflation on guaranteed loans).....</b>										
---	---	---	(30,000)	---	---	---	---	---	---	---
<b>Trust Territory of the Pacific Islands</b>										
Trust Territory operations.....	28,299	18,651	15,131	18,630	18,649	17,649	15,649	14,649	-3,268	64,000
Federated States of Micronesia.....	24,023	30,025	34,075	37,042	36,980	40,000	42,000	44,000	13,328	14,300
Republic of the Marshall Islands.....	7,091	8,794	9,707	10,404	10,700	10,700	11,225	11,425	1451	9,725
Republic of Palau Operations.....	7,327	8,062	8,939	9,454	10,100	10,100	10,483	10,483	4299	4,353
<b>Subtotal: Operations.....</b>	<b>66,742</b>	<b>65,532</b>	<b>67,852</b>	<b>76,530</b>	<b>66,429</b>	<b>74,049</b>	<b>79,000</b>	<b>77,057</b>	<b>10,627</b>	<b>10,000</b>
<b>Construction</b>										
Capital Acquisitions.....	31,000	27,204	5,664	80,000	9,000	25,000	31,518	33,500	115,100	124,500
Capital Relocations.....	---	---	2,000	---	9,600	---	---	---	---	-9,600
<b>Subtotal: Construction.....</b>	<b>31,000</b>	<b>27,204</b>	<b>8,664</b>	<b>80,000</b>	<b>18,600</b>	<b>25,000</b>	<b>31,518</b>	<b>33,500</b>	<b>115,100</b>	<b>114,900</b>
<b>Four small health care plan.....</b>										
Essential support.....	1,450	645	818	800	800	800	800	800	---	---
Bikini support.....	---	---	21,000	---	---	264	---	264	1264	1264
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
<b>Total: Trust Territory of the Pacific Islands.....</b>	<b>129,002</b>	<b>94,322</b>	<b>98,614</b>	<b>95,810</b>	<b>87,909</b>	<b>104,973</b>	<b>111,767</b>	<b>112,109</b>	<b>116,299</b>	<b>124,120</b>
<b>Total: Territorial Affairs.....</b>	<b>205,081</b>	<b>172,437</b>	<b>191,504</b>	<b>169,702</b>	<b>150,439</b>	<b>180,235</b>	<b>198,331</b>	<b>191,271</b>	<b>121,669</b>	<b>148,732</b>
<b>DEPARTMENTAL OFFICES</b>										
<b>OFFICE OF THE SECRETARY</b>										
<b>Departmental Direction</b>										
Secretary's Immediate Office.....	1,786	1,877	1,142	1,601	1,809	1,609	1,809	1,809	1208	---
Executive Secretariat.....	209	226	144	180	189	130	189	189	19	---
Cons. & Legis. Affairs.....	900	1,008	966	981	1,000	990	1,000	1,000	139	---
Equal Opportunity.....	1,000	1,700	1,193	1,294	1,403	1,403	1,443	1,443	1149	---
Field Coordination.....	---	---	120	100	---	---	---	---	-100	---
Public Affairs.....	838	898	424	700	746	591	746	671	-29	-75
Small & Disadvantaged Business Utilization.....	375	437	427	374	392	392	392	392	118	---
<b>Subtotal: Departmental Direction.....</b>	<b>5,977</b>	<b>6,712</b>	<b>4,638</b>	<b>5,750</b>	<b>5,639</b>	<b>5,109</b>	<b>5,639</b>	<b>5,594</b>	<b>1314</b>	<b>-75</b>
<b>Program Direction and Coordination</b>										
A/S Energy and Minerals.....	892	892	776	725	775	775	775	775	150	---
A/S Land and Water Resources.....	1,008	1,234	799	750	805	805	805	805	155	---
A/S Fish and Wildlife and Parks.....	885	857	715	744	791	791	791	791	147	---
A/S Indian Affairs.....	1,642	911	697	710	753	753	753	753	143	---
A/S Territorial and International Affairs.....	---	---	384	400	429	429	429	429	129	---
A/S Policy, Budget & Administration.....	724	708	---	735	812	812	812	812	157	---
Amortization of 1982 pay increase.....	---	---	---	---	---	-200	---	-100	-100	-100
<b>Subtotal: Program Direction and Coordination.....</b>	<b>5,071</b>	<b>4,677</b>	<b>3,281</b>	<b>4,004</b>	<b>4,365</b>	<b>4,165</b>	<b>4,365</b>	<b>4,265</b>	<b>1181</b>	<b>-100</b>

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimate F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Administration</b>										
A/S Policy, Budget & Administration.....	---	---	491	---	---	---	---	---	---	---
Environmental Project Review.....	1,083	960	945	1,242	1,519	1,519	1,519	1,519	4277	---
Acquisition & Property Management.....	794	891	1,128	1,300	1,391	1,391	1,391	1,391	491	---
Office of personnel.....	1,217	1,478	1,360	1,990	1,636	1,636	1,636	1,636	4146	---
Administrative Services.....	2,561	2,563	2,856	2,956	3,269	3,192	3,269	3,192	4736	-77
Information Resources Management.....	3,336	3,912	4,110	4,424	4,863	4,364	4,863	4,714	4298	-149
Policy Analysis.....	1,855	1,594	1,400	1,407	1,782	1,532	1,782	2,387	4778	4405
Subnet Office.....	1,468	1,325	1,192	1,344	1,529	1,477	1,529	1,529	4176	---
Outer Continental Shelf Program.....	493	495	483	---	---	---	---	---	---	---
Financial management.....	---	---	703	782	919	919	919	919	4137	---
<b>Subtotal, Administration.....</b>	<b>12,744</b>	<b>13,418</b>	<b>14,938</b>	<b>15,147</b>	<b>14,899</b>	<b>14,025</b>	<b>14,699</b>	<b>17,278</b>	<b>42,131</b>	<b>4379</b>
<b>Office of Water Policy</b>										
Marine and Appeals.....	5,129	5,304	5,659	6,146	6,478	6,478	6,478	6,478	4332	---
Minerals Policy and Research Analysis.....	1,413	1,111	---	---	---	---	---	---	---	---
Aircraft Services.....	1,324	1,421	---	---	---	---	---	---	---	---
Central Services.....	5,000	6,812	8,949	9,982	9,645	9,024	9,645	9,503	-479	-142
Alaska Subsistence Grant.....	---	---	960	1,000	1,000	1,000	1,000	1,000	---	---
Pay supplemental.....	---	---	775	---	---	---	---	---	---	---
Advisory Committee on D.C.....	---	---	---	---	---	---	---	---	---	---
<b>Total, Office of the Secretary.....</b>	<b>14,678</b>	<b>17,155</b>	<b>16,988</b>	<b>17,128</b>	<b>16,006</b>	<b>11,882</b>	<b>13,866</b>	<b>14,668</b>	<b>42,479</b>	<b>162</b>
<b>Construction Management</b>										
Salaries and expenses.....	9,014	8,789	3,840	896	896	1,275	800	800	-96	-96
<b>Special Foreign Currency Program</b>										
Salaries and Expenses.....	1,000	---	---	---	420	420	420	420	4420	---
<b>Office of Water Policy</b>										
<b>Office of Water Policy</b>										
Department policy.....	---	---	---	1,768	1,532	---	1,532	---	-1,768	-1,532
Water research.....	---	---	---	3,900	---	---	---	---	-5,900	---
Project administration.....	---	---	---	1,000	---	---	---	---	-1,000	---
State water resource research institutes.....	---	---	---	6,350	---	---	6,350	6,350	---	16,350
Transfer.....	---	---	---	-6,000	---	---	---	---	16,000	---
<b>Total, Office of Water Policy.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>8,118</b>	<b>1,532</b>	<b>---</b>	<b>7,882</b>	<b>6,350</b>	<b>-1,768</b>	<b>44,818</b>
<b>Youth Conservation Corps</b>										
Youth Conservation Corps.....	---	26,000	285	---	---	---	---	---	---	---
<b>Rural Water Treatment and Distribution System</b>										
Planning and Construction (NEP Pipeline).....	---	1,900	---	---	---	---	---	---	---	---
<b>Office of the Solicitor</b>										
Legal Services.....	13,550	14,420	14,762	15,510	15,085	16,685	16,985	16,835	41,375	4950
General Administration.....	2,416	2,636	2,838	2,894	2,762	2,578	2,678	2,628	-266	-134
Pay supplemental.....	500	1,032	150	---	---	---	---	---	---	---
<b>Total, Office of the Solicitor.....</b>	<b>16,466</b>	<b>18,088</b>	<b>17,750</b>	<b>18,404</b>	<b>18,447</b>	<b>19,263</b>	<b>19,663</b>	<b>19,463</b>	<b>41,059</b>	<b>4816</b>
<b>Office of the Inspector General</b>										
Office of Inspector General.....	5,063	9,172	13,369	21,500	17,185	17,100	16,899	16,814	-4,686	-371
Pay supplemental.....	---	---	---	---	---	---	---	---	---	---
<b>Total, Office of the Inspector General.....</b>	<b>5,063</b>	<b>9,172</b>	<b>13,369</b>	<b>21,500</b>	<b>17,185</b>	<b>17,100</b>	<b>16,899</b>	<b>16,814</b>	<b>-4,686</b>	<b>-371</b>
<b>Total, Secretarial Offices.....</b>	<b>68,221</b>	<b>103,104</b>	<b>76,232</b>	<b>90,507</b>	<b>87,686</b>	<b>79,940</b>	<b>89,470</b>	<b>87,915</b>	<b>-2,592</b>	<b>45,229</b>
<b>Grand Total, Department of the Interior.....</b>	<b>3,575,151</b>	<b>4,053,770</b>	<b>3,785,275</b>	<b>4,192,914</b>	<b>3,624,750</b>	<b>3,929,564</b>	<b>3,865,704</b>	<b>3,949,342</b>	<b>-243,572</b>	<b>4324,592</b>

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How BA Enacted F.Y. 80	How BA Enacted F.Y. 81	How BA Enacted F.Y. 82	How BA Enacted F.Y. 83	How BA Estimates F.Y. 84	How BA House F.Y. 84	How BA Senate F.Y. 84	How BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>TITLE II - RELATED AGENCIES</b>										
<b>DEPARTMENT OF AGRICULTURE</b>										
<b>FOREST SERVICE</b>										
<b>Forest Research</b>										
<b>Resource Protection Research</b>										
Fire and atmospheric science.....	9,764	10,343	8,869	8,317	7,418	7,811	7,418	7,725	-592	+307
Forest insect and disease.....	21,780	24,400	20,572	21,247	20,175	23,203	20,670	21,983	+764	+1,058
Renewable resource evaluation.....	13,933	13,547	13,200	12,210	11,271	12,681	11,355	12,031	-179	+760
Renewable resource economics.....	5,167	6,004	4,735	4,875	4,471	4,936	4,471	4,711	-184	+240
Surface environment and studies.....	1,629	2,218	1,836	1,681	1,369	1,620	1,369	1,428	-53	+299
<b>Subtotal.....</b>	<b>52,883</b>	<b>56,512</b>	<b>49,222</b>	<b>48,350</b>	<b>44,684</b>	<b>50,339</b>	<b>45,291</b>	<b>46,678</b>	<b>-272</b>	<b>+3,424</b>
<b>Resource Management Research</b>										
Trees and timber management.....	20,620	24,537	20,204	19,920	19,711	21,951	21,951	21,951	+2,031	+2,240
Forest watershed management.....	9,932	10,461	9,437	9,020	8,408	9,520	9,520	9,520	+492	+1,112
Wildlife, range and fish habitat.....	8,735	9,995	9,214	8,510	8,180	9,093	8,533	9,093	+583	+913
Forest recreation.....	2,179	2,534	2,121	2,083	1,968	2,120	1,968	2,060	-15	+100
Forest products.....	15,342	18,575	17,208	14,813	15,130	15,130	15,130	15,130	+317	---
Forest Engineering.....	2,400	3,186	2,911	2,852	2,715	2,715	2,715	2,715	+63	---
<b>Subtotal.....</b>	<b>59,278</b>	<b>69,220</b>	<b>61,172</b>	<b>57,006</b>	<b>56,112</b>	<b>60,537</b>	<b>59,817</b>	<b>60,477</b>	<b>+3,471</b>	<b>+4,365</b>
NUC reduction.....	---	---	---	-335	---	---	---	---	+335	---
FI TPS reduction.....	---	---	---	---	---	-560	---	---	---	---
Pay supplemental.....	---	---	1,753	---	---	---	---	---	---	---
<b>Total, Forest Research.....</b>	<b>111,531</b>	<b>127,812</b>	<b>112,145</b>	<b>105,091</b>	<b>100,766</b>	<b>110,316</b>	<b>105,108</b>	<b>106,555</b>	<b>+3,534</b>	<b>+7,789</b>
<b>State and Private Forestry</b>										
<b>Cooperative Resource Protection</b>										
Forest Pest Management.....	20,778	22,702	22,169	27,440	17,324	31,292	26,643	29,667	+1,422	+11,738
Rural fire control.....	22,664	19,904	14,076	14,380	3,007	14,425	14,000	14,000	-380	+10,993
<b>Subtotal.....</b>	<b>43,442</b>	<b>42,606</b>	<b>36,245</b>	<b>42,020</b>	<b>20,331</b>	<b>45,717</b>	<b>40,643</b>	<b>43,667</b>	<b>+1,042</b>	<b>+22,731</b>
<b>Cooperative Resource Management</b>										
Rural forestry assistance 1/.....	13,500	17,773	16,204	12,675	3,737	8,087	3,737	8,087	-4,588	+4,350
Urban forestry assistance.....	3,621	1,800	1,682	1,509	---	1,600	---	1,600	+100	+1,600
Assistance in management and technology.....	3,768	4,930	4,451	2,683	990	1,990	990	990	-1,693	---
<b>Subtotal.....</b>	<b>20,889</b>	<b>24,503</b>	<b>22,337</b>	<b>16,867</b>	<b>4,727</b>	<b>11,677</b>	<b>4,727</b>	<b>10,677</b>	<b>-6,181</b>	<b>+5,950</b>
<b>General Forestry Assistance</b>										
Rifford Pinchot Institute.....	578	580	470	500	---	500	---	500	---	+500
FINFORP.....	2,429	2,000	922	---	---	---	---	---	---	---
Special projects.....	6,016	4,415	3,688	3,000	---	6,340	6,340	6,340	+3,340	+6,340
<b>Subtotal.....</b>	<b>9,023</b>	<b>6,995</b>	<b>5,080</b>	<b>3,500</b>	<b>---</b>	<b>6,840</b>	<b>6,340</b>	<b>6,840</b>	<b>+3,340</b>	<b>+6,840</b>
NUC reduction.....	---	---	---	-50	---	---	---	---	+50	---
FI TPS reduction.....	---	---	---	---	---	-65	---	---	---	---
Pay supplemental.....	---	---	486	---	---	---	---	---	---	---
<b>Total, State and Private Forestry.....</b>	<b>73,354</b>	<b>74,184</b>	<b>64,140</b>	<b>42,328</b>	<b>25,058</b>	<b>64,169</b>	<b>51,730</b>	<b>48,579</b>	<b>-1,749</b>	<b>+35,521</b>
1/ Includes new titles Forest Resource Management; Wood Utilizational Seedlings, Nurseries and Tree Improvement.										
<b>National Forest System</b>										
<b>Minerals and General Land Activities</b>										
Minerals.....	15,892	19,561	18,481	22,076	27,740	25,070	28,740	25,405	+3,329	-2,335
Land Management Activities.....	23,515	24,536	20,401	18,703	16,524	18,119	16,524	18,524	-379	+2,000
Land line location.....	22,049	31,129	24,735	24,680	27,593	29,148	28,593	29,193	+4,513	+1,600
Maintenance of Facilities.....	13,091	14,867	11,717	21,643	13,982	13,798	13,982	13,982	-7,681	---
<b>Subtotal.....</b>	<b>74,547</b>	<b>90,993</b>	<b>75,334</b>	<b>87,102</b>	<b>85,839</b>	<b>86,135</b>	<b>87,839</b>	<b>87,104</b>	<b>-218</b>	<b>+1,265</b>

BUDGETARY SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	How BA Enacted F.Y. 80	How BA Enacted F.Y. 81	How BA Enacted F.Y. 82	How BA Enacted F.Y. 83	How BA Estimates F.Y. 84	How BA House F.Y. 84	How BA Senate F.Y. 84	How BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Resource Protection and Maintenance</b>										
Fire protection.....	166,719	174,321	204,298	150,083	154,738	153,408	154,938	154,938	14,855	1200
Fire Control.....	92,275	104,275	4,184	1,800	1,900	1,800	1,800	1,800	---	---
Cooperative law enforcement.....	4,664	5,184	3,697	5,150	---	---	---	---	-5,150	---
(By transfer).....	---	---	---	---	(5,171)	(5,171)	(5,171)	(5,171)	(48,171)	---
Road maintenance.....	72,705	77,729	63,167	72,548	---	---	---	---	-72,548	---
(By transfer).....	---	---	---	---	(64,164)	(64,164)	(64,164)	(64,164)	(44,164)	---
Trail maintenance.....	11,783	14,452	16,719	13,785	---	1,800	---	1,800	-12,785	11,000
(By transfer).....	---	---	---	---	(8,162)	(8,162)	(8,162)	(8,162)	---	---
Subtotal.....	342,638	375,861	284,865	282,538	155,738	153,408	155,938	155,938	-88,429	12,200
<b>Timber Sales</b>										
Timber resource planning.....	16,375	11,695	8,870	10,489	10,144	10,144	10,144	10,144	-343	---
Silvicultural examination.....	22,999	25,171	20,160	22,995	21,635	21,635	21,635	21,635	-1,369	---
Sales cooperation and harvest administration.....	145,844	164,891	179,422	125,140	164,168	152,623	167,168	153,680	128,440	-7,500
Subtotal.....	178,628	197,637	158,452	158,632	192,809	184,254	198,809	185,309	626,757	-7,500
<b>Reforestation and Stand Improvement</b>										
Reforestation.....	54,631	50,885	57,730	76,894	---	---	6,000	6,000	-78,894	16,000
(By transfer).....	---	---	---	---	(38,275)	(38,275)	(38,275)	(38,275)	(138,275)	---
Stand improvement.....	33,685	32,288	27,334	51,075	---	---	6,000	6,000	-47,075	14,000
(By transfer).....	---	---	---	---	(22,862)	(22,862)	(22,862)	(22,862)	(22,862)	---
Harvesting.....	9,686	13,538	14,273	15,156	---	---	---	---	-15,156	---
(By transfer).....	---	---	---	---	(15,118)	(15,118)	(15,118)	(15,118)	---	---
Subtotal.....	101,522	104,838	94,337	143,125	---	---	10,000	10,000	-133,175	110,000
<b>Recreation Management</b>										
Recreation use.....	93,287	106,264	76,316	83,488	77,798	83,798	78,298	83,798	1380	16,000
Maintenance.....	3,626	2,428	3,990	4,589	4,229	4,229	4,722	4,722	1213	---
Subtotal management.....	3,511	2,262	4,984	4,988	9,268	9,268	9,269	9,269	12,311	---
Subtotal.....	106,424	116,411	88,294	96,985	93,789	99,789	94,297	99,789	42,904	16,000
<b>Wildlife and Fish Habitat Management</b>										
Wildlife and Fisheries support.....	16,380	16,288	17,882	18,027	21,436	22,638	22,135	21,835	43,808	1200
Habitat improvement.....	26,421	21,888	14,354	14,473	11,823	12,123	11,873	13,173	-1,329	11,300
Subtotal.....	28,323	46,288	32,492	33,528	33,588	34,768	34,008	35,008	42,488	11,500
<b>Range Activities</b>										
Range management.....	32,138	30,232	22,823	23,244	23,987	23,633	23,987	23,987	1721	---
Range improvement.....	3,528	3,699	2,715	2,200	880	880	2,389	2,389	1190	11,500
Wild horse and burro management.....	598	488	316	572	299	299	299	299	-282	---
Wilderness Area Management.....	(1,425)	1,783	740	400	415	415	415	415	415	---
Subtotal.....	34,227	36,805	26,580	26,438	25,992	25,438	26,992	26,992	1534	11,500
<b>Soil, Water and Air Management</b>										
Soil, water and air administration.....	19,264	19,682	19,278	18,333	20,488	20,481	20,986	20,486	12,353	1200
Soil and water resource improvement.....	10,783	6,372	1,775	2,385	1,888	2,386	1,888	2,386	181	1500
Soil and water resource inventories.....	18,288	12,736	10,517	7,588	3,684	4,684	3,684	4,684	-876	11,000
Subtotal.....	48,435	38,790	31,570	28,138	27,976	29,471	28,476	29,476	11,538	11,700
<b>General Administration</b>										
SLIC reduction.....	---	---	238,629	256,678	257,610	254,610	257,610	257,610	1932	---
Pay supplemental.....	---	---	---	-1,868	---	---	---	---	11,868	---
Youth Conservation Corps.....	---	---	---	3,400	---	---	---	---	-3,400	---
Total, National Forest System 1/.....	927,724	1,001,894	1,050,504	1,073,886	872,841	869,873	894,841	888,506	-185,330	115,665
1/ FY83 includes \$8,000,000 for Maintenance of Facilities; \$13,000,000 for Road maintenance; \$4,000,000 for Trail Maintenance; \$15,000,000 for Reforestation & \$20,000,000 for TBI in FY 90-8.										
<b>Construction</b>										
Facilities.....	33,785	22,889	17,645	51,322	15,267	15,137	24,362	24,292	-77,030	19,025
<b>Roads and Trails</b>										
Direct road construction.....	163,347	183,481	232,917	241,375	218,659	221,783	228,075	222,750	-19,125	13,600
Trail construction.....	8,267	4,068	3,935	4,864	5,182	5,182	5,182	5,182	838	---
SLIC reduction.....	---	---	---	-130	---	---	---	---	1130	---
Busch payment.....	---	---	3,000	9,000	---	---	---	---	-9,000	---
Pay supplemental.....	---	---	3,598	---	---	---	---	---	---	---
Total, Construction 1/.....	205,276	209,539	261,095	306,431	239,099	241,694	257,619	251,724	-54,707	112,625

## INTERIOR SUPPORT FUNDS (IN THOUSANDS OF DOLLARS)

	How RA Enacted F.Y. 80	How RA Enacted F.Y. 81	How RA Enacted F.Y. 82	How RA Enacted F.Y. 83	How RA Estimates F.Y. 84	How RA House F.Y. 84	How RA Senate F.Y. 84	How RA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Land Acquisition</b>										
<b>Forest Service</b>										
Acquisitions.....	---	30,509	27,433	52,077	10,070	32,357	20,400	34,552	-10,325	124,482
Acquisition Management.....	---	3,989	3,829	4,000	---	4,000	4,000	4,000	---	14,000
<b>Total.....</b>	<b>---</b>	<b>34,498</b>	<b>26,262</b>	<b>56,077</b>	<b>10,070</b>	<b>36,357</b>	<b>24,400</b>	<b>38,552</b>	<b>-10,325</b>	<b>128,482</b>
<b>Timber Receipts Transfer</b>										
Transfer to General Fund, 1982.....	---	---	(-70,700)	---	---	---	---	---	---	---
Transfer to General Fund.....	---	---	---	(-29,399)	(-64,516)	(-64,516)	(-64,516)	(-64,516)	(-35,117)	---
<b>Timber Purchaser Credits</b>										
Timber Purchaser Credits.....	---	---	(242,542)	(240,000)	(291,300)	(240,000)	(291,300)	(240,000)	---	(-51,300)
<b>Youth Conservation Corps</b>										
Base Program.....	---	---	---	10,000	---	---	---	---	-10,000	---
Works Act acquisition.....	---	---	---	---	---	---	---	---	---	---
1/ FY83 includes \$25,000,000 in Facilities from PI 98-8.										
<b>Acquisition of Lands for National Forests, Special Acts</b>										
Base Program.....	375	754	724	753	780	780	780	780	127	---
<b>Acquisition of Lands to Complete Land Exchanges</b>										
Base Program.....	204	446	314	147	20	20	20	20	-127	---
<b>Rainie Reclamation</b>										
Base Program.....	5,633	6,940	6,500	5,000	5,200	5,200	5,200	5,200	-600	---
<b>Miscellaneous Trust Funds</b>										
Miscellaneous trust fund.....	---	---	84	90	90	90	90	90	---	---
<b>Total: Forest Service.....</b>	<b>1,324,427</b>	<b>1,456,649</b>	<b>1,521,856</b>	<b>1,621,783</b>	<b>1,253,924</b>	<b>1,320,404</b>	<b>1,346,980</b>	<b>1,354,006</b>	<b>-267,777</b>	<b>1100,082</b>
<b>DEPARTMENT OF ENERGY</b>										
<b>Fossil Fuels Research and Development</b>										
<b>Coal</b>										
<b>Control technology and coal preparation</b>										
Coal preparation and analysis.....	10,000	7,000	2,000	8,000	5,000	8,000	8,000	8,000	---	13,000
Flue gas cleaner.....	20,050	15,000	6,200	7,000	7,600	8,350	8,100	8,100	11,100	1500
Gas stream cleaner.....	10,000	11,500	9,900	10,000	4,450	7,000	7,000	7,000	-3,000	17,350
Technology support.....	7,000	6,000	5,200	2,900	---	3,200	2,000	2,900	---	12,900
<b>Subtotal.....</b>	<b>47,050</b>	<b>39,500</b>	<b>24,300</b>	<b>27,900</b>	<b>17,050</b>	<b>26,550</b>	<b>25,100</b>	<b>26,000</b>	<b>-1,900</b>	<b>48,750</b>
<b>Mines R&amp;D</b>										
Underground coal mines.....	35,709	28,169	10,512	---	---	---	---	---	---	---
Advanced Research & Technology Development.....	42,500	46,483	46,757	31,650	24,000	46,450	37,750	39,250	47,600	115,250
<b>Coal Liquefaction</b>										
Demonstration plants.....	36,000	57,000	11,800	---	---	---	---	---	---	---
Direct hydrometallurgy.....	64,500	57,000	22,000	---	---	---	---	---	---	---
Solvent extraction.....	30,000	32,000	28,000	---	---	---	---	---	---	---
Advanced process development.....	24,300	17,200	27,454	18,000	9,000	14,100	15,500	15,500	-2,500	16,500
Indirect liquefaction.....	---	12,000	11,520	12,600	4,000	7,900	7,900	7,900	-4,700	43,900
Support studies and engineering evaluations.....	13,004	9,297	8,256	5,000	4,000	7,000	4,000	5,500	1500	11,500
Feasibility study.....	---	---	---	2,000	---	---	---	---	-2,000	---
<b>Subtotal.....</b>	<b>168,604</b>	<b>184,497</b>	<b>109,920</b>	<b>37,600</b>	<b>17,000</b>	<b>31,000</b>	<b>27,400</b>	<b>28,900</b>	<b>-8,700</b>	<b>111,900</b>
<b>Combustion systems</b>										
Atmospheric fluidized beds.....	25,900	11,418	11,904	4,200	1,000	1,000	1,400	1,400	-2,800	1400
Pressurized fluidized beds.....	15,000	21,400	24,960	13,000	3,400	8,000	6,000	7,500	-5,500	14,100
Advanced combustion technology.....	4,950	---	1,056	3,000	---	1,700	1,700	1,700	-1,300	11,700
Alternate fuel utilization.....	2,500	4,350	4,224	4,000	4,000	7,600	4,000	7,600	13,600	13,600
Demonstration plants.....	2,500	---	---	---	---	---	---	---	---	---
<b>Subtotal.....</b>	<b>50,850</b>	<b>37,168</b>	<b>42,144</b>	<b>24,200</b>	<b>8,400</b>	<b>18,300</b>	<b>13,100</b>	<b>18,200</b>	<b>-6,000</b>	<b>49,800</b>





INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>State/Local programs</b>										
Emergency energy conservation programs.....	1,300	2,000	1,920	---	---	---	---	---	---	---
Emergency relief and conservation grants (EPCA).....	37,000	37,000	15,000	24,000	---	24,000	19,500	24,000	---	124,000
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(9,900)	---	---	---	---	---	---	---
Energy conservation and production grants (ECPA).....	10,000	10,000	---	---	---	---	---	---	---	---
(Effect of fiscal year 1981 deferral/transfer).....	---	---	---	---	---	---	---	---	---	---
Energy retention services.....	25,000	20,000	---	10,000	---	10,000	5,000	10,000	---	110,000
(Effect of FY81 use 1981 deferral/transfer).....	---	---	(9,600)	---	---	---	---	---	---	---
Schools & hospitals.....	141,400	150,000	---	70,000	---	70,000	36,500	60,000	-50,000	100,000
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(40,000)	---	---	---	---	---	---	---
Weatherization.....	190,700	175,000	22,893	240,000	---	243,500	145,000	190,000	-35,000	110,000
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(111,107)	---	---	---	---	---	---	---
Program direction.....	4,036	9,062	4,720	4,660	3,300	7,400	8,144	8,144	41,504	14,866
<b>Subtotal.....</b>	<b>441,536</b>	<b>404,662</b>	<b>56,533</b>	<b>303,660</b>	<b>3,300</b>	<b>352,300</b>	<b>214,144</b>	<b>280,144</b>	<b>-103,494</b>	<b>427,866</b>
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(177,707)	---	---	---	---	---	---	---
<b>Multi Sector</b>										
General research.....	---	---	---	---	---	---	---	---	---	---
Energy Conversion Technology.....	---	8,000	---	9,000	3,000	9,000	7,750	9,000	---	16,000
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(7,043)	---	---	---	---	---	---	---
Inventories program.....	4,420	5,000	4,704	2,000	---	3,000	2,250	3,000	11,000	13,000
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(400)	---	---	---	---	---	---	---
Energy impact assistance.....	43,000	10,000	---	---	---	---	---	---	---	---
Appropriate technology.....	12,000	12,000	2,000	---	---	---	---	---	---	---
Capital equipment.....	---	---	204	---	---	---	---	---	---	---
Program direction.....	435	700	102	230	102	250	277	277	147	1175
National Appropriate Technology Assistance Service.....	---	---	---	1,500	---	1,000	500	500	-1,000	1500
<b>Subtotal, Multi Sector.....</b>	<b>42,855</b>	<b>36,500</b>	<b>8,230</b>	<b>12,730</b>	<b>3,102</b>	<b>13,250</b>	<b>10,727</b>	<b>17,777</b>	<b>147</b>	<b>49,475</b>
(Effect of fiscal year 1981 deferral/transfer).....	---	---	(0,243)	---	---	---	---	---	---	---
Policy and Management.....	---	---	---	---	---	1,220	1,700	2,030	12,030	12,030
(Use of prior year deferrals).....	---	---	---	-64,000	---	---	---	---	164,000	---
(Transfer of prior year deferrals).....	---	---	---	---	---	---	---	---	---	---
Feasibility studies.....	---	4,500	---	---	---	---	---	---	---	---
(General Reduction).....	---	---	---	-24,000	---	---	---	---	424,000	---
<b>Total, Energy Conservation.....</b>	<b>751,068</b>	<b>715,157</b>	<b>145,400</b>	<b>429,290</b>	<b>74,577</b>	<b>528,045</b>	<b>360,681</b>	<b>431,131</b>	<b>11,841</b>	<b>135,754</b>
(Effect of fiscal year 1981 deferrals).....	---	---	(67,762)	---	---	---	---	---	---	---
(Effect of transfer and redirection).....	---	---	(173,008)	---	---	---	---	---	---	---
<b>Economic Regulation</b>										
<b>Utility Programs &amp; Regulatory Intervention</b>										
Utility regulatory assistance.....	29,129	17,844	---	---	---	---	---	---	---	---
Power supply & reliability.....	---	---	4,800	---	---	---	---	---	---	---
Compliance.....	70,340	70,919	5,300	19,500	7,133	14,800	14,800	14,800	-4,700	47,667
Fuels Conversion.....	25,938	24,383	---	2,000	---	1,650	1,653	1,650	-350	11,650
(Effect of fiscal year 1981 deferral).....	---	---	(4,000)	---	---	---	---	---	---	---
Petroleum operations.....	13,063	14,017	3,456	2,518	1,145	2,100	2,100	2,100	-418	1955
Emergency preparedness.....	3,910	1,159	1,920	5,190	---	5,230	---	5,230	140	---
Program administration.....	2,633	3,623	1,240	2,148	3,583	1,300	1,300	1,300	-848	-2,283
Gasoline rationing.....	---	25,500	---	---	---	---	---	---	---	---
Office of Hearings and Appeals.....	5,942	8,267	4,800	5,250	5,500	5,250	5,275	5,250	---	-250
(Effect of FY 1981 deferral in 1982).....	---	---	(5,000)	(1,500)	---	---	---	---	(-1,500)	---
(Reauthorization).....	---	---	---	---	---	---	---	---	---	---
<b>Total Economic Regulation.....</b>	<b>150,955</b>	<b>165,712</b>	<b>21,416</b>	<b>36,606</b>	<b>22,591</b>	<b>30,330</b>	<b>25,125</b>	<b>30,330</b>	<b>-6,276</b>	<b>47,739</b>
(Effect of fiscal year 1981 deferral).....	---	---	---	---	---	---	---	---	---	---
<b>Strategic Petroleum Reserve</b>										
Petroleum acquisition & transportation.....	---	2,680,282	---	---	---	---	---	---	---	---
Planning.....	---	8,000	8,640	8,000	6,250	6,250	6,250	6,250	-1,750	---
(Effect of 1983 continuing resolution).....	---	---	(8,000)	---	---	---	---	---	---	---
Storage facilities development.....	---	82,834	171,354	222,528	199,757	142,357	512,357	142,357	-80,171	-57,400
Program Administration.....	190	11,391	11,436	11,590	10,163	10,163	10,163	10,163	-1,427	---
(Proposed deferral).....	---	---	---	---	-57,400	---	---	---	---	157,400
<b>Total, Strategic Petroleum Reserve and Emergency Preparedness.....</b>	<b>190</b>	<b>2,790,507</b>	<b>199,432</b>	<b>242,118</b>	<b>158,770</b>	<b>158,770</b>	<b>528,770</b>	<b>158,770</b>	<b>-83,348</b>	<b>---</b>
<b>SPR Petroleum Account</b>										
Petroleum acquisition and transportation.....	---	---	(3,684,000)	(2,074,060)	(583,100)	(1,684,000)	(1,310,000)	(650,000)	(-1,424,060)	(166,900)

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Energy Information Administration										
Energy applied analysis.....	10,328	9,654	7,680	---	---	---	---	---	---	---
Collection, production & dissemination.....	38,344	40,618	38,969	36,633	32,480	34,100	35,580	34,100	-533	13,620
Data validation.....	13,915	95	2,880	---	---	---	---	---	---	---
Data information services.....	26,184	40,190	29,390	---	---	---	---	---	---	---
Program services.....	---	---	---	13,524	11,658	13,088	11,806	12,085	-719	11,150
Policy and management.....	---	---	---	6,243	6,485	7,985	7,965	7,965	1822	1,600
Travel.....	---	---	---	---	---	-100	-100	-100	-100	-100
<b>Total, Energy Information Administration I/.....</b>	<b>90,778</b>	<b>90,417</b>	<b>78,919</b>	<b>56,400</b>	<b>30,000</b>	<b>36,876</b>	<b>54,756</b>	<b>55,076</b>	<b>-530</b>	<b>15,070</b>
<b>Total, Department of Energy.....</b>	<b>1,978,084</b>	<b>4,794,969</b>	<b>1,000,089</b>	<b>1,183,792</b>	<b>666,638</b>	<b>1,296,029</b>	<b>1,474,240</b>	<b>1,191,915</b>	<b>48,123</b>	<b>1525,277</b>
I/ FY83 includes \$6,000,000 comparative transfer to FERC.										
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
HEALTH SERVICES ADMINISTRATION										
Indian Health Services										
Clinical services										
IHS and tribal health delivery										
Hospital and health clinic programs.....	323,475	302,568	305,339	325,428	364,267	411,554	386,892	397,700	172,272	133,433
Dental health program.....	15,344	16,563	17,884	19,491	21,496	21,747	23,190	23,940	14,449	12,444
Mental health program.....	7,598	7,000	7,488	7,964	8,764	11,194	9,391	10,891	42,927	42,127
Alcoholism program.....	11,934	15,237	16,290	20,388	21,318	20,182	23,469	23,469	13,081	12,151
Maintenance and repair.....	8,732	8,611	8,267	8,267	8,267	8,267	18,267	18,267	110,000	110,000
Contract care.....	95,418	102,468	110,427	130,547	139,223	163,427	150,000	157,927	129,380	118,704
<b>Subtotal, Clinical services.....</b>	<b>462,521</b>	<b>452,524</b>	<b>465,695</b>	<b>512,085</b>	<b>563,335</b>	<b>638,391</b>	<b>611,209</b>	<b>632,194</b>	<b>1120,109</b>	<b>168,859</b>
Preventive health										
Sanitation.....	14,414	14,340	14,090	15,117	15,860	20,978	16,502	19,317	14,200	13,457
Public health nursing.....	7,441	7,592	7,969	8,052	8,915	10,061	10,002	11,145	13,093	12,230
Health education.....	1,930	2,009	2,194	2,222	2,406	3,616	2,680	3,494	11,272	11,088
Community health representative program.....	33,452	34,293	28,000	25,000	---	27,500	25,000	26,000	11,000	126,000
Immunization.....	---	---	---	500	500	500	1,000	1,000	1500	1500
<b>Subtotal, Preventative health.....</b>	<b>57,247</b>	<b>60,234</b>	<b>53,053</b>	<b>50,891</b>	<b>27,681</b>	<b>63,455</b>	<b>55,184</b>	<b>60,956</b>	<b>110,065</b>	<b>133,273</b>
Urban health projects.....	8,000	8,900	8,160	6,000	---	9,000	---	9,000	13,000	19,000
Indian health manpower.....	6,680	5,680	5,760	5,760	4,232	5,832	6,000	6,000	1240	11,768
Tribal management.....	2,968	3,029	2,634	2,634	2,634	3,134	2,634	2,634	---	---
Program management.....	51,274	50,884	46,851	50,721	54,624	59,624	59,624	59,624	18,903	15,000
Equity health care fund.....	---	7,856	15,492	22,492	(22,492)	27,362	---	---	-22,492	---
Reduction offset tax collections.....	---	---	-4,800	-5,000	---	-5,000	---	---	15,000	---
Medicare/Medicaid Reimbursements										
Hospital and clinic accreditation.....	(20,000)	---	(25,000)	(25,000)	(30,000)	(35,000)	(40,000)	(40,000)	(115,000)	(110,000)
Indian health services.....	---	---	(5,000)	(5,000)	(10,000)	(5,000)	---	---	(-5,000)	(-10,000)
<b>Subtotal.....</b>	<b>(20,000)</b>	<b>---</b>	<b>(30,000)</b>	<b>(30,000)</b>	<b>(40,000)</b>	<b>(40,000)</b>	<b>(40,000)</b>	<b>(40,000)</b>	<b>(110,000)</b>	<b>---</b>
Fax supplemental.....	---	12,556	18,160	---	---	---	---	---	---	---
<b>Total, Indian Health Services.....</b>	<b>588,696</b>	<b>606,675</b>	<b>613,005</b>	<b>645,583</b>	<b>652,506</b>	<b>801,798</b>	<b>734,651</b>	<b>770,408</b>	<b>1124,825</b>	<b>1117,902</b>
Indian Health Facilities										
Hospitals										
New and replacement.....	8,000	25,693	9,531	6,700	---	37,855	25,004	28,965	122,265	128,965
Modernization and repair.....	1,680	3,280	192	3,000	200	200	200	200	-2,800	---
<b>Subtotal, Hospitals.....</b>	<b>9,680</b>	<b>28,973</b>	<b>9,723</b>	<b>9,700</b>	<b>200</b>	<b>38,055</b>	<b>25,204</b>	<b>29,165</b>	<b>119,465</b>	<b>128,965</b>
Outpatient Care Facilities.....	7,595	4,456	9,613	---	---	960	---	960	1960	1960
Sanitation Facilities.....	50,240	50,240	38,680	50,000	---	30,000	3,715	21,000	-29,000	121,000
Hospital and health clinic programs										
Personnel Quarters.....	4,847	700	334	14,000	---	---	2,470	2,470	-11,530	12,470
<b>Total, Indian Health Facilities I/.....</b>	<b>74,302</b>	<b>84,469</b>	<b>58,352</b>	<b>73,700</b>	<b>200</b>	<b>69,015</b>	<b>31,389</b>	<b>53,595</b>	<b>-20,105</b>	<b>153,395</b>
<b>Total, Indian Health.....</b>	<b>663,000</b>	<b>691,144</b>	<b>671,357</b>	<b>719,283</b>	<b>652,706</b>	<b>870,813</b>	<b>766,040</b>	<b>824,003</b>	<b>1104,720</b>	<b>1171,297</b>

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	Nov 80 Enacted F.Y. 80	Nov 81 Enacted F.Y. 81	Nov 82 Enacted F.Y. 82	Nov 83 Enacted F.Y. 83	Nov 84 Estimates F.Y. 84	Nov 84 House F.Y. 84	Nov 84 Senate F.Y. 84	Nov 84 Conference Report	Conference compared to F.Y. 82	Conference compared to Estimates
<b>DEPARTMENT OF EDUCATION</b>										
<b>Indian Education</b>										
Part A—Payments to School Districts.....	52,000	58,250	54,960	48,465	---	51,000	56,500	50,900	+2,435	+50,900
Part B—Special Projects for Indian Students.....	15,600	14,500	14,000	12,600	---	14,000	7,300	12,000	-600	+12,000
Part C—Special Projects for Indian Adults.....	5,830	5,430	5,213	3,593	---	4,000	870	3,000	-593	+3,000
Administration.....	2,470	3,500	2,799	2,589	1,243	2,243	2,570	2,000	+291	+1,637
<b>Total, Indian Education.....</b>	<b>75,900</b>	<b>81,680</b>	<b>77,972</b>	<b>67,247</b>	<b>1,243</b>	<b>71,243</b>	<b>67,248</b>	<b>68,700</b>	<b>+1,533</b>	<b>+67,537</b>
<b>OTHER RELATED AGENCIES</b>										
<b>HAWAII/HOPI INDIAN RELOCATION COMMISSION</b>										
<b>Salaries and Expenses</b>										
Operation of the Commission.....	985	2,737	10,062	7,665	16,896	13,783	18,783	18,783	+11,118	+1,087
1/ FY83 includes \$3,000,000 in modernization and repair and \$36,000,000 in Sanitation Facilities from PL 98-6.										
<b>SMITHSONIAN INSTITUTION</b>										
<b>Salaries and Expenses</b>										
<b>Science</b>										
Assistant Secretary for Science.....	301	328	326	357	390	390	390	390	+73	---
National Museum of Natural History.....	14,462	15,677	15,738	16,962	18,797	18,797	18,697	18,697	+1,735	-100
Astronomical Observatories.....	5,028	5,370	5,563	6,467	6,892	8,192	7,552	7,607	+1,140	+715
Tropical Research Institute.....	2,257	2,773	2,733	3,012	3,319	3,319	3,319	3,319	+307	---
Radiation Biology Laboratory.....	1,837	1,999	1,938	2,090	2,222	2,222	2,222	2,222	+132	---
National Air and Space Museum.....	5,597	6,152	6,514	7,098	7,678	7,428	7,678	7,428	+530	-50
Chesapeake Bay Center.....	744	869	906	969	1,017	1,017	1,017	1,017	+48	---
National Zoological Park.....	8,521	9,221	9,158	9,809	10,577	10,577	10,577	10,577	+768	---
Center for the Study of Man.....	575	603	713	462	---	---	---	---	-462	---
<b>Subtotal, Science.....</b>	<b>39,322</b>	<b>42,992</b>	<b>43,589</b>	<b>47,226</b>	<b>50,892</b>	<b>52,142</b>	<b>51,452</b>	<b>51,457</b>	<b>+4,231</b>	<b>+565</b>
<b>History and Art</b>										
Assistant Secretary for History and Art.....	317	351	346	369	406	406	406	406	+37	---
National Museum of American History.....	7,177	8,072	7,977	8,568	9,200	9,200	9,679	9,679	+1,111	+479
National Museum of American Art.....	3,371	3,357	3,805	4,122	4,395	4,395	4,395	4,395	+273	---
National Portrait Gallery.....	2,442	2,613	2,712	2,965	3,180	3,180	3,180	3,180	+215	---
Mirshorn Museum and Sculpture Garden.....	2,200	2,431	2,421	2,653	3,035	2,960	2,905	2,960	+307	-75
Freer Galleries of Art.....	456	727	826	897	1,081	1,081	1,081	1,081	+184	---
Archives of American Art.....	521	542	632	675	729	729	729	729	+54	---
Cooper-Hewitt Museum.....	429	702	738	814	843	843	843	843	+29	---
Museum of African Art.....	543	621	768	846	975	975	975	975	+129	---
Anacostia Neighborhood Museum.....	567	529	724	773	820	820	820	820	+47	---
Division of Performing Arts.....	331	387	444	478	514	514	---	---	-478	-514
<b>Subtotal, History and Art.....</b>	<b>18,754</b>	<b>20,532</b>	<b>21,395</b>	<b>23,160</b>	<b>25,178</b>	<b>25,103</b>	<b>25,013</b>	<b>25,068</b>	<b>+1,908</b>	<b>-110</b>
<b>Public Service</b>										
Assistant Secretary for Public Service.....	262	259	317	341	564	564	484	564	+223	---
International Exchange Service.....	323	346	230	245	---	---	---	---	-245	---
Smithsonian Institution Press.....	819	847	913	968	1,032	1,032	1,032	1,032	+64	---
<b>Subtotal, Public Service.....</b>	<b>1,404</b>	<b>1,452</b>	<b>1,460</b>	<b>1,554</b>	<b>1,596</b>	<b>1,596</b>	<b>1,516</b>	<b>1,596</b>	<b>+42</b>	<b>---</b>
<b>Museum Programs</b>										
Assistant Secretary for Museum Programs.....	2,316	747	714	765	858	858	858	858	+93	---
Office of the Registrar.....	115	126	132	140	93	93	93	93	-47	---
Conservation-Analytical Laboratories.....	654	788	826	893	951	951	951	951	+58	---
Smithsonian Institution Libraries.....	2,730	2,976	3,130	3,664	3,633	3,768	3,633	3,633	-31	---
Office of Exhibits Central.....	1,259	1,312	1,350	1,448	1,467	1,467	1,467	1,467	+19	---
Traveling Exhibition Service.....	161	192	250	271	292	292	292	292	+21	---
Smithsonian Archives.....	367	430	407	464	495	495	495	495	+31	---
National Museum Act.....	794	795	779	782	786	936	786	786	+4	---
<b>Subtotal, Museum Programs.....</b>	<b>8,396</b>	<b>7,366</b>	<b>7,588</b>	<b>8,427</b>	<b>8,575</b>	<b>8,860</b>	<b>8,575</b>	<b>8,575</b>	<b>+148</b>	<b>---</b>

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>Special Programs</b>										
American and Folklife Studies.....	447	534	547	608	650	650	650	650	+42	---
International Environmental Science Program.....	408	448	601	643	678	678	678	678	+35	---
Academic and Educational Programs.....	478	562	599	637	717	717	717	717	+80	---
Major Exhibition Program.....	---	73F	840	840	885	1,085	885	1,085	+245	+200
Collections Management Inventories.....	543	587	760	785	827	1,077	827	827	+42	---
Museum Support Center.....	195	2,767	4,494	6,707	8,454	8,454	7,454	7,954	+1,249	-500
JFK Center Trustee Grant.....	---	---	---	1,000	---	700	---	1,000	---	+1,000
<b>Subtotal, Special Programs.....</b>	<b>2,071</b>	<b>5,657</b>	<b>7,863</b>	<b>11,220</b>	<b>12,213</b>	<b>13,363</b>	<b>11,213</b>	<b>12,913</b>	<b>+1,693</b>	<b>+700</b>
<b>Administration.....</b>	<b>7,781</b>	<b>8,718</b>	<b>9,123</b>	<b>10,242</b>	<b>11,629</b>	<b>11,629</b>	<b>11,479</b>	<b>11,579</b>	<b>+1,337</b>	<b>-50</b>
<b>Support Activities</b>										
Office of Facilities Planning & Engineering Services.....	948	1,096	1,427	1,537	1,778	1,778	1,778	1,778	+241	---
Office of Protection Services.....	10,471	11,603	11,610	14,282	14,211	15,631	14,631	15,331	+1,089	+1,120
Office of Plant Services.....	18,315	22,813	24,415	26,898	28,282	26,431	27,451	26,966	+68	-1,316
<b>Subtotal, Support Activities.....</b>	<b>29,734</b>	<b>35,512</b>	<b>37,452</b>	<b>42,677</b>	<b>44,271</b>	<b>43,840</b>	<b>43,860</b>	<b>44,075</b>	<b>+1,398</b>	<b>-196</b>
SLUC Reduction.....	---	---	---	-140	---	---	---	---	+140	---
Pay supplemental.....	---	---	2,700	---	---	---	---	---	---	---
<b>Total, Salaries and Expenses.....</b>	<b>107,462</b>	<b>122,229</b>	<b>131,170</b>	<b>144,366</b>	<b>154,354</b>	<b>156,533</b>	<b>153,108</b>	<b>155,263</b>	<b>+10,897</b>	<b>+909</b>
<b>Museum Programs and Related Research (SFCP)</b>										
Grant Program.....	4,200	3,650	4,320	2,000	9,040	5,040	7,040	7,040	+5,040	-2,000
<b>Construction and Improvements</b>										
<b>National Zoological Park</b>										
Base Program.....	4,250	3,290	1,104	1,550	3,500	3,500	3,500	3,500	+1,950	---
<b>Restoration and Renovation of Buildings</b>										
Base Program.....	5,250	7,539	7,680	8,450	9,000	9,100	9,000	9,000	+550	---
<b>Construction</b>										
Museum support center.....	20,600	5,000	---	---	---	---	---	---	---	---
South Quadrangle Development 1/.....	---	---	960	(36,500)	---	---	-8,000	-8,000	-8,000	-8,000
<b>Total, Construction and Improvements.....</b>	<b>32,100</b>	<b>15,829</b>	<b>9,744</b>	<b>10,000</b>	<b>12,500</b>	<b>12,600</b>	<b>4,500</b>	<b>4,500</b>	<b>-5,500</b>	<b>-8,000</b>
<b>Total, Smithsonian.....</b>	<b>143,762</b>	<b>141,708</b>	<b>145,234</b>	<b>156,366</b>	<b>175,894</b>	<b>174,173</b>	<b>164,648</b>	<b>166,803</b>	<b>+10,437</b>	<b>-9,091</b>
<b>NATIONAL GALLERY OF ART</b>										
<b>Salaries and Expenses</b>										
Care and Utilization of Art Collections.....	6,847	7,683	8,428	8,523	10,038	10,088	10,025	9,774	+1,251	-244
Operation and Maintenance of Buildings and Grounds....	8,420	9,825	14,207	15,850	15,895	15,295	15,895	15,745	-105	-150
Protection of Buildings, Grounds, and Contents.....	4,168	4,522	4,539	5,658	5,928	5,772	5,829	5,829	+171	-99
General Administration.....	2,156	2,284	2,641	2,847	3,054	3,054	3,041	3,041	+194	-13
<b>Total, National Gallery of Art.....</b>	<b>21,591</b>	<b>24,314</b>	<b>29,815</b>	<b>32,878</b>	<b>34,915</b>	<b>34,209</b>	<b>34,790</b>	<b>34,389</b>	<b>+1,511</b>	<b>-526</b>
<b>Woodrow Wilson International Center for Scholars</b>										
<b>Salaries and Expenses</b>										
Fellowship Program.....	875	962	968	1,176	1,176	1,176	1,176	1,176	---	---
Scholar Support.....	150	155	171	217	224	224	224	224	+7	---
Public Services.....	192	192	218	367	562	562	562	562	+195	---
General Administration.....	374	396	467	511	531	531	531	531	+20	---
Building Requirements.....	30	90	48	50	75	75	75	75	+25	---
Pay supplemental.....	---	35	25	---	---	---	---	---	---	---
<b>Total, Woodrow Wilson Center.....</b>	<b>1,621</b>	<b>1,830</b>	<b>1,897</b>	<b>2,321</b>	<b>2,568</b>	<b>2,568</b>	<b>2,568</b>	<b>2,568</b>	<b>+247</b>	<b>---</b>
Memorial to Hale Boss.....	---	7	---	---	---	---	---	---	---	---

1/ Includes amounts which were funded in PL 97-276.

	INTERIM SUPPORT TABLE (IN THOUSANDS OF DOLLARS)				New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83						
<b>NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES</b>										
<b>National Endowment for the Arts</b>										
<b>Salaries and Expenses</b>										
Artists-in-Schools.....	5,220	5,302	4,872	4,800	3,900	5,560	4,800	5,200	+400	\$1,300
Dance.....	7,338	8,309	7,652	8,739	6,300	8,750	7,400	8,750	+11	12,450
Design Arts.....	3,894	3,547	4,595	4,200	3,300	4,600	4,200	4,500	1200	\$1,000
Expansion Arts.....	7,921	8,297	7,043	8,080	5,400	7,200	6,500	7,000	-1,000	\$1,600
Fellows.....	134	175	97	100	---	---	---	---	-100	---
Folk Arts.....	2,280	3,095	2,714	2,800	2,000	3,400	2,600	3,000	1200	1,600
Inter Arts.....	3,334	4,781	4,757	3,700	2,000	4,000	3,100	3,950	1250	\$1,350
International.....	272	214	121	50	---	---	---	---	-50	---
Literature.....	4,727	4,837	4,317	4,300	3,800	4,600	4,300	4,300	1200	1,700
Media Arts.....	7,287	10,544	9,339	8,300	8,000	9,350	8,200	8,800	1500	\$1,000
Museums.....	9,044	11,822	10,371	9,339	7,700	12,300	9,400	11,800	42,361	14,200
Music.....	4,572	9,125	9,404	9,489	8,700	12,700	10,700	12,600	43,161	13,900
Opera / Musical Theatre.....	2,097	2,545	2,801	2,940	2,000	4,400	3,500	4,600	44,660	11,700
Special Constituencies.....	219	174	242	50	---	---	---	---	-50	---
State Programs.....	22,970	23,721	21,284	21,039	17,900	24,260	20,900	24,200	43,261	16,400
Locals Test.....	---	---	---	---	2,000	2,000	2,000	2,000	42,000	---
Theatre.....	5,244	7,829	4,651	7,139	5,300	8,900	6,800	9,000	11,861	13,500
Visual Arts.....	7,143	7,262	6,561	6,000	5,300	6,600	6,000	6,400	4,600	41,100
Policy Planning & Research.....	884	1,049	485	740	800	1,000	900	1,000	1,260	1,200
Regional Representatives.....	---	---	---	---	400	700	400	300	6,000	4,000
Advancement.....	---	---	---	---	500	800	500	700	1,700	1,200
<b>Total, Regular Programs.....</b>	<b>97,000</b>	<b>113,840</b>	<b>103,330</b>	<b>101,475</b>	<b>86,000</b>	<b>121,300</b>	<b>102,400</b>	<b>118,900</b>	<b>117,225</b>	<b>432,100</b>
Administration.....	12,210	12,135	11,324	12,600	13,100	13,100	12,600	13,100	4500	---
<b>Total, Salaries and Expenses.....</b>	<b>109,210</b>	<b>125,975</b>	<b>114,654</b>	<b>114,275</b>	<b>99,100</b>	<b>134,400</b>	<b>115,000</b>	<b>132,000</b>	<b>121,725</b>	<b>432,100</b>
<b>Matching Grants</b>										
Matching Grants.....	18,580	19,250	14,400	11,200	8,000	9,100	8,000	8,000	-2,200	11,000
Challenge Grants.....	26,900	13,450	14,400	18,400	17,100	21,500	20,000	21,000	12,600	13,900
<b>Total, Matching Grants.....</b>	<b>45,480</b>	<b>32,700</b>	<b>28,800</b>	<b>29,600</b>	<b>25,100</b>	<b>30,600</b>	<b>28,000</b>	<b>30,000</b>	<b>4,400</b>	<b>14,900</b>
<b>Total, Arts.....</b>	<b>154,610</b>	<b>158,695</b>	<b>143,456</b>	<b>143,875</b>	<b>125,000</b>	<b>165,000</b>	<b>143,000</b>	<b>162,000</b>	<b>118,125</b>	<b>437,000</b>
<b>National Endowment for the Humanities</b>										
<b>Salaries and Expenses</b>										
State Programs.....	22,500	23,947	20,329	20,329	15,990	21,300	17,700	21,850	+1,521	15,860
<b>Public Programs</b>										
Media Grants.....	9,822	9,560	8,447	8,447	7,100	10,100	---	9,100	1,633	12,000
Museums and Historical Organizations.....	8,025	8,560	6,912	6,912	5,000	10,300	---	9,000	42,088	14,000
Public Libraries 1/.....	3,443	3,450	2,650	2,650	---	3,000	---	3,000	1,350	13,000
<b>Subtotal.....</b>	<b>21,300</b>	<b>21,450</b>	<b>18,009</b>	<b>18,009</b>	<b>12,100</b>	<b>23,100</b>	<b>---</b>	<b>21,100</b>	<b>43,091</b>	<b>49,000</b>
<b>Education Programs</b>										
Education programs.....	---	---	---	---	---	---	20,000	19,000	119,000	119,000
Institutional Grants 2/.....	6,759	7,170	5,795	5,795	4,290	7,100	---	---	-5,795	-4,290
Higher Education / Regional and National 3/.....	5,225	5,100	3,802	3,802	4,355	5,500	---	---	-3,802	-4,355
Elementary and Secondary.....	4,499	4,300	4,704	4,704	4,355	8,400	---	---	-4,704	-4,355
<b>Subtotal.....</b>	<b>16,483</b>	<b>16,770</b>	<b>14,301</b>	<b>14,301</b>	<b>13,000</b>	<b>21,000</b>	<b>20,000</b>	<b>19,000</b>	<b>14,699</b>	<b>16,000</b>
<b>Fellowships</b>										
Fellowships and Seminars.....	---	---	---	---	---	---	14,000	14,500	114,500	114,500
Endowment Fellowships.....	6,997	7,200	6,279	6,279	5,880	5,980	---	---	-6,279	-5,880
Other Study Awards.....	7,803	8,605	7,124	7,124	7,120	8,520	---	---	-7,124	-7,120
National Humanities Fellowships.....	---	---	---	---	---	4,950	---	---	---	---
<b>Subtotal.....</b>	<b>14,800</b>	<b>15,805</b>	<b>13,403</b>	<b>13,403</b>	<b>13,000</b>	<b>19,450</b>	<b>14,000</b>	<b>14,500</b>	<b>11,095</b>	<b>11,500</b>
Research Grants.....	14,717	18,000	15,705	16,505	14,800	19,500	18,000	18,400	11,845	13,600
<b>Special Programs</b>										
Special Projects.....	10,025	9,700	7,953	7,103	3,250	2,700	---	2,200	-4,903	-1,050
Planning and Analysis.....	475	850	730	---	---	---	---	700	1,700	1,700
<b>Subtotal.....</b>	<b>10,500</b>	<b>10,550</b>	<b>8,683</b>	<b>7,103</b>	<b>3,250</b>	<b>2,700</b>	<b>---</b>	<b>2,900</b>	<b>-4,203</b>	<b>-350</b>

1/ Included in Program Development in FY 1984.  
 2/ Now titled "Central disciplines in undergraduate education."  
 3/ Now titled "Exemplary projects, nontraditional program and teaching materials."

## INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
General programs.....	---	---	---	---	---	---	18,000	---	---	---
Planning and assessment.....	---	---	---	730	700	700	800	---	-730	-700
Subtotal: Program funds.....	100,300	104,522	90,432	90,432	72,840	107,750	88,500	97,750	47,318	424,910
Administration.....	11,400	11,277	11,328	11,700	12,290	12,750	12,500	12,750	41,050	4460
Total: Salaries and Expenses.....	111,700	117,799	101,760	102,132	85,130	120,500	101,000	110,500	48,368	425,370
Matching Grants										
Matching Grants.....	11,400	9,500	8,044	11,044	10,570	11,500	11,500	11,500	4436	4930
Challenge Grants.....	27,000	24,000	20,736	14,844	14,500	18,000	17,500	18,000	41,136	41,500
Total: Matching Grants.....	38,400	33,500	28,800	27,928	27,070	29,500	29,000	29,500	41,572	42,430
Total: Humanities.....	150,100	151,299	130,560	130,060	112,200	150,000	130,000	140,000	49,940	427,800
Institute of Museum Services										
Grants to Museums:										
Operating Support Grants.....	9,500	11,300	10,157	10,154	10,790	17,770	11,700	15,700	45,546	44,910
Conservation Grants.....	---	---	---	---	---	3,000	---	3,000	43,000	43,000
Social Project Grants.....	900	967	720	669	---	---	1,720	720	451	4720
Museum Services Board.....	16	70	47	70	79	79	79	79	49	---
Subtotal.....	10,416	12,337	10,944	10,893	10,869	20,849	13,499	19,499	48,606	48,630
Program Administration.....	440	520	576	627	651	651	651	651	424	---
Use of prior year deferral.....	---	---	---	-720	---	---	---	---	4720	---
Total: Institute of Museum Services.....	10,856	12,857	11,520	10,800	11,520	21,500	14,150	20,150	49,350	48,630
COMMISSION OF FINE ARTS										
Salaries and Expenses										
Base Programs.....	248	298	303	319	345	340	340	340	421	-25
ADVISORY COUNCIL ON HISTORIC PRESERVATION										
Salaries and Expenses										
Advisory Services.....	---	1,590	1,547	1,500	1,051	1,546	1,546	1,546	446	4495
NATIONAL CAPITAL PLANNING COMMISSION										
Salaries and Expenses										
Base Programs.....	2,150	2,400	2,267	2,279	2,595	2,452	2,447	2,447	4168	-148
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION										
Salaries and Expenses										
Base Programs.....	40	30	29	---	20	20	20	20	420	---
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION										
Salaries and Expenses										
Salaries and Expenses.....	1,906	2,443	2,294	2,350	2,275	2,275	2,275	2,275	-75	---
Land Acquisition and Development (Borrowing Authority)										
Property Acquisition.....	8,470	15,000	2,400	---	4,000	---	---	---	---	-4,000
Public Development										
Relocation assistance.....	703	800	---	---	---	---	---	---	---	---
Public Improvements.....	11,214	7,900	12,282	6,800	10,000	9,600	9,600	9,600	42,800	-400
Historic Preservation.....	7	2,048	---	---	---	---	---	---	---	---
Program Support Costs.....	6,686	3,421	1,350	1,950	---	---	---	---	-1,750	---
Total: Public Development.....	18,610	14,169	13,632	8,750	10,000	9,600	9,600	9,600	4850	-400
Total: Pennsylvania Avenue Development Corporation.....	28,986	31,612	18,326	11,100	16,275	11,875	11,875	11,875	4775	-4,400

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
<b>FEDERAL INSPECTOR FOR ALASKA GAS PIPELINE</b>										
Permitting and Enforcement										
Base program.....	7,900	21,483	19,425	8,125	9,115	6,500	2,963	2,963	-3,162	-6,152
<b>UNITED STATES HOLOCAUST MEMORIAL COUNCIL</b>										
Holocaust Memorial Council.....	---	722	785	820	1,953	1,953	1,683	1,853	+1,033	-100
<b>NATIVE HAWAIIAN STUDY COMMISSION</b>										
Salaries and expenses 1/.....	---	---	---	(190)	---	---	---	---	---	---
Total, Title II - Related Agencies.....	4,565,082	7,575,444	3,866,400	4,097,713	3,084,878	4,152,408	4,183,329	4,004,441	-93,272	1919,563
Grand total.....	8,140,233	11,629,214	7,651,675	8,290,627	6,709,428	8,081,974	8,049,033	7,953,783	-336,844	+1,244,155
1/ Includes amounts which were funded in PL 97-276.										
<b>TITLE I - DEPARTMENT OF THE INTERIOR</b>										
Bureau of Land Management.....	541,693	594,880	598,048	387,362	522,849	521,884	538,615	538,828	431,466	466,379
Fish and Wildlife Service.....	289,856	289,689	260,856	318,882	266,889	246,422	319,983	353,161	139,549	166,641
National Park Service.....	492,221	831,982	800,781	1,043,920	737,080	858,540	822,449	847,201	-194,719	+110,121
Biological Survey.....	645,489	623,867	510,042	369,789	356,956	374,951	356,884	367,000	-3,799	190,194
Minerals Management Service.....	---	---	---	196,506	144,218	155,193	168,886	168,988	-28,995	-89
Bureau of Mines.....	134,038	148,399	150,602	140,868	117,583	129,885	129,925	136,425	-11,628	+18,842
Office of Surface Mining Reclamation and Enforcement..	178,608	178,864	173,848	821,670	282,299	316,828	288,889	294,888	478,888	468,879
Bureau of Indian Affairs.....	1,022,254	1,126,997	1,023,360	1,131,792	944,880	967,781	943,025	969,122	-162,671	+24,282
Territorial Affairs.....	205,081	172,437	191,504	169,702	150,139	180,235	198,331	191,878	98,689	+41,232
Secretarial Offices.....	68,221	103,104	76,232	90,567	82,484	79,940	89,470	87,915	-2,592	+5,229
Total, Title I - Department of the Interior.....	3,575,151	4,053,770	3,785,275	4,192,914	3,624,750	3,929,566	3,845,704	3,949,342	-243,572	+324,592
<b>TITLE II - RELATED AGENCIES</b>										
Forest Service.....	1,324,427	1,456,049	1,521,854	1,621,283	1,253,924	1,328,404	1,346,988	1,354,066	-267,277	+100,082
Department of Energy	(1,978,886)	(4,794,969)	(1,080,089)	(1,183,792)	(666,638)	(1,296,029)	(1,474,240)	(1,191,915)	(98,123)	(1525,277)
Fossil Energy.....	836,449	657,917	429,780	197,378	94,000	265,914	248,714	259,214	+61,836	+165,214
Manual Petroleum and Oil Shale Resources.....	109,481	215,887	213,142	222,000	266,680	256,100	256,600	256,600	+34,600	-9,500
Energy Conservation.....	751,068	715,157	145,400	429,290	74,377	528,045	360,681	431,131	+1,841	+356,754
Economic Regulatory Administration.....	150,955	165,712	21,416	36,606	22,591	30,330	25,125	26,230	-6,276	47,739
Strategic Petroleum Reserve and Emergency Preparedness.....	190	2,790,567	199,432	242,118	158,770	158,770	528,770	158,770	-83,348	---
SPR Petroleum Account.....	---	---	(3,684,000)	(2,074,060)	(583,100)	(1,686,000)	(1,310,000)	(650,000)	(-1,424,060)	(+66,900)
Energy Information Administration.....	90,273	90,467	78,919	56,400	50,880	56,870	54,350	55,870	-530	45,670
Indian Health.....	643,000	691,144	671,357	719,283	652,706	870,813	766,040	824,003	+104,720	+171,297
Indian Education.....	75,900	81,680	77,852	67,247	1,243	71,243	67,248	68,780	44,533	+67,537
Navajo and Hopi Indian Relocation Commission.....	985	2,737	10,042	7,465	16,894	13,783	18,783	18,783	+11,118	+1,887
Smithsonian.....	143,762	141,708	145,234	156,366	175,894	174,173	164,648	166,803	+10,487	-9,091
National Gallery of Art.....	21,591	24,314	29,815	32,878	34,915	34,209	34,790	34,389	+1,511	-526
Woodrow Wilson International Center for Scholars.....	1,621	1,830	1,897	2,321	2,568	2,568	2,568	2,568	---	---
National Endowment for the Arts.....	154,610	158,695	143,456	143,875	125,000	165,000	143,000	162,000	+18,125	+37,000
National Endowment for the Humanities.....	150,100	151,299	130,560	130,060	112,200	150,000	130,000	140,000	+9,940	+27,800
Institute of Museum Services.....	10,854	12,857	11,520	10,800	11,520	21,500	14,150	20,150	+9,350	+8,630
Commission of Fine Arts.....	268	298	303	319	365	340	340	340	+21	-25
Advisory Council on Historic Preservation.....	---	1,590	1,567	1,500	1,051	1,546	1,546	1,546	+46	+495
National Capital Planning Commission.....	2,150	2,400	2,267	2,279	2,595	2,452	2,447	2,447	+168	-148
Franklin Delano Roosevelt Memorial Commission.....	40	30	29	---	20	20	20	20	+20	---
Pennsylvania Avenue Development Corporation.....	28,984	31,612	18,326	11,100	16,275	11,875	11,875	11,875	+775	-4,400
Federal Inspector for the Alaska Pipeline.....	7,900	21,483	19,425	8,125	9,115	6,500	2,963	2,963	-3,162	-6,152
Holocaust Memorial Council.....	---	722	785	820	1,953	1,953	1,683	1,853	+1,033	-100
Native Hawaiian Study Commission.....	---	---	---	190	---	---	---	---	---	---
Total, Title II - Related Agencies.....	4,565,082	7,575,444	3,866,400	4,097,713	3,084,878	4,152,408	4,183,329	4,004,441	-93,272	1919,563
Grand total.....	8,140,233	11,629,214	7,651,675	8,290,627	6,709,428	8,081,974	8,049,033	7,953,783	-336,844	+1,244,155

Mr. JOHNSTON. Madam President, I think the Senator inquired of me whether I wanted to speak at this time or later.

Mr. McCLURE. Yes.

Mr. JOHNSTON. Later would be fine.

Mr. McCLURE. I thank the Senator from Louisiana.

Madam President, I move the adoption of the conference report on H.R. 3363.

The PRESIDING OFFICER. The question is on the conference report.

Mr. JOHNSTON. Madam President, are you adopting a conference report now?

Mr. McCLURE. Yes; then we will proceed to the amendments in disagreement.

Mr. JOHNSTON. I believe Senator MELCHER wanted to be here before the conference report was adopted. So perhaps it might be well to proceed with the description of what we are going to do first.

Mr. McCLURE. I understand the dilemma the Senator from Louisiana has.

Madam President, I withdraw the motion at this time.

Madam President, I believe we have three issues in disagreement. The matter with respect to the anadromous fish is amendment numbers 16 and 17. We will deal with that as we get to it. Then, there is the matter that deals with the restrictions on the Outer Continental Shelf oil leasing program. There was a change made by the House of Representatives with respect to the action that the conferees took on the Outer Continental Shelf off the coast of southern California. We had made a permanent prohibition in connection therewith as well as temporary prohibition on certain areas for oil leasing and operations off of the coast of southern California.

In the House of Representatives, a point of order was made against the conference provision and that point of order was sustained by the Chair. The provision was stricken, and the House returned to the position which they had initially taken and have resubmitted that matter to us in that form. It is my intention to ask the Senate to recede to the House provision on that particular provision.

With respect to the leasing restrictions in the east Gulf of Mexico that is off the coast of Florida, we had adopted a provision in the conference that was different from that which the House had adopted and, after consultation with a number of parties affected by that amendment, have come to a compromise agreement which I believe will be acceptable to all Members of the Senate and I am advised also is likely to be acceptable to Members in the House. It moves in the direction of the House restriction and away from the position which the Senate had

taken earlier both here and in the conference. Therefore, I anticipate no difficulty with respect to that amendment. That will be with respect to amendment No. 91 when we get to that point.

Madam President, I believe the Senator from New Jersey wishes to engage in a colloquy regarding the strategic petroleum reserve.

Mr. BRADLEY. Madam President, I am not pleased with the conferees' actions and recommendations regarding the strategic petroleum reserve program in the Interior appropriations conference report, I also recognize that in order to avoid a Presidential veto the conferees agreed some compromise was necessary on the pace of filling, and construction of facilities for, the SPR. Votes in the Senate and House have clearly demonstrated that if the decision were left to the legislative branch, the SPR would stay on its legally mandated schedule. The President has insisted on a fill rate of 145,000 barrels per day. I want to be sure I understand what the conferees agreed to.

The conference report explicitly mandates a fill rate of not less than 186,000 barrels per day in fiscal year 1984, and the funds appropriated when added to carryover funds are sufficient to accomplish that rate of fill and some additional advanced oil procurement for fiscal year 1985, as well. I would ask the distinguished floor manager if that is correct?

Mr. McCLURE. Yes, that is correct. The funds available will allow purchase of at least 186,000 barrels per day as well approximately 15 million barrels on order for fiscal year 1985.

Mr. BRADLEY. The Conferees also stated in the report their expectations that: First, the administration will include \$370 million in their fiscal year 1985 budget request, so that construction of Big Hill will be delayed by only 9 months, and second, the fill rate in fiscal year 1985 will also be at an average of 186,000 barrels per day. Is that correct?

Mr. McCLURE. Yes, that is correct. Our objective behind these fill rate numbers is that by the end of fiscal year 1985 the SPR will contain 500 million barrels of oil and the delay in Big Hill will amount to only 9 months. I might add that some \$70 million is presently available for development of Big Hill and the department expects to use those funds to continue preliminary drilling and other preconstruction activities at Big Hill during fiscal year 1985.

Mr. BRADLEY. Madam President, I would be willing to support this conference report and its accompanying recommendations if I could be assured that the SPR program will in fact conform to the conferees' actions and expectations for fiscal year 1984 and fiscal year 1985. Unfortunately, we

have learned that it is not enough for the Congress to mandate a level of activity and to appropriate sufficient funds for that purpose. The administration's impoundment of SPR funds earlier this year, the largest impoundment in history, amply demonstrated this point. And of course the conferees' expectations for fiscal year 1985 are not binding. Furthermore, Chairman McCLURE certainly cannot speak for the administration.

Mr. McCLURE. The Senator is correct. I cannot speak for the administration. However, the administration has assured me they will include a budget request in fiscal year 1985 for Big Hill construction, and I expect that is exactly what will happen. The conferees provided enough funds and stipulated that the average fill rate for fiscal year 1984 will be no less than 186,000 barrels per day. Again, I have no reason to expect the administration will do less.

Mr. BRADLEY. I believe that the most we can hope for is that a bipartisan coalition in the Congress will insist that the conference agreement, including the expectations for fiscal year 1985, will be the absolute bottom line, the last slippage in this vital program. A bipartisan coalition has wisely defended the SPR program in the past, I would hope that we can put the coalition together again for the future.

Therefore, Madam President, I would ask Chairman McCLURE if he would offer his personal commitment to doing whatever has to be done to insure that the SPR will be filled at an average rate of 186,000 barrels per day in fiscal year 1984, at 186,000 barrels per day in fiscal year 1985 and that Big Hill will be fully funded at \$370 million or more in fiscal year 1985? I know I need not remind him that meeting this commitment will require a very large appropriation in fiscal year 1985 as the fiscal year 1984 figure contained in the conference report relies on a carryover of some \$2 billion from prior years, a carryover that will be unavailable in fiscal year 1985. Meeting these objectives may also require congressional action to counter impoundments. Would the chairman agree to such a commitment on his part?

Mr. McCLURE. Yes, I would be willing to join you in a bipartisan coalition to insure that the achievement of the actions you have outlined for fiscal year 1984 and fiscal year 1985, actions that essentially restate the conferees' expectations, will come to pass. Of course none of us can guarantee these results, but I am willing to give the Senator my personal commitment to do whatever I can to achieve these results.

Mr. BRADLEY. Madam President, in the colloquy that Senator McCLURE and I have had regarding the strategic

petroleum reserve, I asked Senator McCURE about his commitment to doing whatever is necessary to make sure that the SPR will be filled at an average rate of 186,000 barrels per day in 1984 and 186,000 barrels per day in fiscal year 1985 and that Big Hill will be fully funded at \$370 million or more in fiscal year 1985.

As the colloquy states, this will require a sizable appropriation in 1985. I see the Senator from Louisiana on the floor and wondered if he could agree with us that that is in the national interest and that we should fight for the letter of the agreement, if not more.

Mr. JOHNSTON. Madam President, I say in response to my distinguished colleague from New Jersey that I decidedly do agree with the colloquy and especially approve of the words putting back together the bipartisan coalition in favor of the strategic petroleum reserve. I think it is, frankly, a great victory, considering what we had to work with and work against, to get the 186,000 per day.

I personally hope we can increase that to a larger amount. As I said to the distinguished Senator from New Jersey, there may be ways to do that. But we should certainly all lock arms on this 186,000 barrel a day commitment. I know the distinguished Senator from Idaho joins me in that regard.

Mr. BRADLEY. I thank the Senator from Louisiana and the Senator from Idaho for their commitment on this very critical national security issue.

Mr. McCURE. I thank the Senator.

#### CHERAW SOUTH CAROLINA FISH HATCHERY

Mr. HOLLINGS. I note in the statement of the managers, with regard to the U.S. Fish and Wildlife Service, that funds have been provided to continue operation of eight fish hatcheries for 1 more year including Cheraw, S.C. As the distinguished Senator from Idaho (Mr. McCURE) will recall, we agreed last year that the fiscal 1983 appropriation would terminate Federal funding for Cheraw. Accordingly, the State of South Carolina has moved to assume operation of this hatchery. Fees have been authorized to help pay for the cost of State operation.

Now an additional \$50,000 could be available for the Cheraw Hatchery. Furthermore, the Fish and Wildlife Service apparently has sufficient authorization to turn this money over to the State of South Carolina to assist with the operations of the hatchery in fiscal year 1984. This would be of great help to the State in assuming the operation of this hatchery. Would the distinguished chairman of the subcommittee agree that this would be an appropriate use of the additional funds approved in the conference?

Mr. McCURE. I well recall the agreement that I reached with both of the Senators from South Carolina last

year with regard to the Cheraw Fish Hatchery. They have stood by that agreement throughout our deliberations this year. We appreciate their steadfastness as well as their working out the continued operation of the Cheraw Hatchery with South Carolina officials.

The State of South Carolina is to be commended for assuming the operation of the Cheraw Fish Hatchery. I am sure that this has placed a significant burden of the State budget, and I endorse the suggestion of the Senator from South Carolina that the \$50,000 made available by the conference agreement be used to assist with the transition to State operation.

Mr. THURMOND. I am pleased that the conferees have provided additional funding for fish hatchery operations in the fiscal year 1984 Interior appropriations bill. As my distinguished colleague from South Carolina has stated, last year we reached an agreement with the distinguished chairman and members of the subcommittee, with regard to funding for the Cheraw Hatchery. According to our understanding at that time, Cheraw would be funded only through 1983, and there would be no funding thereafter.

With this in mind, the State of South Carolina, through its wildlife and marine resources department, took steps toward bringing Cheraw under State operation. In order to maintain Cheraw, the State assumed the attendant financial obligations, and set up a user fee for those desiring fish fingerlings from Cheraw. Within the last month, the final negotiations were completed and the memorandum of agreement was executed.

Mr. Chairman, by way of a one-time grant of \$50,000 to the State of South Carolina, the U.S. Fish and Wildlife Service will ease the transition of Cheraw from Federal to State operation. This grant will be most helpful during the difficult and critical shift from the present system to the user-fee concept selected by the State.

I wish to thank Chairman McCURE and the other conferees for providing this funding. I would also like to commend Dr. James Timmerman of the South Carolina Wildlife and Marine Resources Department, and his excellent staff, for their efforts in making this transition.

Mr. STEVENS. Mr. President, I would like to direct a question to the chairman of the Interior Appropriations Subcommittee about language in the conference report on H.R. 3363. Specifically, the report on page 13 states that no funds are available for the coordinator of management plans and studies under ANILCA. Does that language refer back to the language contained on page 24 of the original House report on H.R. 3363, House Report 98-253, which states that no

funds were budgeted and thus none were provided in the bill?

Mr. McCURE. The Senator is correct.

Mr. STEVENS. With that background, it is my understanding that the language of the conference report is not intended to prohibit the coordination of ANILCA management plans and studies if the Secretary finds that necessary to fulfill the requirement of the Alaska National Interest Lands Conservation Act.

Mr. McCURE. The Senator is correct, the language of the House report, subsequently affirmed in the conference report, only states that no funds were provided for an ANILCA coordinator. It says nothing about coordination.

Mr. STEVENS. I thank the Senator. Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Madam President, when the bill was before us, the Senator from Arkansas offered an amendment on maintenance coal leasing. It was similar to an amendment which the House had adopted. I did not object to the amendment. In fact, I voted for it on the assurance that if the amendment were adopted as drafted, it would exempt the so-called maintenance coal leases from the moratorium.

That did not prove to be the case on close examination of the amendment after it was adopted.

Madam President, I want to draw to the attention of the Senate that this is an example where attaching legislative language to an appropriations bill can lead us into situations where we do not exactly know where we are. On the very explicit assurance of the Senator from Arkansas that these maintenance leases would be exempted, I not only voted for the amendment but I also added a few words of support to the amendment.

We had an opportunity in conference to correct it. I think the Senator from Arkansas very diligently offered that to the conference committee. It apparently was turned down by the House conferees.

A maintenance tract for an ongoing coal operation becomes an absolute necessity at some times. Just to be sure that we understand what the term means, it is a tract of federally owned coal that is adjacent to a mining operation and is a logical next step for that mining company to start mining.

The States vary, but in our State of Montana, from the time that a maintenance tract is leased to a coal company, it requires about 2½ years of very arduous and diligent perseverance by the mining company to have their reclamation plan approved.

Sometimes people are misled by that. They think, "Well, there are 2½

years to go so it is not too urgent to have a maintenance tract lease let."

It works the other way around because it is going to require 2½ years of diligent preparation with the process of getting that mining reclamation plan approved. Time is extremely critical when maintenance tracts are obtained.

We have one company in Montana, if not the largest coal operation in the State it is one of the largest of the two or three largest coal operations there, and they do have a problem coming up. For that reason, it was extremely important to myself and my colleague from Montana that maintenance tracts be exempted.

I feel obligated to attempt to correct this situation at the appropriate time. I hope I do not prolong consideration of this conference report too much. It is clearly my obligation to offer a correcting amendment to the conference report.

Mr. McCLURE, Madam President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. McCLURE, Madam President, I ask the Chair to lay before the Senate the amendments in disagreement.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read the amendments in disagreement as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$359,601,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$270,803,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: \$4,000,000 to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f).

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: and an additional \$23,301,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: \$601,095,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451).

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$44,037,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: , of which not to exceed \$1,500,000 for engineering and construction of the Halls Crossing-Bullfrog Ferry access roads and ramps in Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Service and the State of Utah.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: : Provided further, That up to \$1,000,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the United States Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the United States Army Corps of Engineers.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$148,150,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$136,425,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: in field offices, \$822,302,000 of which not to exceed \$54,135,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall

remain available until September 30, 1985: Provided, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), \$3,951,000, to remain available until expended: Provided further, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)): Provided further, That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$78,920,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$112,109,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 79 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$78,521,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$33,588,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$44,068,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 85 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$16,814,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

OFFICE OF WATER POLICY

For grants to State water resource research institutes as described in title I (except section 105), Public Law 95-467, \$6,350,000, hereby transferred to "Surveys, Investigations, and Research", Geological Survey.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

Sec. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degrees west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks, 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

(4) On Outer Continental Shelf Protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

(e) Nothing in this section shall prohibit the lease of that portion of any block described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above; Provided, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce on the date of enactment of this act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude, (Map No. MMS-10), prepared by the United States Department of the Interior Minerals Management Service, Atlantic OCS Region.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

Sec. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following blocks located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpan Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram, NH 16-12, Florida Middle Ground, 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. Latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011; and

(d) For these tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and insert:

Sec. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401 until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number proposed by said amendment, insert: 114

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 115. Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-sections, maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$38,552,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 109 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of matter inserted by said amendment, insert:

The Secretary of Energy shall, utilizing the funds remaining for project feasibility devel-

opment studies appropriated under the head in Public Law 96-126 (93 Stat. 970 (1979)), use up to \$200,000 to conduct a feasibility study of an alternative fuels wood pellet gasifier facility located near Sandpoint, Idaho.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$33,100,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 120 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and insert:

**STRATEGIC PETROLEUM RESERVE**

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$158,770,000, to remain available until expended.

**SPR PETROLEUM ACCOUNT**

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is 650,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended: Provided, That the minimum required fill rate during fiscal year 1984 shall be not less than 186,000 barrels per day.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 130 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$50,900,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: including not less than \$786,000 to carry out the provisions of the National Museum Act and \$500,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and \$500,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 141 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: and of which not to exceed \$1,360,000 for the special exhibition program shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: , or any lands designated by Congress as wilderness study areas.

Resolved, That the House recede from its disagreement to the amendment of the

Senate numbered 159 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The Congress finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forest provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Congress that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit value; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 163 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Public Law 96-315 is hereby amended by adding the following new section:

"(3f) Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:

(1) A resident as of July 1, 1982, who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

(2) Anyone in continuous residency since 1976 residing in the area bounded on the north by the refuge boundary and on the south by a straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

(3) Any permanent full-time resident as of April 1, 1983, not otherwise eligible who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood."

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill.

Mr. McCLURE. Madam President, I ask unanimous consent that the Senate concur en bloc in the amendments of the House to the amendments of the Senate as previously reported by the clerk, except for amendments numbered 16, 17, 91, and 94.

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

Mr. McCLURE. Madam President, I move that the Senate insist on its amendment numbered 16.

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

**AMENDMENT NO. 2351**

Mr. McCLURE. Madam President, I move that the Senate concur in the amendment of the House to the

amendment of the Senate numbered 17, as further amended. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2351.

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

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

The amendment is as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: \$4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which \$500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: Provided, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title."; and an additional \$23,301,000

Mr. McCLURE. To explain to my colleagues the import of this amendment, it deals with a provision that was included in the Senate bill and in the conference report dealing with the Anadromous Fish Conservation Act. It was stricken in the House on a point of order. This amendment simply returns it to the conference agreement.

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

**AMENDMENT NO. 2352**

Mr. McCLURE. Madam President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 91 with an amendment, as follows, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2352.

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

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

The amendment is as follows:

In lieu of the matter proposed by said amendment insert the following:

Sec. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following areas located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official

Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011;

(d) All submerged lands within 30-nautical miles of the baseline from which the territorial sea is measured: Provided, That the western boundary of the area is a line extending south from the line dividing blocks 404 and 405 in Official Protraction Diagram NH 16-9, Apalachicola to a point 30-nautical miles from the baseline from which the territorial sea is measured. In addition, from the boundary between blocks 404 and 405 as described in the preceding sentence, westerly to a line extending north and south dividing blocks 38 and 1 in Official Protraction Diagram NH 16-9, all submerged lands within 20-nautical miles of the baseline from which the territorial sea is measured. The limitation with regard to this subsection on the use of funds shall not apply if any state-owned tide or submerged lands within the area described in this subsection are now or are hereafter subject to sale or lease for the extraction of oil or gas from such state lands; and

(e) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

Mr. McCLURE. Madam President, this is the amendment that deals with the Outer Continental Shelf restrictions in the eastern Gulf of Mexico. I know the distinguished Senator from Florida (Mrs. HAWKINS) would like to make some comments with respect to this amendment. I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Florida.

Mrs. HAWKINS. I thank the Chair. Madam President, I rise today to express my pleasure over the terms of an amendment to this conference report concerning oil and gas leasing off the west coast of Florida.

The terms of the original conference report reflect the legacy from Secretary Watt's tenure at the Department

of the Interior. Secretary Watt's 5-year Outer Continental Shelf is monumental in scope. Under his plan, 1 billion acres of off-shore waters, an area greater than the continental United States, will be put on the auction block including the entire west coast of Florida. Implementation of that plan without revision frightens many in my State, including me, and rightly so. We have much at stake.

I outlined my concerns in my statement on this issue on September 20, 1983, the day that the Interior appropriations bill passed the Senate. At that time, I pointed out that Florida has a \$20 billion tourist industry and a \$500 million sport and commercial fishing industry exposed to disaster by this plan. At least 20 percent of my State's employment force is dependent on these activities.

But I shall not restrict myself to dollar figures in this debate. The west coast of Florida supports a vast number of invaluable wildlife species such as manatees, brown pelicans, bald eagles, and American crocodiles. Where else in this country do you find such diversity? All Americans know that this area is special. That is why citizens come from the 49 other States year after year to see us. So, too, do a lot of foreign visitors.

They will not have to trudge waist deep into an oil slick before realizing that Florida may no longer be a unique vacation spot. All they need to hear is the announcement that exploration will commence soon off Florida's coasts. And that the Department of the Interior expects there will be six major oil spills throughout the life of the lease sales now planned.

It is not only the west coast of Florida that I am concerned about here, although that is where the leasing is scheduled to occur. The loop current, which flows around the tip of the Florida peninsula, would carry any oil spills around and up the east coast as well.

Madam President, my Senate record shows that I support this country's effort to obtain energy independence. I have been supportive of the nuclear industry, supportive of expanded on-shore mineral leasing except in unusual circumstances, and supportive of alternative energy development and conservation. However, the conference result imposes an unreasonable burden on my State to achieve the independence we all seek.

For that reason, I approached the managers of this report to ask that a revision be made to strike a better balance between National and State interests. All those interested in this issue have tried hard to reach an agreement. I am pleased to announce we have reached a compromise.

This compromise contains several parts. First, all the leasing restrictions contained in the original Interior Ap-

propriations conference report, including specific tract deletions in the areas known as the Big Bend Seagrass Beds, the Florida Middle Ground, the area within a 20 meter isobath south of 26 degrees north latitude, and drilling restrictions south of 26 degrees north remain in effect.

Second, a buffer zone in which no oil and gas leasing can occur during fiscal year 1984 is established. This buffer zone will extend 30 nautical miles from shore. This buffer zone will hug the coast from the southernmost point of the lease sale area to a point just east of Panama City. This point is listed as the eastern border of tract No. 404 in official protraction diagram NH 16-9. Third, a reduced buffer zone is created which hugs the coast from tract 404 to a point west of Panama City. This buffer zone will extend 20 miles from shore.

To insure that a permanent solution is arrived at, Madam President, there is one other provision. It is also my understanding that the Energy and Natural Resources Committee will hold a full committee hearing on the problems associated with Florida offshore leasing along our entire western coastline early in the next session. I am confident that such a review will permit my colleagues to review firsthand what is at stake and then they will agree to strike an equitable balance between competing interests along the lines suggested by me and an overwhelming number of other elected Florida officials.

At this time, I wish to ask the distinguished chairman of the committee and the Senator from Louisiana if my interpretation of the terms of this agreement are accurate.

Mr. McCLURE. Madam President, first let me say yes, indeed, the description is accurate. Let me also commend the distinguished Senator from Florida for the diligence with which she has fought this issue. It was not moments after the conference report—I should not even say after the conference report was agreed upon; it was before we had concluded the conference but after we had acted on this when I was hearing from the Senator from Florida in no uncertain terms about the conference action.

I am pleased to say that we have been able to accommodate in part the concerns which she expressed. As compromises often are, they are not perfect from anybody's standpoint, but, certainly, they have moved a long way in the direction that the Senator from Florida had insisted that they move.

It is a reasonable compromise, Madam President. It does affect leasing operations during the next fiscal year and will give the Department of the Interior and the State of Florida the opportunity to work with respect to the several concerns that they have

as they were able to do on the eastern coast of Florida, in which the Governor of Florida did enter into stipulations of agreement with the Federal Government and leasing was permitted off the eastern coast of Florida under those agreements.

I compliment the Senator from Florida for what has been accomplished. She does accurately describe what is within that agreement in the amendment now pending before the Senate.

Mr. JOHNSTON. Madam President, I also wish to compliment the distinguished Senator from Florida. Working this out was, I must say, very difficult—difficult especially for me because we did have a conference agreement. This involved going back and redoing the conference agreement, something that I have very great resistance to doing under any circumstances. So, to have it done in this case, I think, is a compliment to the tenacity and persuasiveness of the distinguished Senator from Florida.

With respect to the question as to the terms of the agreement as described by the distinguished Senator from Florida, it sounded correct to me. I could not follow that quickly the description of the property. Let me say that the terms of the amendment will, of course, govern as to the description of the property as I understand it.

For 1 year, the OCS lease sale No. 79 cannot offer for leasing any lands in a certain corridor along the Florida coast. East of a line running north-south between leasing blocks 404 and 405, this corridor is 30 nautical miles wide, measured from the Florida shoreline.

West of this line, running north-south between leasing blocks 404 and 405, the corridor is only 20 nautical miles wide, measured again from the Florida coast.

The western bound area of the corridor is a line running north-south between leasing blocks Nos. 38 and 1. The eastern boundary of this corridor is the easternmost area to be offered for leasing in lease sale No. 79.

In addition, if the State of Florida has any existing leases permitting oil or gas extraction within the State-owned tidelands or submerged lands in this corridor, or if the State leases or sells any such lands in the future, then the lease ban is voided or is voided ab initio in the case of existing leases.

In essence, the Federal Government should not be prohibited from doing something that the State of Florida might do or propose to do. That, of course, is part of the agreement. So I think, with that addition, and if my understanding of the language is correct, I certainly agree with the distinguished Senator from Florida.

Mrs. HAWKINS. I thank the Senators for their cooperation and helpfulness.

Mr. CHILES. Mr. President, I am pleased to see progress made on addressing some of the very legitimate concerns surrounding the Department of the Interior's proposed lease sale in the eastern Gulf of Mexico. I was disappointed that the final agreement reached by the conference committee on the Interior appropriations bill did not come closer to the posture held by the House of Representatives on this issue.

I was particularly concerned that more protection was not afforded to our State's coastal areas in the form of a buffer zone. In the absence of a completed oil spill model having been run, it is impossible to adequately assess the potential impact leasing activities may have on our Florida beaches and coastal communities. Our tourist industry, our commercial and recreational fishing interests coupled with our State's strong desire to enhance protection of sensitive gulf resources point to a legitimate need for a buffer zone along our States' coastline.

I am still not entirely pleased with the outcome of negotiations concerning the area south of 26° north latitude. While the conference agreement protects this area from exploratory drilling until 3 years worth of oceanographic data has been collected, this area will still be open for leasing. If and when studies point to an adverse environmental impact, what then? Under the Outer Continental Shelf Lands Act the Secretary of the Interior does have the authority to suspend, and if necessary, cancel leases. However, a decision in this regard would involve a buyback of the lease in question.

It seems to me it would make far more sense to complete the necessary studies, determine the resource value and impact of leasing on the resource, and then make a decision as to whether or not to offer leases. The proposed lease sale in the eastern gulf will offer areas for leasing which have not, as yet, been thoroughly studied. I regret this decision.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing no objection to the motion of the Senator from Idaho—is there any further debate on this amendment?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Madam President, I wish to inquire of the distinguished Senator from Idaho, while I was off the floor, I understand a vote was taken on the conference report itself. Is there now pending an amendment No. 91 that would affect the conference report as agreed to by the conferees in respect to the California offshore situation?

Mr. McCLURE. Madam President, if the Senator will yield, the amendment

No. 91 deals with the Florida issue. It does not deal with the California issue. The California issue is contained in amendment numbered 95.

Mr. WILSON. And that is pending but we have taken no action?

Mr. McCLURE. That is correct. We can discuss that issue after this amendment is disposed of if the Senator desires to do so. We can determine at that point what action to take.

Mr. WILSON. That would be my desire and request, Madam President.

The PRESIDING OFFICER. Is there further debate on the committee amendment? If not, the question is on agreeing to the motion as proposed by the Senator from Idaho.

The motion to concur was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Madam President, may I suggest to the Senator from California if he has problems—I know he is obviously concerned with respect to the Outer Continental Shelf leasing program and the restrictions on that off the southern coast of California.

It might be a good opportunity at this time to determine what the Senator from California would like to do with respect to that particular proposal and if, indeed, he has different action he would like to take with respect to those restrictions.

Mr. WILSON. Madam President, I thank the Senator from Idaho. I appreciate his courtesy. I have an amendment to offer which I think we can probably dispose of simply by voting upon the amendment which the Senator from Idaho has offered.

Mr. JOHNSTON. Madam President, reserving the right to object, I want to be sure I understand correctly what is happening.

The PRESIDING OFFICER. The Chair would like to call attention to the Senators from Idaho and Louisiana that amendment 95 has not been acted upon.

Mr. McCLURE. I thank the Chair. Amendment No. 94, which is the subject of the concerns expressed by the Senator from Montana and the Senator from Colorado, would be disposed of and then we would reach the action with respect to amendment 95.

#### AMENDMENT NO. 2353

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Madam President, on behalf of myself and the Senator from Colorado, I offer an amendment which is at the desk to amendment 94.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. ARMSTRONG, proposes an amendment numbered 2353:

Sec. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, lease exchanges as defined in 43 CFR 3435, and the processing, sale or lease of maintenance tracts which are defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contracted commitments, until the Commission on Fair Market Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

Mr. MELCHER. Madam President, I move to concur in the amendment of the House with the amendment just read. Madam President, this is a correction of the misunderstanding that existed on the Senate floor with the adoption of the amendment of the Senate from Arkansas. This simply corrects it.

There is a very serious problem with the Interior appropriations conference report which I bring to the attention of this body. I speak specifically of the Bumpers amendment dealing with a moratorium on coal leasing.

The coal leasing moratorium provision was approved by a vote of 63 to 33. I voted with the majority.

My vote was cast following clear and emphatic reassurance by Senator BUMPERS that "the Secretary has the specific authority under the amendment to continue leasing bypass and maintenance leases." Without that reassurance, I could not have supported that amendment. I believe there are quite a few other Senators who could not have supported the amendment without that reassurance.

Nevertheless, Senator BUMPERS told me later that he had been in error in his response to me on the Senate floor. His amendment does not provide the Secretary with authority to lease maintenance tracts during the moratorium imposed by his amendment.

Since that vote I have pointed this deficiency out to the conference committee. The House would not accede to language that I proposed to remedy this deficiency.

The absence of this specific authority to the Secretary creates a very serious problem in the State of Montana and, I have recently learned, other States as well would be impacted.

I would like to spend a little time on this matter to explain to the Senate the urgency of the problem.

Maintenance coal leases are tracts of Federal coal land that lie contiguous or intermingled with existing, producing Federal leases, or producing coal lands under other ownership. A moratorium affecting those maintenance tracts could destroy the continuity of

leasing, pose land use planning problems, and create emergency lease situations in the future.

There is an important distinction to be made here with regard to what an emergency coal lease is. Emergency tracts are designed for short-term mining only. Emergency lease sales apply to small tracts of coal land to provide enough coal for an existing operation until the next programmatic lease sale comes along. Emergency leasing often takes place on tracts that are more difficult to mine efficiently. By resorting to this type of leasing, Congress would be encouraging a policy that reduces the ability of miners to design mines that permit maximum recovery with maximum safety to the miners and well designed land reclamation.

The exemption of maintenance leasing from the coal leasing moratorium is particularly vital to Montana.

The tracts of Federal coal that the Western Energy Co., a subsidiary of the Montana Power Co., are attempting to lease in 1984 are maintenance tracts. The tracts are required to continue operating the Rosebud Mine in the most logical and efficient manner. If Western Energy Co. cannot get maintenance leases, they will be required to redesign the mine. Mine redesign means that the entire permitting process for the application to mine a tract with an approved reclamation plan will have to begin anew in order to get permits for the new tracts, as required under State law subject to the Federal Coal Strip Mine Reclamation Act of 1977. The failure of Western Energy to obtain necessary maintenance lease tracts will cause a minimum 2-year delay for the issuance of new permits. Provided Western Energy is successful in repermitting, the cost of producing the coal will increase about 30 percent. If they are not successful, the mine will be shut down and workers, already hard hit by the glut in the coal market, will be out of jobs.

Maintenance leasing is vital in order to provide the most sensible land use planning for coal development as well as the best cost electricity to consumers. Additionally, if these leases are not exempted, Federal coal may be bypassed thus depriving the Federal and State Government of valuable mineral royalties.

All of the many Federal coal programs have recognized the importance of fostering efficient mining by leasing maintenance tracts. This is consistent with the requirements of the Mineral Leasing Act and the Strip Mine Act. Maintenance leasing will result in the earliest production royalty payments to the Federal Government. It will protect employment as well as miner safety and economic health in mining regions.

Madam President, additional maintenance leases are needed to support the existing mining operation and to meet obligations on existing contracts.

I urge the Senate to accept the following amendment.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Madam President, after the passage of this bill, which incorporated the so-called Bumpers amendment on coal leasing, officials of the Colorado Westmoreland Coal Co., came to see me and said something to the effect that they were really in a jam because they were going to be shut down and the safety of the mine endangered and 400 jobs lost, and so on, because under the terms of the amendment which had been adopted they would not be able to get a maintenance lease and as a consequence they would just run out of coal. I said, "Oh, no, that is not right."

We reviewed the record of the proceedings of September 20 in which my colleague from Montana (Mr. MELCHER) inquired of the sponsor of the amendment in the following words:

The Senator's amendment exempts or allows maintenance tracts or bypass tracts?

And the response:

It certainly does. I am pleased that the Senator brought that up because there are a couple of Senators who are also concerned about that. The Secretary has the specific authority under the amendment to continue leasing bypass and maintenance leases.

Regrettably, it turns out that that is not the case and through a misunderstanding the assurances which were given the Senate at the time this amendment was adopted have not turned out to be factually correct, and so some mines, including the Westmoreland mine in Colorado, are placed in a very hazardous position. I am very reluctant, as I know my colleague from Montana is, to bring up an amendment to the conference report which I know, if it were passed, inconveniences the conferees, but I will just tell Senators that the inconvenience to 400 or 500 people and their families in western Colorado, and I do not know how many other mines or how many other communities, will be severe. I am hopeful that the managers of the bill would be disposed to help us and take this amendment; even though I know they are loath to go back to conference with the House, that they would do so and explain the circumstances and the seriousness of the problem.

Let me just tick off the points which it seems to me would justify that action which I know under ordinary circumstances they would be reluctant to take.

First, there was a clear and I think an unmistakable understanding about the effect of the amendment and inadvertently that understanding was not borne out by the language of the amendment itself.

Second, the conference report as well as the amendment on its face makes clear that this statute, if it is enacted, does not permit maintenance tract leasing.

Third, underground mining operations which I have referred to in Delta County, Colo., and perhaps elsewhere will be seriously affected by the moratorium. Specifically, this particular coal mine will be forced to lay off 80 miners by next Christmas, that is, not 2 months from now but 14 months from now, if the coal lease sale does not go forward on February 14, 1984, as scheduled. And of course, the lack of any long-term coal reserves adversely impacts on safety, mining operations, resource recovery, royalty and taxes, and so on and so on. So the amendment which Senator MELCHER and I bring before the Senate tonight for which we seek approval simply conforms the bill to the representations that were made when the Senate considered this matter earlier. I would be hopeful under those circumstances that the managers would agree to accept this, to take it back to the House and straighten out this matter which from a legislative point in a detail, but I will just tell you from the standpoint of hundreds of families in one mine and probably others was well is a very, very serious issue.

Moreover, Madam President, let me point out that aside from the effect it happens to have on some innocent bystanding company employees and stockholders, it also has an effect on the availability of coal in this country. I do not think our intention was to do away with maintenance tract leasing in the first place. Clearly that is not what we thought we were voting on and to disrupt that supply of coal on this basis it appears to me would not be wise.

One final thing that might occur to Senators is why would we not just go ahead and get an emergency lease. I am told that at least in the case of this Colorado mine, and I cannot speak about others, an emergency lease is not a suitable alternative because it would enforce intensive development in a constrained underground area, and I am told that that undermines the safety factors which the operators of the mine think are most appropriate. So with that explanation, I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on the—

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Madam President, I want to say, No. 1, that I want to assist my very good friend and distinguished colleague from Montana, Mr. MELCHER, in a particular problem he has; but I am concerned about the language of this amendment because it is extremely broad. As a matter of fact, it is so broad that it reads to me as though it would nullify what the Senate recently did in developing a coal moratorium.

During the debate on the coal leasing moratorium, I told my good friend from Montana that my amendment did exempt maintenance tracts. What I told him—and I certainly would not represent it to him—was perhaps true in one sense but maybe misleading in another.

I understood that he had a particular problem in Montana with a subsidiary of Montana Power, and I respect that. We all have to look after our parochial interests, and I want to help. But the moratorium, as we passed it, in my opinion, would take care of the Senator's problem.

I hope that my colleagues, those who are here and those who may be listening in their offices, will hear carefully what I have to say next.

My amendment on the coal leasing moratorium does in fact exempt emergency leasing, maintenance leasing, and there is a definition of emergency leases which, in my opinion, would take care of Senator MELCHER's problem; because "emergency lease" is defined as the Federal coal needed within 3 years to maintain an existing mining operation at its current average annual level of production on the dates of application.

There is more to it, but then it goes on to say—there is nothing in it that would detract from his problem—subsection 2(b) of emergency leasing says that the extent of any lease issued under this section shall not exceed 8 years of recoverable reserves at the rate of production under which the applicant could qualify in this section.

In short, Madam President, if Western Energy, which is a subsidiary of Montana Power, needs five maintenance tracts that are now scheduled for sale in the August 1984 Powder River Basin sale, No. 1, the moratorium is going to expire 90 days after the Linowes Commission reports to us, unless Congress sees fit to extend the moratorium, which they may or may not do.

Let us assume the worst case scenario. Let us assume that Congress does not like the Linowes report, repudiates it, and decides to continue the morato-

rium past the scheduled August 1984 sale date on the tracts that Western Energy in Montana is interested in. Western Energy could still—and can at this very moment—go to the Secretary and file an application for these leases; and if they could prove that they have less than 3 years' supply left at current production levels, they are entitled, almost as a matter of right, to these tracts as long as they do not contain more than an 8-year additional supply.

In short, Western Energy is entitled to an 11-year supply of coal under existing regulations. Last year, Western Energy mined 12 million tons from Federal leases. So they are eligible for up to 96 million tons, which is 8 years' supply, under the emergency leasing provisions I have just read.

So, Madam President, they are asking for 1,721 acres—that is what Western Energy wants, 1,721 maintenance acres—which contain 36 million tons, and that is much less than they are entitled to almost automatically.

So I must say that if that is the only problem of the Senator from Montana, I do not see why it could not be solved almost summarily under existing regulations.

Having said that, let me state why I object to the language of the Senator, and I want to be as helpful as I can, because I certainly do not want to mislead him in any way. If you want to target those five tracts so that they will be up for lease, I have no objection to that, to take care of his problems. But this amendment says, "None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except"—and then it includes "the processing, sale or lease of maintenance tracts which are defined." There is no existing definition of a maintenance tract.

So what is stated in this amendment is that a maintenance tract is defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contract or commitments.

It seems to me that when you say that a maintenance tract is defined as lands adjacent to an operating mine, you are talking about going from Wyoming to Arkansas, because it all is adjacent.

I used to accuse my father-in-law of not wanting all the land in the county, just that that adjoined him.

Here this amendment troubles me because the language is really imprecise and could be interpreted by someone who is not quite as sensitive as some of us are on this issue as giving the Interior Department virtually carte blanche to start leasing again. That is my trouble.

Mr. ARMSTRONG. Madam President, will the Senator yield to me and

perhaps take a moment to tune in on a problem we have in Colorado?

Mr. BUMPERS. Certainly.

Mr. ARMSTRONG. By the way, let me say, Madam President, that I very much appreciate the remarks the Senator has made with respect to the mines in Montana.

I am hopeful that I can enlist his interest in a problem that I take to be a similar problem in Colorado.

The facts of it are just this: The Westmoreland Coal Mine in Colorado, which employs some 400 or 500 people, indicates to me that if they do not get the coal which is supposedly going to go forward in the coal lease sale schedule on February 14, 1984, they are going to have to begin laying off miners and that in effect they are going to be closed down.

We could approach this in a way that would be site specific and, in fact, I have here an amendment which would do that.

I agreed to join with the Senator from Montana in his amendment because it appeared to me that the problem was broader than just coal.

I have quite a few reams of facts about how Westmoreland, the community, the coal users, and the employees and their families are affected, but I really only know the facts about this one coal case.

So what I am wondering is this, Madam President, if there is a disposition to work out more, on a case-by-case basis, what the problems are in Montana and in Colorado, I am wondering if it would be a good idea to simply lay this over for a brief time to see if we can draft an amendment that would be acceptable.

Having said that, let me say I have not consulted with the Senator from Montana about that and I am a co-sponsor of his amendment, which I have sponsored in good faith, even though I did not participate in the drafting of it and I could not make a final decision about changing the amendment or joining in sponsoring a more narrowly defined amendment without talking to him, but it would appear to me that if there is a disposition to work this out, we could accommodate pretty nearly everyone's interest and avoid inadvertently closing a mine or two that should not be closed.

Mr. BUMPERS. Madam President, could the Senator from Colorado tell me what the average annual production of the Westmoreland mine is?

Mr. ARMSTRONG. If the Senator will yield further, I have a lot of statistics, but I do not have them all in my head, but I can tell him at least what I am advised as to the reason why an emergency lease would not be suitable.

The reason is that this is an underground mine and the emergency lease procedure as we understand it would result in such narrowly defined limits that it compromises, in the opinion of

the operator, the mine safety standards.

I do not know whether that is the same situation that obtains in Montana or not. But in this case we are talking about an underground mine, and the operators say, and I am really in over my head on the technicalities of the issue, but here is what they tell me, that that kind of a development is inconsistent with the long-term underground mine plan.

Moreover, I might point out, and I do not want to go necessarily into detail, one of the first things that was brought to my attention when I was first elected, not to the Senate but to the other body, was the desire of this company to get a maintenance lease and expand their holdings so that they could continue the mine in production.

They have been after this practically ever since I have been in Washington, and it does appear to me, and I complained bitterly through three or four administrations, that it was bogged down in paperwork, that they have finally complied with all the requirements. It is ready to go forward; so as far as I know the lease is not in and of itself controversial, but after 7 or 8 years of trying to get their mine approved or trying to get the additional lease approved, it would really be a pity if the production were interfered with or shut down and everyone put out of work and particularly the people of Delta County, which is a very small county, and in reality this is the economic backbone of that small county in western Colorado.

It would be a shame to have that happen, and I do not think it serves any interest of the Senator from Arkansas to do that. That was not what he had in mind in the first place.

If the managers would agree, the easy way to solve this would be to delay this over a little while and see if we can work out something better subject to the approval of the Senator.

Mr. BUMPERS. I am happy to do that. The information I have on the problem of the Senator from Montana is that there are five tracts they want to negotiate a lease for which are considerably less really than they are eligible for and that causes me no problem whatever. If we can define those tracts definitively in the bill, that is just no problem for me.

Mr. McCLURE. Madam President, my problem is that we are kind of shooting blind. I know the Senator from Montana expressed his concern earlier at the time the Bumpers amendment was pending in the Chamber, and the Senator from Arkansas said, "Senator, you have no problem."

Later on, the Senator from Montana determined that he believed he did have a problem with maintenance leasing.

This question was discussed in the conference, and I well remember the Senator from Arkansas saying it had not been his intention to interfere with the kind of problem that the Senator from Montana was raising but if there were a question about the language of the amendment, then indeed he was willing to try to help. But the conferees on behalf of the other body said: "We are not going to talk about an exception. We will not accept any exception."

It would be my view that yes, it may well be that we do need more time to develop the issue.

I would make a different suggestion with respect to the timing of the solution of the issue. There will be a continuing resolution prior to November 10. That gives us the time if we need to try to define whether or not an emergency response is enough, as the Senator from Arkansas represents in the Chamber, whether or not a specific tract-by-tract answer is sufficient, and also to determine whether or not the Members in the other body might accept some kind of language.

I say this because I do not know how much time it is going to take for us to develop the information that is necessary to answer the questions of the Senator from Colorado or the Senator from Montana. But I think there is a problem here.

Our difficulty is we have never seen the language of the amendment. I have no way of knowing what the effect of the amendment may be. I do not have the foggiest notion as to whether or not the specific tract exemption that has been suggested by the Senator from Colorado will work or not. It may or may not. I have not had an opportunity to talk to anyone in the industry with respect to whether or not there is a safety problem, as the Senator from Colorado has indicated, and I am sure neither the Senator from Arkansas nor the Senator from Idaho, although we were on opposite sides of the issue on the Bumpers amendment when it came up, wants to do anything that is going to cause any safety problems in an underground mine.

So I do think we need some time.

Mr. ARMSTRONG. Madam President, will the Senator yield to me for a moment?

Mr. McCLURE. I am happy to yield.

Mr. ARMSTRONG. Madam President, I think the points the Senator has emphasized are correct, and my recommendation is that we simply defer final action on this issue until tomorrow morning and give us a chance to work those things out.

So far as the site specific question in Colorado, we have an amendment drafted which would clearly resolve that, and frankly I must say to the Senator and to my colleagues that I

would be comfortable to have more time also. This comes to me as an issue, first, in which I have little expertise, and, second, we all just were going along on the assumptions that maintenance tracts were not affected, and so I have not spent a lot of time prior to the last day or two in really getting up the speed on it.

But I think we can pin all those issues down. I can tell the Senate that the companies involved are eager to consult with Senators about this issue overnight, and I bet we can put all the legal fine points together and clarify to everyone's understanding because I think at least in this body we have reached a conceptual agreement that it is our desire not to inadvertently close down or impede the operations of these mines that have been the subject of discussion.

So that is what I would ask of the managers. How about if we put it over until the morning and get it done?

Mr. McCLURE. Madam President, if the Senator from Colorado will yield for an alternate suggestion, I do not object to waiting until tomorrow to try to resolve the issue, but I submit that we may need a little more time than that. We will have the supplemental bill in the Chamber within a week. It will be up next week. We could address this question in the supplemental.

Mr. ARMSTRONG. That is certainly true, I say to the Senator, but bear in mind that it is in this bill where the problem arises and it is perhaps well to solve it when it is first presented to us. I mean the issue before the Senate is the agreement to this amendment to this conference report and the Senator from Montana and I have sort of an obligation to resolve it now if we possibly can.

Mr. BUMPERS. If the Senator will yield, I will say this in response to what the Senator from Idaho has said. First it is my firm conviction that the Senator from Montana does not have a problem. As I said, the regulations in existence right now would entitle his company to get an 8-year additional supply which is much more than they are asking for.

Mr. MELCHER. Will the Senator yield at that point?

Mr. BUMPERS. Sure, go ahead.

Mr. MELCHER. Madam President, and my colleagues, I have had my problem easily resolved by the Senator from Arkansas in his concept of what is an equitable resolution of this problem.

What I want to explain is that that indeed is not the case. One of the problems we have, and I suffer from it too, is sometimes we feel that if we read carefully we can understand somebody else's problem.

In this instance, I want to draw the attention of the Senate to the fact that I did not believe at one time that Western Energy, the company de-

scribed by my friend from Arkansas, had a problem with an emergency lease. I thought, well, because everything was underway, the review of the mining plan was going ahead and everything was OK, and I was jolted to reality when I learned that company had to announce along about Thanksgiving time that 80 people would be laid off, 80 or 90 people would be laid off December 10, and 2 weeks after that there would be another 100 laid off and by January the mine would have been down to just a very skeleton force.

That was not very good news for Thanksgiving or Christmas or New Year's, so we were able to resolve that before the problem got so bad that they had to go through laying all the people off but they did have to start delaying it.

So I now have begun to have some respect for what they tell me when they tell me that something we do here may result in a slowdown in the mining operation.

Emergency leasing does not create the right situation for them and I think we might have other opportunities to correct this and perhaps it would have been all right until a week or so ago when I learned that the Department of the Interior wants this passed. Once this is passed it is not going to process maintenance leases and that means even after the moratorium is over that it will be the timeframe from about now until when the moratorium is over before they start to process those maintenance leases.

Emergency leasing should be avoided for two reasons: First of all, you wait too long to find out exactly what you are going to need and, second, then, you develop a mining plan which is not as efficient as if it were developed in the regular timeframe.

I have to repeat: These mining plans to get State approval really require 2½ to 3 years so on that basis we do not want the necessary coal leases for this ongoing operation and what others may be—I know the Senator from Colorado is describing Westmoreland's problems in his State and there may be one or two others but we do not want that situation to arise where we actually do cause poor development of the mining plans or run the threat of closing the mine down either partially, generally just partially, but that is hard news for those workers.

I would suggest that perhaps we can reach a satisfactory arrangement here. The Senator from Colorado has his mining tracts identified by number, and we can do the same, and if the Senators from Idaho, Colorado, and Arkansas are satisfied, and the Senator from Louisiana is satisfied, I think we have narrowed the problem down to what we know exists.

I would find it hard to try to go through all of this again in the next

appropriations bill we have before us. I think we are very close to settling it now and I do not think we need to wait overnight. I think we can put this language together very quickly if the Senators are satisfied.

Mr. STEVENS. Will the Senator yield?

Mr. MELCHER. Yes, I yield.

Mr. STEVENS. Is the Senator prepared to have some time agreement if we had to put it over until tomorrow?

Mr. MELCHER. Certainly.

Mr. STEVENS. Could we have a half hour to a side?

Mr. MELCHER. I will do anything the Senators like.

Mr. STEVENS. Could we explore the idea that we could have an hour on a side or a half hour on a side?

Mr. BUMPERS. A half an hour on a side is enough; if we work it out we probably would not need that much.

Mr. ARMSTRONG. Yes, we may be able to work it out now. Can you do it now?

Mr. McCLURE. Madam President, I have no problem in trying to work it out either tonight or overnight if indeed that can be done. But the Senator from Arkansas, whose amendment this was originally, has to be the architect of the amount of time that would be required to work out an agreement. If it can be done tonight obviously I would be delighted.

Mr. BUMPERS. I would like to issue one little caveat to the Senators from Montana, Idaho, and Colorado. I do not understand what Western Energy's problem is. When they almost as a matter of right are entitled to emergency release of more coal than they are asking for and under the definition of the Senator's amendment BLM puts that land up for bids it might very well have to be put on a competitive bid basis and not negotiated as a matter of right as they now have the right to do under the regulations.

Mr. McCLURE. Madam President, I would also want to have it understood at this point that if we put this matter over until tomorrow I would want to dispose of every other matter so that the only thing that was pending was this matter and final passage of the conference report on tomorrow. I know of only one other issue that is before us and that deals with amendment No. 95, the Outer Continental Shelf leasing with restrictions off the coast of southern California, which we would expect to resolve yet this evening and then have only this coal leasing matter pending.

Mr. JOHNSTON. Will the Senator yield on this point? For the benefit of our colleagues who are waiting around, as I understand this matter will either be worked out by agreement tonight, by time agreement tomorrow, and the conference report has already been adopted.

We only have one more amendment in disagreement so I am wondering, and I ask the acting majority leader and manager of the bill, that we might tell our colleagues there will be more votes.

Mr. STEVENS. I am sorry to say I cannot make that statement yet, Madam president. We are conferring with the leadership on our side of the aisle. We do have one other item here, California OCS which has not been totally resolved. As soon as we know that is the case and we get the agreement we are talking about to move this over until tomorrow we can make that statement. But until we get that agreement it is still possible this matter might come to a vote tonight.

Mr. McCLURE. Madam President, may I ask the Senators from Montana, Colorado, and Arkansas whether it might not be well at this time to set the pending amendment aside temporarily so you can get your heads together and work it out and in the meantime we can work on the other question with respect to the California OCS? Maybe by the time that is disposed of you will know whether we can get it done tonight or whether you will need more time.

Mr. MELCHER. Will the chairman yield?

Mr. McCLURE. I would be happy to.

Mr. MELCHER. I think as far as I am concerned that that would be the proper thing to do. I do want to state that the reason we are trying to avoid any emergency leasing is you cannot develop a mining plan and submit it to a State. After all the State of Montana is the one going to approve the mining plan, and you cannot do that properly unless you follow through on long-term planning that is already under way. They have not even been gotten yet, they have already been working a year or two on a mining plan that involves present leases and the ones we are going to use in the future. These maintenance tracts are not a big part of the overall mining plans.

But to delay on the Department of the Interior getting ready for the resales of those maintenance tracts and to change the mining plan subsequent to that if they do not get the maintenance tracts for emergency lease, throws them backward.

So I think the proposal would be a very good one on our part. I think I can explain it in more detail to the Senator from Arkansas or anybody else who is curious.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. McCLURE. Mr. President, I am informed by the Parliamentarian that we did not take the proper action with respect to amendment No. 16. I, there-

fore, ask unanimous consent to vitiate the previous action taken on amendment 16.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, the action is vitiated.

Mr. McCLURE. Mr. President, I move that the Senate disagree in the amendment of the House to the amendment of the Senate numbered 16.

The PRESIDING OFFICER. Is there discussion on the motion? The question is on agreeing to the motion of the Senator from Idaho (Mr. McCLURE).

The motion was agreed to.

Mr. McCLURE. Mr. President, it is my understanding now that there are two matters, amendment No. 94 that was temporarily set aside and amendment No. 95, which deals with Outer Continental Shelf leasing restrictions on the southern California Outer Continental Shelf.

In order to present this matter to the Senate at this time on amendment No. 95, I move that the Senate recede from its amendment.

Before acting on that motion, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. A parliamentary inquiry, Mr. President. If the matters pertaining to the California OCS amendment and the amendment suggested by the Senator from Montana concerning the coal leasing problem are disposed of, is there anything further that needs to be done to dispose of this conference report and the amendments in disagreement?

The PRESIDING OFFICER. The Chair begs the Senator's indulgence while we check.

Mr. STEVENS. I thank the Chair. I will be glad to suggest the absence of a quorum. I just wanted to make sure, if we make an agreement concerning those two items, that there would be no other items to come before the Senate concerning the Interior Department appropriations bill thereafter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, apparently the time agreement that is being prepared is going to take some time. I want to state that there will be no more rollcall votes tonight.

I ask unanimous consent that the Interior Department appropriations conference report be laid aside temporarily and that the Senate resume consideration of the pending business, the State Department authorizations bill.

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

Mr. STEVENS. Mr. President, I want to state to the Senate that the time agreement will provide when we return to the Interior Department appropriations conference report, which will be no later than 1 o'clock tomorrow. We will be on the State Department authorizations bill as long as the distinguished chairman wishes to continue tonight, and then tomorrow morning when we reconvene we will still be on the State Department authorizations bill. We will resume consideration of the Interior appropriations conference report tomorrow at approximately 1 o'clock.

#### DEPARTMENT OF STATE AUTHORIZATIONS

The Senate continued with the consideration of the bill (S. 1342).

#### AMENDMENT NO. 2354 TO AMENDMENT NO. 2346

Mr. PERCY. Mr. President, I send to the desk an amendment on behalf of Senator STAFFORD, and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the Chair will advise the Senator the pending amendment before the Senate is amendment No. 2350, by the Senator from West Virginia (Mr. BYRD).

Mr. PERCY. Mr. President, in the absence of the distinguished majority leader, I ask unanimous consent that the Byrd amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois that amendment No. 2350 by the Senator from West Virginia be temporarily laid aside? Hearing none, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY), for Mr. Stafford, proposes an amendment numbered 2354 to amendment numbered 2346.

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

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

The amendment is as follows:

On page 5, between lines 33 and 34, insert the following:

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

On page 5, line 34, strike (5) and renumber as (6).

● Mr. STAFFORD. Mr. President, I want to commend my colleague from Indiana (Mr. LUGAR) for his initiative in improving Federal support for Soviet and Eastern European studies.

My amendment's purpose is to make foreign language studies a part of that initiative. The study of Russian and Eastern European languages is a basic building block to effective research on that region of the world.

This amendment would allow support for individuals to study those languages and provide grants to summer language institutes teaching those languages.

I know from institutions in my own State—schools such as Norwich University, Middlebury College, and the experiment in international living—that you cannot truly know a foreign nation without knowing its language.

Therefore, I urge adoption of this amendment.●

Mr. PERCY. Mr. President, I know of no objection to this amendment on this side.

Mr. BUMPERS. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. The Chair points out to the Senator from Illinois that his amendment amends an amendment previously agreed to. Therefore, it requires unanimous consent for this amendment to be considered.

Mr. PERCY. I ask unanimous consent that the amendment be in order.

Mr. STEVENS. Reserving the right to object, Mr. President, may I inquire what the amendment is that will be affected by this amendment?

Mr. PERCY. As to the effect on the Lugar amendment, Senator LUGAR has agreed to the amendment being offered by me on behalf of the Senator from Vermont (Mr. STAFFORD).

Mr. STEVENS. I thank the Chair. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois for the amendment to be in order? If not, it is so ordered.

The Senator from Illinois.

Mr. PERCY. I send an amendment to the desk on behalf of myself, Senators MOYNIHAN, PELL, and KENNEDY.

The PRESIDING OFFICER. If the Senator will withhold, is there further discussion on the amendment of the Senator from Illinois?

The question is on agreeing to the amendment.

The amendment (No. 2354) was agreed to.

The PRESIDING OFFICER. The question now recurs on the Byrd amendment No. 2350. Does the Senator wish to ask that that be laid aside?

Mr. PERCY. Yes, Mr. President, I make such request.

Mr. BUMPERS. There is no objection on this side.

The PRESIDING OFFICER. If there is no objection, the amendment No. 2350 is laid aside.

#### AMENDMENT NO. 2355

(Purpose: To create a United States-India Endowment out of excess U.S.-owned Indian rupees)

Mr. PERCY. Mr. President, I send an amendment to the desk in behalf of myself, Senator MOYNIHAN, Senator PELL, and Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Illinois.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself, Mr. PELL, Mr. MOYNIHAN, and Mr. KENNEDY, propose an amendment numbered 2355.

Page 48, after line 17, insert the following new title:

TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

#### SHORT TITLE

SEC. 701. This title may be cited as the "United States-Indian Endowment for Cultural, Educational, and Scientific Cooperation Act".

#### THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of a United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scholarly cooperation.

#### USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 703. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 702, up to the equivalent of \$250,000,000 in foreign currencies owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

Mr. PERCY. Mr. President, in order to provide a more enduring basis for the relations between the United States and India, the world's two largest democracies, I am proposing to establish a permanent United States-India Endowment for Cultural, Educational and Scientific Cooperation.

To serve as the initial capital of the endowment, up to \$250 million equivalent may be drawn from the rupee funds currently available to the U.S. Government in India under the United States-India Agreement of 1974 and in accordance with the provisions of that agreement prior to the expected depletion of funds several years hence.

Bearing in mind the extensive exchanges and research already supported by those rupee funds over the past several decades, the endowment would provide grants and other assistance to activities in the cultural, educational and scientific realms. Particular emphasis would be placed on fields whose contributions can be made by talented individuals in both countries and where existing institutional links can be reinforced and new ones established.

Subject to appropriate laws of India, the endowment would be incorporated there as well as in the United States and contributions would be sought from the private sectors in both countries to supplement government contributions. The endowment's activities would be financed primarily by drawing on interest earned on its capital.

Responsibility for administering the endowment would rest with a board, the American members of which would be nominated by the Secretary of State and the Indian members by the Government of India. In choosing the American members due regard would be paid to the exchange and research programs currently existing.

Mr. President, I ask unanimous consent that a letter from S. Dillon Ripley, Secretary of the Smithsonian Institution, be printed in the RECORD.

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

SMITHSONIAN INSTITUTION,  
Washington, D.C., October 19, 1983.

Hon. CHARLES H. PERCY,  
U.S. Senate,  
Washington, D.C.

DEAR CHUCK: I am writing to thank you for your support for U.S.-Indian programs of cultural and scientific cooperation, and to endorse your efforts to secure long-term financing of the programs through establishment of an endowment fund jointly supported by the U.S. and India.

As you know, the Smithsonian for almost twenty years has played a major role in furthering U.S.-Indian cooperation in research into the sciences, art, and history, in museum professional exchanges, and in performance and exhibition. Along with others engaged in special foreign currency programs, we contemplate with dismay the likely depletion of the U.S.-owned Indian rupee account within five years. Thus, your initiative is most welcome.

The Smithsonian is active in cooperative programs across a wide range of disciplines and types of endeavor. We are eager that a strong system be established to insure that this diversity is protected and developed under a bi-national endowment plan. It is encouraging that your proposed amendment

authorizing the endowment so clearly reflects the broad spectrum of cultural as well as scientific and technological collaborative programs. I am confident that it provides a firm basis on which to build the structure for governing the U.S.-Indian bi-national endowment in a way that will encourage and protect the broadest range of cultural and scientific programs.

Your efforts on behalf of cooperative programs contribute significantly to international and intercultural understanding. Please accept my personal thanks along with those of many scholars, scientists, and other colleagues in India and the U.S. who prize the opportunities these joint programs provide.

Sincerely yours,

S. DILLON RIPLEY,  
Secretary.

Mr. PERCY. Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side.

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

The amendment (No. 2355) was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment No. 2350 of the Senator from West Virginia.

Mr. BUMPERS. Mr. President, it is necessary to set aside the Byrd amendment at this point, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I ask unanimous consent that that amendment be temporarily laid aside in order that the Senator from Illinois may offer his amendment.

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

#### AMENDMENT NO. 2356

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2356.

On page 33, after line 20, insert the following new section:

#### FOREIGN CURRENCY GAINS

SEC. 304. Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows—

“(b) Any amount appropriated pursuant to subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty, Incorporated, may, beginning in fiscal year 1983, be merged with and made available for the same time period and same purposes as amounts appropriated pursuant to section 8(a)(2) of this Act.”.

#### FOREIGN CURRENCY GAINS

Mr. PERCY. Mr. President, inasmuch as the Board for International

Broadcasting (BIB) fiscal year 1984 budget request for RFE/RL, Inc. is based on an exchange rate of 2.50 West German marks to the dollar, the BIB has reason to believe that RFE/RL, Inc. may incur a serious cash flow problem during the fiscal year if the current downward trend of the dollar against the mark, which during fiscal year 1983 has reached the 2.38 level, continues.

To insure that the Currency Devaluation Fund, which remains available until expended and now totals \$3,395,000, is adequate to offset losses due to adverse fluctuations in foreign currency exchange rates during fiscal year 1984 and afterward, the administration on April 20 transmitted to the Congress proposed legislation to amend section 8(b) of the BIB Act of 1973, as amended, designed to increase the level of the Fund without necessitating the appropriation of additional moneys to accomplish that.

Further, the amendment of section 8(b) would enable the BIB to administer the Currency Devaluation Fund in a way similar to that used by the Department of State for its Buying Power Maintenance Fund, which was established to offset losses due to exchange rate and overseas wage price fluctuations unanticipated in the budget. Rather than having gains due to upward fluctuations in foreign currency exchange rates (which through April 30 of the current fiscal year totaled \$3,721,736) placed in reserve and ultimately rescinded or lapsed, as the law now directs, such gains will, under the proposed amendment, be merged into the Currency Devaluation Fund to remain available to offset future losses.

I urge my colleagues to act favorably on this amendment.

Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side.

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

The amendment (No. 2356) was agreed to.

Mr. BYRD. Mr. President, I wonder if I may ask an appropriate question here. As I look around, there are so few Senators on the floor; I wonder if this is a good way to legislate.

I am told that anything that has not been cleared by Senator PELL we shall not do.

Mr. PERCY. That is correct, Mr. President. Senator PELL has cleared each of these amendments. They are totally noncontroversial.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from West Virginia numbered 2350.

Mr. PERCY. I ask unanimous consent that the amendment of the Sena-

tor from West Virginia be temporarily laid aside.

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

#### AMENDMENT NO. 2357

(Purpose: To provide funding for property and air filtration improvements for the U.S. Embassy in Mexico)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2357.

Mr. PERCY. I ask unanimous consent that reading be dispensed with.

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

The amendment is as follows:

On page 24, after line 19, add the following new section:

#### U.S. EMBASSY—MEXICO CITY

SEC. 122. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated for “Administration of Foreign Affairs” for the fiscal year 1984 \$4,000,000 to be used for the purchase of land for and the construction of additional consular facilities and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

Mr. PERCY. Mr. President, this is an amendment that would provide \$4 million for property and air filtration improvements for the U.S. Embassy in Mexico City.

Mexico City is widely recognized as having the most serious air pollution problems of any capital in the world. American Embassy personnel are subjected daily to air which the U.S. Government says is extremely hazardous to their health.

Merely by breathing the air on an average day, members of the Embassy staff inhale the equivalent pollutants of two packs of cigarettes.

Among the Embassy staff there are high incidents of pollution-related skin rashes; intestinal ailments; eye, ear, nose, and throat infections; and cardiopulmonary diseases, such as asthma, bronchitis, and emphysema.

Such a situation would never be tolerated in a Government building in this country, and U.S. personnel should not be subjected to such hazards while serving abroad. My amendment would remedy this problem by installing air filter cleaners and conditioners at the Embassy at a cost of just over \$1 million.

Insuring the safety of U.S. Embassy personnel has become increasingly difficult in many areas of the world, as the bombing of our Embassy in Beirut earlier this year underscored. The U.S. Embassy in Mexico City has attracted growing numbers of demonstrators over the past few years, and there is mounting concern among U.S. security

officials about the difficulties involved in providing security for the Embassy compound. My amendment would allocate just under \$3 million for the purchase of adjacent land to enhance the Embassy's security.

Mr. President, I know of no objection on this side.

Mr. BUMPERS. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2357) was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from West Virginia.

Mr. PERCY. I ask unanimous consent that it be temporarily laid aside.

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

#### AMENDMENT NO. 2358

(Purpose: To allow the Department of State's security officers do qualify for law enforcement officer benefits)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2358.

Mr. PERCY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

On page 24, after line 19, insert the following new section:

#### SECURITY OFFICERS

SEC. 122. (a) The Act of June 28, 1955, as amended (22 U.S.C. 2666) is amended by redesignating the present text as subsection (a) and adding the following new subsection (b):

"(a) Periods of service by security officers of the Department of State and the Foreign Service while performing functions under subsection (a) shall be considered periods of service as a law enforcement officer for purposes of sections 8335(b), 8336(c)(1), and 8339(d)(1) of title 5 of the United States Code. This subsection shall apply only to persons who retire under chapter 83 of title 5 of the United States Code after the effective date of this subsection."

(b) Section 2104 of the Foreign Service Act of 1980 (22 U.S.C. 4154) is amended by adding at the end thereof the following new subsection (c):

"(c) The 3-year period referred to in subsection (a) shall be extended for an additional period not to exceed 1 year from the date of enactment of this section in the case of Department of State officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions."

Mr. PERCY. Mr. President, this amendment will permit a rationaliza-

tion of the Department's security functions, while protecting the rights of employees. I ask unanimous consent that a section-by-section analysis of this amendment be printed in the RECORD at this point.

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

#### SECURITY OFFICERS—SECTIONAL ANALYSIS

Section 122(a) is intended to correct an anomaly which has existed since 1975. Prior to that time, assignment to a function involving protection of the Secretary of State or foreign dignitaries could be credited toward eligibility for the special retirement provided for law enforcement officers under section 8335 of title 5, United States Code. Since then, the statute has been interpreted as precluding such service from credit, although in many cases it is more demanding and more dangerous than other kinds of service, also performed by security officers in the Department, which do qualify. At any given time, approximately 35 to 40 individuals are assigned to the Secretary's detail. Under the current arrangements, security officers who are serving in assignments which make them eligible for this retirement credit are sometimes reluctant to move to other assignments on that detail, since they lose this credit. Because of the small numbers involved and the fact that they would make higher retirement contributions, the additional cost to the government would be marginal.

Section 122(b) provides a limited extension of the conversion provisions of the Foreign Service Act of 1980, for the benefit of a small group of employees who correctly belong in the Civil Service system, but who were not eligible for conversion earlier. The existing provisions expire, in the case of the Department of State, on February 15, 1984. In a few limited cases, it is now apparent that this will not be sufficient time to realign the personnel organization of the Department for employees who were originally considered to be worldwide available and therefore appropriately remaining in the Foreign Service, but who subsequently have been determined to be needed only for employment at home. The extension would be for one year; that is, until February 15, 1985.

Mr. PERCY. Mr. President, consistent with the intent of the act that domestic functions be carried out by members of the Civil Service, this change would allow completion of realignment of the Department's two personnel systems without loss of pay, status, or benefits by employees. The amendment would apply only to individuals not previously eligible for conversion from the Foreign Service, since they were originally in the worldwide category after the effective date of the act but prior to a decision that a particular occupation should be in the domestic group. Thus, it would not extend the original 3-year period allowed for conversion for those originally designated as domestic, particularly in the Department of State or USIA. The current plan is to apply the new authority only to certain security officers in the Department of State, although it could apply to other small groups.

I ask unanimous consent that a cost estimate for this amendment be printed in the RECORD.

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

#### SECURITY OFFICERS

A. Cost to State Department \$100,000 in Retirement Fund.

B. Average Salary Security Officer \$40,000 (high-three)

Average 30 year career  
High estimate—10 years in Protective Work

C. Current retirement 2 percent per year or 30 years times 2 percent=60 percent of \$40,000.

Retirement annuity \$24,000

D. Proposed Retirement:

2 percent for 20 years (40 percent).....	\$16,000
2½ for 10 years (25 percent).....	10,000

Total.....	26,000
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#### Retirement annuity

Increase \$2,000 per employee, maximum number of Security Officers—50 in protective detail per year.

Thus maximum cost to Department in retirement fund contribution is \$100,000.

Mr. PERCY. Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side, Mr. President.

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

The amendment (No. 2358) was agreed to.

The PRESIDING OFFICER. The question now recurs on the Byrd amendment numbered 2350.

Mr. PERCY. I ask unanimous consent that the Byrd amendment be temporarily laid aside.

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

Mr. BUMPERS. Mr. President, what is the number of the amendment?

The PRESIDING OFFICER. I am advised that the amendment which the Senator will send to the desk would be numbered 2359. Amendment No. 2358 has been agreed to.

#### AMENDMENT NO. 2359

(Purpose: To clarify and restrict the manner in which the Department of State may expend funds for extraordinary protective services)

Mr. PERCY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2359.

Mr. PERCY. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

On page 4, line 13, insert "(a)" after "Sec. 105".

On page 4, after line 23, insert the following new subsections:

"(b) Assistance may be provided to a foreign mission, as defined by section 202(a)(4) of the State Department Basic Authorities Act of 1956, through State and local authorities directly or by contract under the preceding subsection (a) only if the Secretary has determined that there are reasonable grounds to believe that there exists a threat of violence to, or conditions inconsistent with appropriate security of such foreign mission or the personnel thereof, except that the assistance requested by the Secretary shall be available only for extraordinary security purposes.

"(c) Authority pursuant to this section shall be subject to the following conditions:

"(1) Regulations to implement this authority have been approved by the Secretary after consultation with appropriate Committees of Congress;

"(2) No more than twenty percent of funds available for obligation under this section in any fiscal year may be obligated for purposes of protective security in any State jurisdiction of the United States within that year;

"(3) Any agreement to provide security assistance may not exceed a 90-day period in any calendar year, but may after review be subject to renewal; and

"(4) There shall be retained from funds available for obligation under this section not less than fifteen percent thereof as a reserve for security purposes provided directly by the Secretary of State or for expenditures in any local jurisdictions not otherwise covered by an agreement for security services under this section."

Mr. PERCY. Mr. President, let me make this statement explaining this amendment.

#### EXTRAORDINARY PROTECTIVE SERVICES

The present section 105 of the act was proposed by the President as part of his budget proposals for fiscal year 1984 to assist local authorities in providing necessary extraordinary protection to official foreign missions and personnel in the United States in compliance with our international obligations.

Neither of the Appropriations Committees has thus far been willing to appropriate funds in implementation of the President's request because of the absence of authorizing legislation.

In addition, some members saw in this authority a means of simply providing budget support to States and local governments. Others felt that without more adequate controls the bulk of the funds appropriated might go to the two or three major cities in which most consulates, foreign government trade offices, and cultural centers are located, preempting the needs of areas with smaller concentrations of official foreign presence. Still others were concerned that the demand for such reimbursement would grow without limit.

My amendment meets these concerns:

The designation change makes clear that the authorization is intended—by

both Congress and administration—to be limited to extraordinary protective services required by official foreign missions and personnel in the United States, wherever located, beyond that which is and should be afforded them by local and State authorities under the requirement for equal protection of the law. The funds authorized are not to be considered, and the amendments are intended to prevent their use for, mere supplements to the budgets of local and State authorities or as reimbursement for services which they should already be providing in the normal course of their legal responsibilities.

Subsection B is intended to make clear that reimbursement of funds under this section is at the option of the Secretary of State when he considers extraordinary protection required and is limited to occasions when such protection has been requested by him. That the "protectee" requests such coverage or that the local/State jurisdiction provides such service on its own authority does not, of itself, require reimbursement under this section.

Subsection (C) establishes a number of further conditions to the disbursement of funds for extraordinary protective assistance intended to insure that congressional concerns are taken into account. Perhaps most important in this respect is (C)(1) which requires that the detailed regulations under which this program will be administered will be subject to review by the appropriate committees of the Congress.

The balance of (C) reinforces the concept that the whole amount of the authorized funding is a "contingency fund", uncommitted in advance to anyone. (C) (2) and (3) respectively establish maxima concerning the cost and length of protective services for which reimbursement or contracting, is foreseen. The proposed 20 percent limitation on disbursements to any one State jurisdiction will make sure that all areas of the country will have an opportunity to seek reimbursement when the need for extraordinary protection for foreign officials or missions arises. The 90-day limitation requires that the Secretary review the continued need for each service relatively frequently.

Subsection (C)(4) reinforces the concept that the larger jurisdictions should not overwhelm the smaller ones and gives the Secretary necessary flexibility to respond to protective requirements in places—say en route between major metropolises—which might otherwise never see a foreign mission.

Mr. President, I urge my colleagues to support this amendment.

I know of no objection on this side.

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

The amendment (No. 2359) was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be laid aside temporarily.

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

#### AMENDMENT NO. 2360

(Purpose: To permit the President to extend privilege and immunities to the European Space Agency)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes as amendment numbered 2360.

Mr. PERCY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 24, after line 19, insert the following new section:

#### EUROPEAN SPACE AGENCY

Sec. 122. Section 11 of the International Organizations Immunities Act is amended by striking out "European Space Research Organization" and inserting in lieu thereof "European Space Agency".

Mr. PERCY. Mr. President, I wish to make the following points regarding proposed technical amendment to qualify the European Space Agency for designation under the International Organizations Immunities Act:

The proposed technical amendment to the International Organizations Immunities Act (Act), which would substitute the name "European Space Agency" (ESA) for "European Space Research Organization" (ESRO), would permit ESA, the recently constituted successor organization of ESRO, to enjoy the privileges and immunities extended by the act to public intergovernmental organizations designated thereunder.

ESA was established pursuant to a new, separate convention which was concluded in 1975 and entered into force on October 30, 1980. ESA succeeded to the rights and obligations of two predecessor organizations—ESRO and the European Organization for the Development and Construction of Space Vehicle Launchers.

The United States has, through the National Aeronautics and Space Administration, engaged in numerous cooperative space activities with ESRO and now ESA, although it has not been a member of either ESRO or ESA. One of the most significant of these is the spacelab program—a

multi-purpose, manned space laboratory for use with the space shuttle—which was developed by the ESA and is planned for launch by the space shuttle for the first time in October 1983.

Due in part to these significant cooperative efforts, ESRO and ESA have had a sufficient U.S. presence—in terms of offices, facilities, and personnel—to justify granting the organization those privileges and immunities generally accorded public international organizations.

Those privileges and immunities facilitate the performance of such organizations' public functions by granting them, *inter alia*, legal capacity to contract and acquire and dispose of real property, immunity from legal process, income tax exemption for both the organization and its nonresident alien employees, immunity from suit for the employees' performance of their official functions and inviolability of the organization's property and archives.

However, the above-mentioned act permits the President to grant such privileges and immunities only to those international organizations in which the United States participates pursuant to a treaty or an act of Congress authorizing such participation or making an appropriation for such participation.

Since the United States does not participate in ESA, specific legislation is required for ESA to enjoy the privileges and immunities hitherto extended to its predecessor organization by prior amendment of the act.

The proposed technical amendment would achieve this result with respect to ESA, and will facilitate the important U.S. interest in cooperating with ESA.

Mr. BUMPERS. There is no objection on this side, Mr. President.

Mr. PERCY. I know of no objection on this side.

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

The amendment (No. 2360) was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be temporarily laid aside.

The PRESIDING OFFICER. Without objection it is so ordered.

#### AMENDMENT NO. 2361

(Purpose: Amendment to amendment No. 2200 to correct technical error)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2361.

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

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

The amendment is as follows:

Strike all language contained in amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

#### 1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

Mr. PERCY. Mr. President, in our previous consideration of this bill, Senator KASSEBAUM offered an amendment which the Senate adopted concerning the 1985 conference to commemorate the conclusion of the "U.N. Decade for Women."

At that time, extraneous materials were attached to Senator KASSEBAUM's amendment. She has asked that I correct this technical error. Therefore, I send to the desk a substitute for Senator KASSEBAUM's unprinted amendment No. 2200 and ask unanimous consent that it be adopted.

Mr. BUMPERS. Mr. President, it is my understanding that this amendment is different than the one that was agreed to. I feel certain that the amendment will be all right, but I am not in a position to agree to it.

The PRESIDING OFFICER. The Chair advises the Senator that since the amendment of the Senator from Illinois amends the previous amendment, it would require unanimous consent for it to be in order and before the Senate.

Is there objection to the request of the Senator?

Mr. BUMPERS. I must very reluctantly object for the time being.

Mr. PERCY. The Senator from Illinois fully understands the situation.

I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia (Mr. BYRD) be temporarily laid aside.

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

#### AMENDMENT NO. 2362

(Purpose: To express the sense of the Congress with respect to implementing the objective of the United Nations World Assembly on Aging)

Mr. PERCY. Mr. President, I send an amendment to the desk on behalf of myself and Mr. HEINZ, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself and Mr. HEINZ proposes an amendment numbered 2362.

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

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

The amendment is as follows:

On page 24, after line 19, add the following new section:

#### UNITED NATIONS WORLD ASSEMBLY ON AGING

SEC. 122. (A) That the Congress finds that—

(1) In 1977 the Congress, by joint resolutions, called for the United Nations to convene a World Assembly on Aging;

(2) The United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) The United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) The General Assembly of the United Nations in adopting the plan, called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(B) Therefore, it is the sense of the Congress that the President should take steps to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

Mr. HEINZ. Mr. President, this amendment expresses the sense of the Congress that the United States implement its responsibilities as agreed to under the plan of action adopted

from the 1982 United Nations World Assembly on Aging.

As chairman of the Special Committee on Aging, I was pleased to serve as a member of the U.S. delegation to the World Assembly on Aging. This conference, held last year in Vienna, Austria, was attended by over 2,000 representatives from over 125 countries. Its deliberations focused on the enormous impact the worldwide aging of populations is having and will continue to have on the social, economic, and political fabric of both the developed and the developing countries.

Mr. President, it is my conviction that there is an important and useful international role for the United States with regard to aging policies and programs. Each year the Agency for International Development grants millions of dollars to countries for social and economic improvement. As their populations age, there will be a need for them to concentrate on the social and economic impact of this change. The United States must develop a policy in both multilateral and bilateral relationships that fits in with these new needs. Passage of this amendment will reaffirm our commitment to a constructive response to the issues and opportunities presented by the worldwide progress in promoting longer human life.

The International Plan of Action on Aging, as adopted by the participating countries of the World Assembly on Aging and the United Nations General Assembly, provides member nations and U.N. agencies with guidelines for formulating both national and mutual assistance policies with respect to aging. The 62 recommendations contained in the plan emphasize the integration of the elderly into society. They also stress the incorporation of the consideration of the elderly—their needs and their contributions—within national planning for development.

Specifically, the recommendations call for closer coordination between social welfare and health care services, for self-help and nutritional training of the elderly themselves, for the assurance that all older persons will have an appropriate income, for the maximization of the social functioning of the elderly, for programs which assist them to remain in their homes as long as possible, and for support for maintaining family solidarity among generations.

In addition, the "Plan of Action" calls for its review and update every 4 years. It requires the submission of reports by 1985 from member-nations detailing the action taken by each country with respect to aging and the aged.

Mr. President, I believe that we, as the originators of the World Assembly on Aging, should be the frontrunners in insuring that the "Plan of Action" is taken seriously by our own Govern-

ment. This amendment urges the President to: First, instruct each department to take steps to implement the "Plan of Action's" recommendations and to prepare for the upcoming, scheduled review of the World Assembly recommendations in 1985; second, to promote the free flow of aging information and aging research between State and Federal governments, international organizations and other nations; third, to continue to induce greater involvement of the private sector in responding to the concerns of the aging; and, fourth, to assure Third World countries of the importance that the United States places on the issue of aging in both national and regional economic and social development plans.

With governments in both the developed and the developing nations now awakening to the challenges posed by the projected population changes, there is an urgent need to keep the channels of communication flowing freely regarding effective strategies that meet both human needs and support economic and social development. This amendment will insure that our responsibilities pursuant to this need and to the plan we have agreed to at the United Nations will be carried out in a timely and organized fashion. I urge my colleagues to support it.

Mr. PERCY. I strongly urge my colleagues to support this amendment. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. BUMPERS. There is no objection to the amendment.

The amendment (No. 2362) was agreed to.

Mr. PERCY. Mr. President, I thank my distinguished colleague (Mr. BUMPERS) indeed, for his thoughtfulness. I appreciate also the willingness of Senator PELL to have us proceed with these noncontroversial amendments to get as far as we possibly could this evening.

I thank our distinguished acting majority leader for his consideration, and the distinguished minority leader for his consideration also, and we will give careful thought to the pending amendment, which is the Byrd amendment.

Mr. BYRD. I thank the distinguished Senator.

Mr. STEVENS. Mr. President, it is my understanding there will be no further action tonight on the State authorization bill. We will resume consideration of that measure tomorrow morning after the time for the two leaders and other matters that will be referred to later tonight. We are awaiting now the final version of the unanimous-consent agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ROUTINE MORNING BUSINESS

Routine morning business transacted and statements submitted during the day follow:

#### 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 a message from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 4:33 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announcing that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition;

H.R. 3348. An act to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Honorable Leo J. Ryan;

H.R. 3718. An act to amend title 10, United States Code, to strengthen the position of chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; and

H.R. 4013. An act to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985.

The message further announced that the House has passed the bill (S. 47) an act to improve the international ocean commerce transportation system of the United States, with an amendment; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and

appoints Mr. JONES of North Carolina, Mr. BIAGGI, Mr. BREAUX, Mr. HUGHES, Mr. RODINO, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. FORSYTHE, Mr. SNYDER, Mr. YOUNG of Alaska, Mr. FISH, and Mr. MOORHEAD as managers of the conference on the part of the House.

#### ENROLLED BILL SIGNED

At 5:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

#### HOUSE MEASURES REFERRED

The following House bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict; to the Committee on Banking, Housing, and Urban Affairs;

H.R. 3348. An act to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Hon. Leo J. Ryan; to the Committee on Banking, Housing, and Urban Affairs; and

H.R. 3718. An act to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

#### HOUSE MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition.

#### HOUSE MEASURE HELD AT THE DESK

The following bill was ordered held at by unanimous consent pending further disposition:

H.R. 4013. An act to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985.

#### ENROLLED BILL PRESENTED

The Secretary reported that on today, October 19, 1983, he had presented to the President of the United States the following enrolled bill:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1864. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The FSLIC Insurance Fund—Recent Management and Outlook for the Future;" to the Committee on Banking, Housing, and Urban Affairs.

EC-1865. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, reports of consultants assisting in determining fair market value of Alaska Railroad; to the Committee on Commerce, Science, and Transportation.

EC-1866. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Reviews of the Trans-Alaska Pipeline Liability Fund's Financial Statements for the Years Ended December 31, 1982 and 1981;" to the Committee on Energy and Natural Resources.

EC-1867. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on progress in implementing the Clean Air Act; to the Committee on Environment and Public Works.

EC-1868. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-69; to the Committee on Governmental Affairs.

EC-1869. A communication from the Chief Judge of the U.S. Tax Court transmitting, pursuant to law, actuarial reports for the Court's Retirement and Survivor Annuity Plans for 1982; to the Committee on Governmental Affairs.

EC-1870. A communication from the Acting Assistant Secretary of the Interior for Territorial and International Affairs transmitting, pursuant to law, a report on the cost of certain services provided to individuals in the Virgin Islands whose status has been adjusted under section 2 of Public Law 97-271; to the Committee on the Judiciary.

EC-1871. A communication from the Acting Executive Secretary in the Office of the Secretary of Defense transmitting, pursuant to law, the October through May 1982 report on DOD procurement from small and other business firms; to the Committee on Small Business.

EC-1872. A communication from the President of the United States transmitting an amendment to the request for appropriations for fiscal year 1984 for the Department of Commerce in the amount of \$20.4 million; to the Committee on Appropriations.

EC-1873. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity Program transmitting, pursuant to law, a report on initial commodity and country allocations under Public Law 480 for fiscal year 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1874. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity Programs transmitting, pursuant to law, the fiscal year 1984 global assessment of world

food production and needs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1875. A communication from the Secretary of State transmitting, pursuant to law, a report on payments made to private individuals or corporations in satisfaction of assurance agreements or loan guarantees with respect to loans and credits to the Polish People's Republic; to the Committee on Appropriations.

EC-1876. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the food services function at the Naval Hospital, Corpus Christi, Tex. to performance under contract; to the Committee on Armed Services.

EC-1877. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the United Kingdom; to the Committee on Armed Services.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works; with amendments:

H.R. 2809. An act to establish a National Fish and Wildlife Foundation (Rept. No. 98-272).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and an amendment to the title:

S. 779. A bill entitled the "Intelligence Personnel Protection Act" (Rept. No. 98-273).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3958. An act making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-274).

H.R. 3959. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-275).

#### 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. DeCONCINI:

S. 1969. A bill to provide for the designation on income tax forms of contributions to retire the public debt; to the Committee on Finance.

By Mr. WILSON (for himself, Mr. THURMOND, and Mr. DOLE):

S. 1970. A bill to limit the number of legal public holidays to 10, placed on the calendar, by unanimous consent.

By Mr. BOREN (for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. RANDOLPH, Mr. CHILES, Mr. ZORINSKY, Mr. MATTINGLY, Mr. DOLE, Mr. DENTON, and Mr. THURMOND):

S. 1971. A bill to amend title 5, United States Code, to provide additional rules concerning the observance of the birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day, placed on the calendar by unanimous consent.

By Mr. ROTH:

S. 1972. A bill to amend the Tariff Act of 1930 to allow drawbacks if imported bulk articles are exchanged for domestic articles that are used in the manufacture or production of exports; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. HUMPHREY):

S. 1973. A bill entitled "The Clinch River Breeder Reactor Project Determination Act of 1983"; to the Committee on Energy and Natural Resources.

By Mr. JEPSEN (for himself and Mr. GRASSLEY):

S. 1974. A bill to require the Secretary of Agriculture to carry out an emergency feed program to assist family farmers in preserving and maintaining livestock and poultry in areas affected by the 1983 drought and to establish graduated interest rates for emergency loans under the Consolidated Farm and Rural Development Act to farmers and ranchers for actual losses resulting from such drought; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY:

S. 1975. A bill to enact the Gifted and Talented Children's Education Act; to the Committee on Labor and Human Resources.

By Mr. PERCY (for himself, Mr. THURMOND, Mr. SASSER, Mr. DECONCINI, Mr. COCHRAN, Mr. GRASSLEY, Mr. SPECTER, Mr. ABDNOR, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. TOWER, Mr. DENTON, Mr. QUAYLE, Mr. RUDMAN, Mr. JEPSEN, Mr. MATTINGLY, Mr. ANDREWS, Mr. D'AMATO, Mr. GARN, Mr. COHEN, and Mr. LUGAR):

S. 1976. A bill to improve the collection of criminal fines; to the Committee on the Judiciary.

By Mr. PERCY:

S. 1977. A bill to amend the Foreign Trade Zones Act to exempt until June 30, 1986 bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. LONG, Mr. DURENBERGER, Mr. PACKWOOD, Mr. WARNER, Mr. HATCH, Mr. PERCY, Mr. KENNEDY, Mr. PRESSLER, Mr. CHAFFEE, Mr. NICKLES, Mr. DANFORTH, Mr. HEINZ, Mr. ROTH, Mrs. HAWKINS, Mr. WALLOP, Mr. BENTSEN, Mr. MOYNIHAN, Mr. HATFIELD, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. LUGAR, Mr. MATHIAS, Mr. THURMOND, Mr. D'AMATO, Mr. JEPSEN, Mr. BAKER, Mr. QUAYLE, Mr. DOMENICI, and Mr. GRASSLEY):

S. 1978. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1969. A bill to provide for the designation on income tax forms of contributions to retire the public debt; to the Committee on Finance.

##### DESIGNATION ON TAX FORMS TO RETIRE THE PUBLIC DEBT

Mr. DECONCINI. Mr. President, the national debt of the United States now exceeds \$1.3 trillion. This year's deficit

will top the \$200 billion mark and the outlook for the near future of the same. There is no one simple solution to this problem.

Today, I am introducing the National Debt Contribution Act which will facilitate voluntary taxpayer contributions to reduce the national debt. Under my bill, taxpayers will be given the opportunity to designate \$1, or any amount of their choice, from their Federal tax refund to be applied toward reducing the national debt. The mechanism for this contribution will be a simple checkoff. Additionally, those who do not receive a refund would be given the opportunity to make an outright contribution.

According to Internal Revenue Service figures, over 70 percent of the 100 million returns filed in 1981 received refunds. Of these, 30 million were joint filings. Clearly, the potential reservoir of contributions to reduce the national debt is large, and I believe that the American taxpayer deserves an opportunity to make a contribution toward solving this serious problem.

The magnitude of the problem is vast. We, in Congress, must dedicate ourselves to moving toward a balanced budget and we must make inroads into the horrendous national debt. I believe my bill is one small step toward alleviating the pressure on our economy caused by the outsized national debt.

By Mr. BUMPERS (for himself and Mr. HUMPHREY):

S. 1973. A bill entitled the "Clinch River Breeder Reactor Project Determination Act of 1983"; to the Committee on Energy and Natural Resources.

##### CLINCH RIVER BREEDER REACTOR

● Mr. BUMPERS. Mr. President, today I am introducing legislation which would terminate the Clinch River breeder reactor project unless a legitimate cost-sharing agreement is concluded by the end of this calendar year. Most Senators are aware that the project has been questioned for many years, and Congress has prohibited construction of the project until a satisfactory cost-sharing plan with private industry is approved. On August 1, 1983, Secretary of Energy Donald P. Hodel formally submitted a purported cost-sharing plan to the President of the Senate and the Speaker of the House. No Member of either House, however, has had sufficient confidence in it to introduce it as separate legislation.

That is not surprising, because the plan clearly fails to adhere to the mandate of the Further Continuing Appropriations Act for Fiscal Year 1983 (Public Law 97-337). The conference report accompanying that act directed the Department of Energy to "vigorously explore proposals including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements

for the Clinch River project or project alternative, and secure greater participation from the private sector."

There is no indication that the Department considered the original cost-sharing plan, which required private industry to provide nearly half of the funding for the project. In addition, the Congressional Budget Office has concluded that rather than reducing Federal budget requirements, this plan would increase them. Its analysis determined that this plan would cost \$2 billion more than if the project was merely funded through appropriations. Even discounting that amount to reflect the fact that the plan would temporarily provide private money, the plan would cost \$250 million more than straight Government financing. In short, the alleged cost-sharing plan is even worse than full financing by the Government, which Congress has already concluded is unacceptable.

On September 22, 1983, the Committee on Energy and Natural Resources held a hearing to consider the plan, and it confirmed my worst fears that it is a fraud. No private money is placed at risk. All private investments are to be guaranteed by the Government. In effect, the Government would be borrowing money at above-market rates in order to purchase only the facade of private participation.

The plan would raise \$2.5 billion, the current estimated cost to complete the project, by creating a partnership between the Department and a new entity. The Department would provide \$1.5 billion, the result of a one-time, multiyear appropriation by Congress. The new entity would raise \$150 million in new private equity and couple that with the \$175 million in private contributions which are already required. In addition, the private partner would borrow \$675 million, for a total of \$1 billion in private funds. Once the project went into operation, the construction loans and the accrued interest would be retired through the issuance of 30-year bonds. The bonds, in turn, would be paid off through the anticipated revenues from the sale of the project's electricity or by the Government if those revenues are insufficient. Although the equity investors would have no obligation to help pay off the bonds, they would be allowed to share in any excess revenues.

The plan has many flaws. The equity investors in reality risk nothing, but they are nonetheless entitled to large tax breaks. This situation resembles safe harbor leasing, which Congress has quickly discovered to be a shameful abuse of the tax system. The investors will put up \$150 million of their own money and then borrow \$675 million to proceed with construction. In effect, this investment is guaranteed by the Government, because the construction loans will be auto-

matically retired by the guaranteed bonds. Nonetheless, the investors will be able to claim investment tax credits and accelerated depreciation on \$1 billion, not just their \$150 million. Thus, the Department, as the real party at risk, would be the real owner of the property, but the private party would claim the tax breaks, just as occurs in safe harbor leasing.

This result is also contrary to the "at risk" principles which were incorporated into the tax laws by the Tax Reform Act of 1976. Those principles allows taxpayers to claim the tax benefits of investments only if they have truly placed their money at risk, rather than, for example, relying upon nonresource loans.

In addition, the equity investors would have the considerable benefits of deferral. They would realize the investment tax credit, worth \$100 million, in the first year of the investment, and they would recover the remainder of their investment, through depreciation, in the first year of the project's operation. The income which is supposed to match this flow of tax benefits would be stretched over the 30 years of the project's hoped-for operation. It is no wonder that the Congressional Budget Office has concluded that the equity investors would realize a 37-percent rate of return.

Yet, the equity portion may not even be the worst portion of the plan. The loan portion may be even worse, because it is very likely that the revenue stream from sales of the project's output would be grossly insufficient to repay the bonds, and the guarantee would almost certainly be invoked. The Department of Energy assumes that the plant will operate at 65 percent capacity for 30 years, that its operating cost, not counting an amortization of capital costs, will be 5.5 cents per kilowatt-hour, and the it will sell power at an average of 11 cents per kilowatt-hour. If those assumptions prove true, the plant will produce \$110 million per year, which would retire the \$1.04 billion in debt in 30 years if the interest rate is 10 percent.

The weakness of the plan can be illustrated by changing these assumptions by only 10 percent. If the plant operates at 58.5 percent capacity, if operating costs are 6 cents per kilowatt-hour, and if power is sold for 10 cents per kilowatt-hour, the plant will earn only \$76.9 million per year. If interest rates on the debt are 11 percent the revenue needs would be \$119 million. Therefore, there would be an annual deficit of \$42.1 million. At that rate, the plant probably would never pay for itself, even if it ran forever. Moreover, since the plant is the first of its kind, it is absolutely Pollyannaic to assume that it will operate for 30 years when ordinary light water reactors seem unable to achieve that lifespan.

Witnesses at the Energy Committee hearing testified that the Department's assumptions are hopelessly optimistic. Operating costs are likely to be over 6 cents per kilowatt-hour.

It is also unlikely that power from the project can be sold at anywhere near 11 cents per kilowatt-hour. The current national average for retail sales of electricity to residential users is 6.2 cents per kilowatt-hour. The plan's supporters have argued that the proper benchmark is the avoided cost, that is, the cost to produce the least costly alternative, in the likely market area, and that it is likely to average 11 percent during the life of the project.

First, avoided cost is not the proper benchmark. Instead, it is common practice to split the difference between the producer's actual costs and buyer's avoided costs. Second, the avoided cost of the likely buyers is going down as they retire expensive oil-fired capacity. Third, even if the sales price rose to an average of 11 cents per kilowatt-hour, the project would still lose money in its early years, which would mean that it would accrue additional interest. Consequently, its total debt would exceed the \$1.04 billion which the plan is designed to recover.

Consider the projections of a plant capacity of 65 percent. The national average capacity use for ordinary light water reactors is 62 percent, and that technology is comparatively well understood. The Energy Committee heard testimony that the fast flux test facility had enjoyed better capacity rates, but that facility had no generators, the very component which has proven most troublesome for the Clinch River project as well as for foreign breeders, such as the Phenix reactor in France. Because the Clinch River project more nearly resembles the Phenix than the FFTF or other experimental breeders, it is better to use the average capacity of the Phenix as a guide. That would be about 55 percent.

There are many other flaws in this plan, but only one more needs to be mentioned, that is the fact that the "cost-sharing" does not include any cost overruns. If they occur, and it is a near certainty that they will, the Government, not its "partners," will bear the entire additional burden.

It should be made clear that the plan will not reduce the budgetary demands of this project. If anything, it will only worsen an intolerable situation.

It also should be clear that the Clinch River project has dragged on too long already. Congress had determined that it should not proceed without an acceptable cost-sharing plan. This plan is not acceptable. In fact, it reveals the private sector's total lack of confidence in the project. If the project is worthwhile, why will indus-

try not become truly involved? Why does the plan require Government guarantees? If the project is not worthy of private industry's support, when it is intended to benefit private industry, then why should the American taxpayer support it? The answers are obvious. The project is not worthwhile. It will fail. It is not worth continued funding.

Consequently, I am introducing legislation which makes it clear that private industry must bear an appropriate share of the project's risk or it will be terminated at the beginning of 1984. I urge my colleagues to support this legislation. ●

By Mr. JEPSEN (for himself and Mr. GRASSLEY):

S. 974. A bill to require the Secretary of Agriculture to carry out an emergency feed program to assist family farmers in preserving and maintaining livestock and poultry in areas affected by the 1983 drought and to establish graduated interest rates for emergency loans made under the Consolidated Farm and Rural Development Act to farmers and ranchers for actual losses resulting from such drought; to the Committee on Agriculture Nutrition, and Forestry.

DROUGHT ASSISTANCE ACT OF 1983

Mr. JEPSEN. Mr. President, today I am introducing the Drought Assistance Act of 1983 along with my good friend and colleague, Senator GRASSLEY.

For many weeks now we have been hearing about and seeing firsthand the disastrous conditions caused by this summer's drought. This was the worst drought in 50 years and has devastated many agricultural areas around the country.

I found out just how serious the situation was during the August congressional recess when I toured the drought areas in my State of Iowa.

Although the Department of Agriculture has taken several positive steps to help alleviate the effects of the drought, more needs to be done if we expect agriculture to undergo a significant recovery.

Congress must hold the administration's feet to the fire on drought disaster assistance. I have consistently stressed the need for the Department of Agriculture to release all programs within the Secretary's authority and have focused attention on the seriousness of the problem for many producers.

The Drought Assistance Act, which we are introducing today, provides substantial help to farmers without costing the Federal Government a great deal of money.

The act requires the Secretary of Agriculture to exercise authority already granted him in existing legisla-

tion to carry out the emergency livestock feeding program.

During debate on the dairy compromise bill recently passed by the Senate, I helped attach an amendment which would open huge grain reserves to drought-stricken Iowa livestock producers. I am hoping that the House will act soon on this legislation.

However, regardless of the outcome of the dairy compromise bill, all efforts should be made to encourage the Secretary of Agriculture to implement programs already on the books. This bill will send a signal to the Department of Agriculture that this feed grain program must be implemented to assist the farmers suffering from this summer's devastating drought.

This program aids producers who operate family farms in counties designated as disaster areas.

The program makes Government money available to livestock farmers who must purchase feed at substantially higher prices than normal, as is the case this year. Without the emergency feeding program, we can expect widespread liquidation of livestock as farmers become increasingly unable to buy feed at drought-affected prices.

The emergency feeding program will also help preserve the production control gains made from our past farm policies. Widespread liquidation of livestock could result in increased row crop production next year.

It is important to note that the Drought Assistance Act does not authorize new spending for the feed program, but reallocates an estimated \$535 million in unspent deficiency payments in the USDA budget for fiscal year 1983.

Another feature of the Drought Assistance Act important for all drought-affected farmers is the schedule of graduated interest rates that would be set up.

Under this schedule, eligible farmers unable to obtain credit elsewhere will qualify for loans at 3 percent for the first \$50,000, 5 percent for the second \$50,000, and 8 percent for any amount exceeding \$100,000.

Although the farmers home emergency rate was recently lowered to 5 percent, the flexibility of the graduated interest rate will provide maximum benefit to disaster-affected farmers.

I urge my colleagues to support the Drought Assistance Act so that we may provide swift and substantial aid to those farmers victimized by a chain of events completely out of their control.

By Mr. BRADLEY:

S. 1975. A bill to enact the Gifted and Talented Children's Education Act; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED CHILDREN'S EDUCATION ACT

Mr. BRADLEY. Mr. President, the Federal Government began its involvement with the education of the gifted and talented almost 10 years ago. In 1974, the Congress appropriated \$2½ million to help local education agencies aid these children. By the late 1970's, Congress had increased funding to \$6 million annually. Many excellent and innovative programs were supported through these Federal funds.

Since 1980, we have witnessed a major retreat in aid for the gifted and talented. In 1981, at the request of the Reagan administration the Gifted and Talented Children's Education Act of 1978 was eliminated as a separate program and merged with 29 other education programs under a block grant—chapter 2 of the Education Consolidation and Improvement Act. Funding for the block grant has been cut in real terms by about 50 percent. And in 1982, as a further retreat, the Reagan administration closed the Office of the Gifted and Talented in the U.S. Department of Education. The Federal Government now plays virtually no role in helping schools provide opportunities for the gifted and talented.

Mr. President, the needs of the gifted and talented are real. We have nearly 2.5 million gifted and talented elementary and secondary students in the country, but 40 to 60 percent of this population has never even been identified. Further, 50 percent of the identified students achieve below their ability level, and only 20 percent of the teachers in gifted education are properly trained to design curriculum for these students. Despite the popular notion that our gifted and talented children will succeed on their own, many need services not readily available through regular school programs.

In New Jersey there are presently 61,000 school-age children who have been specifically identified as gifted and talented and are receiving supplemental services of some kind. Few of these children receive all that they deserve and thousands more receive no supplemental services at all. In large part this is because almost all schools are caught in a financial squeeze. Local revenues are insufficient, Federal funds are virtually nonexistent and only little State aid is available—for example only \$100,000 is available from the State of New Jersey for gifted and talented programs, less than \$2 per identified student.

Since local schools do not have the financial resources to provide fully adequate services for these children, I propose that we reverse directions: the talented and gifted need more attention, not less. And to this end, today I am introducing a bill to reestablish a Federal program to aid the gifted and talented. We must have a focused effort to see that our best and our

brightest do succeed. We need to pull this program out of the education block grant and get it funded at least at minimally adequate levels. My bill includes an authorization for appropriations of \$50 million for each of the next 4 fiscal years—almost 10 times the maximum funding level achieved in the late 1970's.

The bill includes two key provisions to help target funds to needy schools. First, the bulk of the funding will be in the form of grants to States for distribution of funds to local schools on a competitive basis. If schools have a new idea worth trying out, they can apply for Federal aid through the State departments of education. Second, half of the funds will be targeted to gifted children from disadvantaged and low-income backgrounds to insure that the gifted children from innercity schools will not be left behind.

My bill would also require the Secretary of Education to reestablish the Office of Gifted and Talented in the U.S. Office of Elementary and Secondary Education to insure that information and research on the talented and gifted is collected and shared with local school districts.

Mr. President, many school districts around the country have established excellent programs for the gifted. We need to support these programs nationally. In New Jersey, the efforts underway in Montclair, Bayonne, Elizabeth, Union City and other places need to be encouraged—not only with our best wishes, but also with our financial support. And that is why I am proposing this new legislation.

Mr. President, Federal aid can help solve problems. For example, the convocation model project set up in New Jersey to provide advanced science for the gifted was funded in 1979 through the old Federal talented and gifted legislation. Over 3,000 New Jersey students and 500 New Jersey teachers benefited from the project. Unfortunately, that program died in 1981 when funding was cut off. We need to encourage efforts such as these, not discourage them.

Mr. President, it is our job to see that each and every student, including the gifted, receive a challenging education. We cannot rob the students who are struggling to learn basic skills, but neither can we continue to ignore our gifted children who quickly become bored and "nonlearners" because of a lack of challenge. We need to increase standards for all of our students. In sum, we need—at the Federal, State and local level—to make a commitment to all of our students, whether they be disadvantaged, gifted or in-between. We need—through chapter 1 compensatory education programs—to help the disadvantaged student achieve his or her potential; but we

also need—through Federal aid to talented and gifted programs—to help the gifted and talented student achieve his or her potential. I truly believe that our leadership position in the world depends on our commitment to our youth. Our goal must be to do everything in our power to help all students maximize on their potential. This legislation is a small step in the right direction to achieve this end.

By Mr. PERCY (for himself, Mr. THURMOND, Mr. SASSER, Mr. DECONCINI, Mr. COCHRAN, Mr. GRASSLEY, Mr. SPECTER, Mr. ABDNOR, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. TOWER, Mr. DENTON, Mr. QUAYLE, Mr. RUDMAN, Mr. JEPSEN, Mr. MATTINGLY, Mr. ANDREWS, Mr. D'AMATO, Mr. GARN, Mr. COHEN, and Mr. LUGAR):

S. 1976. A bill to improve the collection of criminal fines; to the Committee on the Judiciary.

CRIMINAL FINE COLLECTION ACT OF 1983

Mr. PERCY. Mr. President, today I am introducing a bill which addresses what I consider to be startling and disturbing example of revenues lost to the American taxpayer and integrity lost to our criminal justice system—the situation with Federal criminal fines.

Over the past 16 years, the Federal Government has collected only about 55 percent of all criminal fines. The record over the last few years is even worse. Since 1968, the collection rate has fallen from around 80 percent to 34 percent over the past 18 months.

This situation is particularly disturbing in light of the fact that five out of every six of these fines are levied on criminals who do not go to prison. Half the time, they are not even on probation. So, in many cases, when these fines are not paid, these criminals go unpunished.

Today, over 22,000 fines are unpaid, totaling over \$132,000,000. In 83 percent of these cases, no payment has been received in the past year.

While some criminals may have good reasons why they cannot pay their fines in full, the overwhelming majority of these fines are levied on criminals whom one would hardly expect to be indigent. In fiscal year 1982, the largest dollar volume of fines was levied for narcotics crimes, followed by antitrust, fraud, and income tax evasion.

When a prisoner escapes from jail, the escape itself is an offense. But when a criminal escapes a fine, there is no similar offense. Although criminal contempt proceedings may be initiated against an offender who willingly avoids paying a fine, this remedy is cumbersome and has been successfully used only once in the past 15 years. In addition, there are no statutory provisions allowing interest or penalties for

delinquent or overdue fines, so a criminal has every incentive to avoid payment as long as possible. And the evidence indicates that if a fine is not collected promptly, it is very unlikely to be collected at all.

In 1978, a doctor was convicted of falsely charging the U.S. Government over \$90,000 in medicare claims. He had attempted to bill Uncle Sam for surgery on seven elderly patients—surgery he never performed. His sentence: a \$10,000 fine. Although he had defrauded the Federal Government to the tune of \$90,000, and although this same doctor owns five homes, 5 years after this conviction three-fourths of this fine remains unpaid.

In September 1981, a defendant pleaded guilty in Federal court to income tax evasion, and was sentenced to 6 months in a work release program, 3 years probation, and a \$10,000 fine. This individual, who owns over a half million dollars in real estate, over \$80,000 in cash, and \$35,000 in stocks, has paid absolutely nothing on his fine in the 2 years since the sentence was imposed. Absolutely nothing.

G. Gordon Liddy, fined \$40,000 for his role in Watergate, waited about 9 years to pay his fine. He finally paid up, but only after the press focused attention on the fact that he had not complied with Judge Sirica's sentence. There was no penalty for late payment, and no interest was charged.

Over the past 2½ years, I have chaired several hearings on Federal debt collection. Often, witnesses have testified that much of our outstanding delinquent debt is uncollectable. But in the last fiscal year alone, improved Federal debt collection returned an additional \$2 billion—above and beyond what would have otherwise been collected—to the American taxpayer. Some programs have shown an 80-percent reduction in delinquencies. It is time we did the same thing with criminal fine collections.

For these reasons, along with 20 of my colleagues in the Senate, I am introducing the Criminal Fine Collection Act of 1983. This bill is the result of extensive consultation with the Justice Department and others involved in the criminal fine collection process. It is designed to put teeth into Federal fine collections without unduly burdening the Department of Justice. The Justice Department supports this bill.

Specifically, the act will establish a new criminal offense for willful nonpayment of a criminal fine. Currently, it is not a crime to refuse to pay a fine, no matter how flagrantly. The bill will also give judges authority to resentencing criminals for their original offense, within the original sentencing authority, when criminals have allowed their fines to become delinquent. It gives the Justice Department authority to obtain tax-type liens on

property owned by criminals, and requires fine repayment status to be a condition of both probation and parole.

The Criminal Fine Collection Act will allow our U.S. attorneys to assess interest at the rate of 1 percent per month for fines not paid at the time of sentencing, and a monetary penalty of 10 percent for any fine over 30 days past due. Except in special circumstances, it sets a 2-year limit on any court-ordered installment schedule for paying fines.

At the same time, this act will protect an offender's constitutional rights by establishing a new procedure through which convicted offenders can petition for modification or remission of fines, based on their changed circumstances, and conditioned on their good-faith effort to pay at least a reasonable part of the fine.

Recently, the Congress has taken some very positive steps toward allowing restitution and compensation for victims of crime. But before we can have confidence in our ability to collect for the benefit of those victimized by their crimes, we have to improve our ability to collect from criminals in the first place.

I urge my colleagues in the Senate to join me in support of the Criminal Fine Collection Act of 1983.

● Mr. D'AMATO. Mr. President, I rise today in support of the Criminal Fine Collection Act of 1983, introduced by my distinguished colleague from Illinois (Senator PERCY). I believe this legislation will significantly reduce the shocking amount of delinquent criminal fines now owed to the U.S. Government. It will also restore credibility to the criminal justice process with regard to the use of fines as a component of Federal criminal sentences.

On August 3, 1983, I participated in a hearing of the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes chaired by Senator PERCY, at which we examined problems surrounding the collection of criminal fines. At that time, it was pointed out that there is now a staggering amount of fines currently unpaid, a sum in excess of \$132,000,000, and a criminal fine collection record of failure to collect 45 percent of all criminal fines over the past 16 years. When one considers that five out of six fines are imposed in lieu of prison sentences, it becomes apparent that we have an intolerable situation where criminals are simply not being punished for their crimes.

I believe that our criminal justice system fails when it cannot rely on its sentencing tools to serve the dual purposes of punishment of the offender and deterrence to other. Federal courts frequently utilize criminal fines in cases of serious white-collar crimes, such as bribery, narcotics trafficking,

antitrust or securities offenses, fraud, mail theft, and income tax evasion. Sometimes the fines are imposed in conjunction with periods of probation, but often a fine is the sole punishment. When the Federal Government is unable to enforce these fines, however, criminals are receiving the message that crime does pay.

The important changes contained in this legislation are centered in its provision giving the Justice Department much-needed authority to enforce payment of criminal fines by use of tax-type liens. The bill states that a fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time when the judgment is entered and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable. Under this bill, liability to pay a fine ends 20 years after the entry of the judgment, or upon the death of the person fined.

Without the use of the tax lien mechanism, the United States must wait in line behind other creditors with superior claims. Presently, it is often the case that by the time Justice Department attorneys are able to enforce judgments involving criminal fines, there are no assets left against which to levy. The 20-year statute of limitations provision, however, will help by permitting the Justice Department to rid itself of the administrative headache of keeping very old and truly uncollectable fines alive in its records.

Another provision in the bill will empower judges to resentence criminals to any sentence which might originally have been imposed upon their original conviction when there has been knowing failure to pay delinquent fines. Resentencing will be applicable when the court determines that the person has willfully refused to pay the delinquent fine or has failed to make sufficient bona fide efforts to pay or, in light of the nature of the offense and characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence. This provision will help eliminate cases where flagrant refusal to pay fines by those with the financial means to pay have gone without corrective action.

A notable aspect of this legislation will make it a new crime to willfully fail to pay a criminal fine. Under current law, there is no provision making it an offense to refuse to pay a fine and, unless the Government chooses to bring contempt proceedings against the criminal, which have been infrequently attempted and seldom successful, there is no legal mechanism signifying that nonpayment is a punishable act. The criminal default section of this proposed act will provide for a fine or not more than twice the

amount of the unpaid balance of the fine or \$10,000, whichever is greater, imprisonment for up to 1 year, or both. I hope this provision will be invoked infrequently because the other aspects of this bill which contain such new provisions as interest and penalties for delinquent or overdue fines and improved procedures for imposing and collecting fines, termination of the practice permitting prison wardens to overrule judge's sentences that require criminals to remain incarcerated until fines are paid—committed fines—and others will eliminate the circumstances which have undermined the enforcement of fines.

The designation of a new criminal offense serves as a strong signal to criminals that the Government has finally gotten serious about enforcing fines. It will epitomize a new emphasis on the importance of criminal fine collection and underscore Congress' commitment to end the outrageous abuse or our criminal justice system perpetuated by those who choose to take their chances by refusing to pay their fines.

Various other provisions in the legislation address many of the problems in our current procedures for fine collection, as addressed by the Justice Department, the U.S. Parole Commission, the Bureau of Prisons, the Administrative Office of the U.S. Courts, independent researchers, and by extensive study undertaken by the subcommittee. When enacted, the bill will end the practice of permitting criminals to postpone paying their fines until after all of their appeals are exhausted (except in extraordinary situations) and will require fine repayment status to be a condition of both parole and probation. Attaching the condition of fine repayment to parole and probation is an extremely effective means of motivating criminals to meet their obligations. Studies have shown that when the courts get serious about taking away individuals' freedom, payments are often forthcoming.

The Criminal Fine Collection Act will make a strong contribution to our oftvoiced intentions to improve our system of criminal justice. Once we take the steps necessary to make our criminal procedures work for the public, and not for the criminal, we will have taken the proper direction toward rebuilding the American people's faith in their system of justice and in the willingness of their elected representatives to safeguard their freedoms.●

● Mr. SASSER. Mr. President, the introduction today of the Criminal Fine Collection Act is another step in the right direction on the long journey we in the Congress have embarked upon in our effort to reduce and eliminate waste and fraud in Government.

Nowhere is the sinister, criminal aspect of fraud so blatant as it is in the willful failure of criminals who willfully fail to pay fines.

This legislation will provide judges and Justice Department prosecutors with the authority and flexibility to collect fines levied for criminal offenses. We have need stronger legal steps in this matter for some time.

The General Accounting Office (GAO) reported in a landmark study on efforts to combat waste and fraud in Government over 5 years ago that:

Although the Department of Justice is the primary Federal agency concerned with law enforcement and the coordinator of Federal crime prevention programs, it has been slow in taking an active role in assisting Federal agencies to combat fraud.

Part of the reason for the weak role of the Justice Department in the fight against those who have defrauded the Government by failing to pay criminal fines is the absence of sufficient statutory authority and the need for legal clarification of the capabilities which would give the Department the means with which it can battle criminal debtors.

The Criminal Fine Collection Act remedies both the gaps in statutory authority and the need for clarification of the procedures that are necessary for dealing with collection of these unpaid fines.

The \$132 million in outstanding fines is testament itself to the need for this legislation. If we fail to take action on this bill, it might also confound the old adage that crime—or at least the criminal—does not pay.

Unfortunately the situation regarding unpaid criminal fines has a parallel. There was a lax attitude toward the recovery of all debts owed the Government for decades during the fifties, sixties, and seventies. Expansion of Government assistance programs accompanied economic expansion and little emphasis was given to debt collection, and few legal tools were available to those Federal agencies who did seek to recover funds owed them.

So few Government agencies were involved in debt collection, those who did so had a poor record of recovery, and the process was so costly that it seemed as if—as Sir Philip Gibbs had once said: "It is better to give than to lend, and it costs about the same."

Times and economic facts changed. By the end of fiscal year 1977, the GAO calculated that there were \$118 billion in Federal accounts and loans receivable, and that \$3 billion of this had been written off as uncollectable during the fiscal year.

We in the Congress have been working steadily to change attitudes and numbers regarding the collection of debts owed the Federal Government. Senator PERCY and I introduced com-

prehensive debt collection legislation in 1980 and again in 1981. The enactment of the Debt Collection Act of 1982 was the result of so many congressional endeavors. It finally gives Federal agencies the tools they need to check the loss of funds through improved debt collection techniques. The law permits private credit reporting agencies to notify potential creditors of delinquent debts owned the Federal Government; it also permits the use of private debt collection agencies to recover delinquent debts.

This congressional initiative is the key to efforts that the administration now credits for being responsible for the recovery of \$2 billion during the past year—\$2 billion that otherwise would have been written off.

I want to commend Senator PERCY and his staff for the initiative and work involved in the introduction today of the Criminal Fine Collection Act. It carries on the role of congressional leadership in the battle against waste and fraud in Government. I urge its prompt consideration and passage by the Senate. ●

By Mr. PERCY:

S. 1977. A bill to amend the Foreign Trade Zones Act to exempt until June 30, 1986 bicycle component parts which are not re-exported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Finance.

#### BICYCLE PARTS EXEMPTION

Mr. PERCY. Mr. President, I am today introducing legislation which would amend the Foreign Trade Zones Act of 1934 in order to avert a situation which may seriously and adversely affect the domestic bicycle parts industry and certain bicycle manufacturers.

My bill—which is identical to section 211(a) of the House-passed H.R. 3398—would deny foreign trade zone advantages for imported bicycle parts until June 30, 1986. This exemption from the Foreign Trade Zones Act would not apply to bicycle parts which are brought into the United States and then re-exported.

The catalyst for this legislation has been the application of Huffy Corp. for a foreign trade subzone in Celina, Ohio. It is my firm belief that the granting of this subzone would cause grave and irreparable damage to the domestic bicycle parts industry, which has strong representation in my State.

Because of this concern, I asked the Secretary of Commerce to undertake an extensive study of the bicycle industry in the United States before making a decision on the Huffy petition, and this investigation is now underway. In fact, the legitimacy of the entire foreign trade subzone idea has been thrown into question. Businesses in my State have expressed to me

their belief that there is, in fact, no specific law establishing subzones. Rather, these businessmen claim, the executive branch has created subzones on its own, arbitrarily fashioning them from the foreign trade zones legislation. The Congress should take time to look into the matter before approving a subzone for imported bicycle parts.

A further reason to hold off on granting such a subzone for 3 years are the ongoing investigations into the foreign trade zones process currently being conducted by the International Trade Commission and the General Accounting Office. Under these circumstances—with investigations in progress and with the real state of our bicycle industry unknown—I believe that it is only reasonable for us to hold off on making decisions regarding foreign trade zones for bicycles and bike parts.

My legislation will not permanently exempt cycle parts because the sunset feature allows for their inclusion after June 30, 1986. Since the various studies will be completed by then, and since the bicycle tariff will be up for renewal at that time anyway, the Federal Government should wait until that date so that its decision is soundly based on economic considerations.

The domestic bicycle and cycle parts industry is presently in a delicate balance. I urge my colleagues' support of this legislation to maintain this balance along with the thousands of jobs which it supports.

By Mr. DOLE (for himself, Mr. LONG, Mr. DURENBERGER, Mr. PACKWOOD, Mr. WARNER, Mr. HATCH, Mr. KENNEDY, Mr. PERCY, Mr. PRESSLER, Mr. CHAFFEE, Mr. NICKLES, Mr. DANFORTH, Mr. HEINZ, Mr. ROTH, Mrs. HAWKINS, Mr. WALLOP, Mr. BENTSEN, Mr. MOYNIHAN, Mr. HATFIELD, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. LUGAR, Mr. MATHIAS, Mr. THURMOND, Mr. D'AMATO, Mr. JEPSEN, Mr. BAKER, Mr. QUAYLE, Mr. DOMENICI, and Mr. GRASSLEY):

S. 1978. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans; to the Committee on Finance.

#### RETIREMENT EQUITY ACT OF 1983

Mr. DOLE. Mr. President, the Senator from Kansas is pleased to introduce a bill that is a result of the efforts of many individuals to address the problem of pension inequality for women. This Senator is joined by the distinguished ranking minority member of the Committee on Finance, Mr. LONG, the distinguished chairman, Mr. HATCH, and ranking member, Mr. KENNEDY, of the Committee on Labor

and Human Resources, and a strong, bipartisan group of our colleagues concerned with the issue of pension equity. I have long been interested in finding a workable solution to this problem, and to that end last January I proposed S. 19, the Retirement Equity Act of 1983. The administration has also spent a great deal of time and effort on this issue, and has recently introduced legislation in the House of Representatives, H.R. 4032, designed to assure equity in the provision of retirement income.

The bill introduced today contains not only the provisions of S. 19, but also reflects the many ideas expressed in the administration's bill, as well as in the proposals of a number of Senators who have been leaders in the area of pension reform. In particular, this bill, which is being cosponsored by Senators DURENBERGER and PACKWOOD, benefits from the longstanding leadership of Senators DURENBERGER and PACKWOOD in this area and many of the fine ideas expressed in S. 888, the Economic Equity Act of 1983. The bill also reflects some of the proposals in S. 1700, which was introduced by Senator HAWKINS, who is also cosponsoring this bill. This Senator wishes to emphasize that the bill is a bipartisan effort and reflects the ideas of Senators HATFIELD and KENNEDY stated in S. 918, the Private Pension Reform Act.

In addition, the bill reflects concerns expressed in the hearings held on retirement benefits for women both in the Finance Committee and in Senator NICKLES' Labor Subcommittee.

The large number of bills on this issue illustrates not only the concerns of the Members of Congress with respect to this problem, but also the various means by which pension inequities could be redressed. When we held hearings on S. 19 and S. 888 in the Finance Committee last June, I remarked that this variety of different approaches offered us both an opportunity and a challenge—to examine carefully these different approaches to find the best methods of achieving pension equity for women without needlessly disrupting current plan administration. The bill we are introducing today, which benefits from the ideas expressed in the pension equity bills before Congress and the hearings held on this issue, achieves these goals.

#### PENSION REFORM AND WOMEN IN THE WORKPLACE

One of the major difficulties we faced in addressing the issue of pension equity for women is the fact that the work history of many women does not fit neatly into traditional work patterns that are generally rewarded with pension benefits. Many women, by choice or by necessity, must devote a portion of their so-called working

years to the care and raising of children or other dependents. Other women may be required to leave an employer when her spouse is transferred to another city. I realize that in some cases these responsibilities or choices could and should be placed on men as well as women, but until these patterns change it is more likely that women will experience more breaks in their work history than men do.

Although women may not be participating in the paid labor force for as long a period as men, they need funds to live on as they reach retirement age. In many cases—either due to death or divorce—a woman who has made a choice to devote a period of years to her family may find herself unable to obtain the support from her husband's retirement plan.

The current philosophy of retirement plans—that they are rewards for a worker's loyal, long and continuous service—conflicts with some of the choices that women must make in today's society. Part of the difficulty in drafting this legislation was the need to reconcile the concerns of the employer who wishes to provide incentives for long and consistent service with the needs of women whose work patterns differ from the traditional mode. The bill we are introducing accomplishes this goal, I believe, by requiring qualified retirement plans to become a bit more flexible in their terms with respect to certain breaks in service, by requiring a spouse's consent before the participant can trade spousal survivor benefits for another benefit, and by providing expanded survivor coverage for spouses.

#### PROVISIONS OF THE BILL

The bill is designed both to give women who work outside the home an opportunity to participate in their employer's retirement plan and to provide retirement protection for women who are not employed in the paid work force.

The bill revises the minimum age requirements for participation and vesting purposes. The minimum age of participation under ERISA is lowered from 25 to 21, to insure that women, many of whom begin paid employment at a younger age than men, are not denied an opportunity to participate in a retirement plan. This same philosophy is illustrated by the bill's lowering of the minimum age for providing vesting credit—the credit necessary to become entitled to a benefit if a participant terminates employment before retirement—from age 22 to age 18. Under the bill, a plan need not make an 18-year-old a participant in the plan until he or she reaches 21, but when that 18-year-old reaches 21, he or she will receive credit for vesting purposes—but not for benefit accrual purposes—for service from age 18.

The bill also revises some of the so-called break-in service rules that result

in a loss of previously earned credits if a participant leaves the plan for a specified period of time. One provision of the bill does not tie these relaxed break in service rules to a strict definition of maternity/paternity leave, but relaxes the rules so that it is more likely that a person who takes time out to have a baby or care for a child will be able to retain some prior retirement benefits. The bill also provides that a break in service will not occur for an employee who takes a limited maternity/paternity leave.

Other important provisions of the bill focus on survivor coverage for spouses of plan participants. The bill requires that a survivor benefit be offered if a plan participant is age 45 and has 10 years of service. It requires that spousal consent be obtained before a participant can elect to receive a benefit other than one that includes survivor coverage. It also strengthens the notice requirement with respect to such coverage. These provisions are designed to insure that plan participants are both aware of the benefits to which they are entitled and aware of the circumstances under which retirement benefits can be forfeited. I believe that such provisions will assist families in making informed and responsible financial retirement decisions.

Finally, the bill eliminates many of the restrictions that prevented a plan from assigning plan benefits to a spouse in the case of a divorce. These provisions were drafted to insure that plan participants, their spouses, and the plans themselves would be able to reach workable solutions in dividing pension assets upon divorce.

#### A COMBINED EFFORT

Determining and implementing the retirement policies contained in the bill has not been easy. It is difficult to balance the tension between ease of plan administration and protection of plan participants and spouses. In drafting the bill, we worked closely with employer representatives as well as representatives of numerous women's groups, including the Women's Equity Action League, the Pension Rights Center, the American Association of University Women, the Business and Professional Women's Clubs, and many other organizations.

In addition, representatives of the administration—both from the Treasury and Labor Department—were most generous with their suggestions as to methods of improving the bill. Finally, the bill has benefitted from the thoughtful work of the many Members who have studied the problem of pension legislation and who have introduced bills to spark public discussion on the issue. I believe that these efforts were successful—that they resulted in a bill that can best achieve the common goal of pension equity for all persons.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, and it is my hope that the bill will be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

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

S. 1978

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Equity Act of 1983".

#### TITLE I—AMENDMENTS RELATING TO THE INTERNAL REVENUE CODE OF 1954

##### SEC. 101. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

##### SEC. 102. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(A) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—Subparagraphs (A)(i) and (B)(ii) of section 410(a)(1) (relating to minimum age requirement for participation) are amended by striking out "25" each place it appears and inserting in lieu thereof "21".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 411(a)(4) (relating to service included in determination of nonforfeitable percentage) is amended by striking out "22" and inserting in lieu thereof "18".

(c) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subparagraph (D) of section 410(a)(5) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing any period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5 years, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 411(a)(6) (relating

to breaks in service) is amended to read as follows:

**"(D) NONVESTED PARTICIPANTS.—**

**"(i) IN GENERAL.—**For purposes of paragraph (4), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

**"(I) 5 years, or**

**"(II) the aggregate number of years of service before such period.**

**"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—**If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

**"(iii) NONVESTED PARTICIPANT DEFINED.—**For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

**(d) MATERNITY OR PATERNITY LEAVE NOT TREATED AS A BREAK IN SERVICE.—**

**(1) MINIMUM PARTICIPATION STANDARDS.—**Paragraph (5) of section 410(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

**"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY LEAVE.—**In the case of any individual who is absent from work for any consecutive period—

**"(i) by reason of the birth of a child of the individual, or**

**"(ii) for purposes of caring for such child during the period immediately following such birth,**

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph."

**(2) MINIMUM VESTING STANDARDS.—**Paragraph (6) of section 411(a) (relating to breaks in service) is amended by adding at the end thereof the following new paragraph:

**"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY LEAVE.—**In the case of any individual who is absent from work for any consecutive period—

**"(i) by reason of the birth of a child of the individual, or**

**"(ii) for purposes of caring for such child during the period immediately following such birth,**

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph."

**(3) NOT APPLICABLE FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—**Subparagraph (A) of section 411(b)(3) (relating to year of participation) is amended by inserting "(determined without regard to section 410(a)(5)(E))" after "section 410(a)(5)".

**SEC. 103. JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS: DEFINED BENEFIT PLAN MUST PROVIDE LIFE ANNUITIES.**

**(a) IN GENERAL.—**Paragraph (11) of section 401(a) (relating to requirements for joint

and survivor annuities) is amended to read as follows:

**"(11) REQUIREMENTS RELATING TO JOINT AND SURVIVOR ANNUITIES.—**

**"(A) PLAN PROVIDING ANNUITY MUST PROVIDE JOINT AND SURVIVOR ANNUITY IN CERTAIN CASES.—**In the case of any plan which provides for the payment of benefits in the form of an annuity, a trust forming part of such plan shall not constitute a qualified trust under this section unless such plan provides for the payment of annuity benefits to each qualified participant in the form of a qualified joint and survivor annuity.

**"(B) QUALIFIED PARTICIPANT.—**For purposes of subparagraph (A), the term 'qualified participant' means any participant who has not made an election under subparagraph (C) and—

**"(i) who has reached the earliest retirement age under the plan,**

**"(ii) is a participant on or after the first day of the 120th month beginning before the date on which the employee reaches normal retirement age, or**

**"(iii) who—**

**"(I) has attained the age of 45, and**

**"(II) has completed at least 10 years of service (as determined under section 411(a)(4)), with the employer or employers maintaining the plan.**

**"(C) ELECTION NOT TO HAVE JOINT AND SURVIVOR ANNUITY.—**

**"(i) IN GENERAL.—**A plan meets the requirements of subparagraph (A) only if—

**"(I) under the plan each participant may elect, within a reasonable period before the first date on which such participant is a qualified participant under subparagraph (B) (and at such other times as the plan or Secretary may prescribe), not to receive the qualified joint and survivor annuity,**

**"(II) under the plan each participant may, within a reasonable period before the annuity starting date, revoke any election under subclause (I), and**

**"(III) the plan meets the requirements of clauses (ii) and (iii).**

**"(ii) SPOUSE MUST CONSENT TO THE ELECTION.—**Each plan shall provide that an election under clause (i) shall not take effect unless—

**"(I) the spouse of the participant (as of the time of the election) consents in writing to such election, and the spouse's consent is witnessed by a plan representative or a notary public, or**

**"(II) the participant establishes to the satisfaction of a plan representative that the consent required under subclause (I) may not be obtained because the spouse cannot be located or because of such other circumstances as the Secretary may by regulations prescribe.**

**"(iii) PLAN TO PROVIDE WRITTEN EXPLANATION.—**Each plan to which clause (i) applies shall provide (at the time prescribed by the Secretary) to each participant a written explanation of—

**"(I) the terms and conditions of the qualified joint and survivor annuity, and**

**"(II) the participants' right to make, and the effect of, an election under this subparagraph.**

**"(iv) PLAN MAY PROVIDE THAT ELECTION OR REVOCATION NOT TAKE EFFECT IF PARTICIPANT DIES WITHIN 2 YEARS.—**A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because the plan provides that any election or revocation under clause (i) shall not take effect (or ceases to be effective) if—

**"(I) the participant dies within a period (not in excess of 2 years) beginning on the date of the election or revocation, and**

**"(II) the death of the participant is not due to an accident which occurred after such election or revocation.**

**"(v) SPECIAL RULE WHERE PLAN SUBSIDIZES ALL OF COST.—**In the case of a plan under which benefits are not reduced by reason of any qualified joint and survivor annuity, such plan shall be treated as meeting the requirements of clause (i)(I) if the election under such clause may be made only within a reasonable period before the annuity starting date.

**"(D) JOINT AND SURVIVOR ANNUITY NEED NOT BE PROVIDED IF PARTICIPANT AND SPOUSE MARRIED LESS THAN 1 YEAR.—**A plan shall not be treated as failing to meet the requirements of subparagraph (A) if the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been married throughout the 1-year period ending on the earlier of—

**"(i) the participant's annuity starting date, or**

**"(ii) the date of the participant's death.**

**"(E) SPECIAL RULES RELATING TO AMOUNT AND FORM OF PAYMENT.—**A plan does not meet the requirements of subparagraph (A) unless the payments under the survivor annuity are equal to or greater than the payment which would have been made if the survivor annuity had been determined on the basis of the annuity to which the participant would have been entitled if—

**"(i) in the case of a participant who dies after the earliest retirement age, such participant had retired on the day before the date of death, and**

**"(ii) in the case of a participant who dies on or before the earliest retirement age, such participant had—**

**"(I) separated from service on the date of death,**

**"(II) survived to the earliest retirement age,**

**"(III) begun to receive a qualified joint and survivor annuity when he attained the earliest retirement age, and**

**"(IV) died on the day after reaching the earliest retirement age.**

**"(F) SPECIAL RULES RELATING TO QUALIFIED DOMESTIC RELATIONS ORDERS.—**In the case of a former spouse of a participant who is entitled to receive any portion of such participant's benefit under a qualified domestic relations order (within the meaning of paragraph (13)(B))—

**"(i) this paragraph shall not apply to the extent inconsistent with such entitlement, and**

**"(ii) any spouse of such former spouse shall not be entitled to any qualified joint and survivor annuity (and the order may not so provide) unless the plan otherwise provides for such entitlement.**

**"(G) DEFINITIONS AND OTHER SPECIAL RULES.—**For purposes of this paragraph—

**"(i) ANNUITY STARTING DATE.—**The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

**"(ii) EARLIEST RETIREMENT AGE.—**The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

**"(iii) QUALIFIED JOINT AND SURVIVOR ANNUITY.—**The term 'qualified joint and survivor annuity' means an annuity for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (or greater than 100 percent of) the amount of the annuity which is—

"(I) payable during the joint lives of the participant and the spouse, and

"(II) the actuarial equivalent of a single life annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(iv) PLAN MAY TAKE INTO ACCOUNT INCREASED COSTS.—A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing joint and survivor annuity benefits.

"(v) SUBPARAGRAPH (A) APPLIES WHETHER ANNUITY IS NORMAL OR OPTIONAL.—Subparagraph (A) shall apply to any plan which provides for payment of benefits in the form of an annuity without regard to whether such form is normally provided, is provided as an option, or is otherwise provided."

(b) DEFINED BENEFIT PLANS MUST PROVIDE BENEFITS PAYABLE IN THE FORM OF AN ANNUITY.—

(1) IN GENERAL.—Subsection (a) of section 401 (relating to requirements for qualification) is amended—

(A) by inserting after paragraph (24) the following new paragraph:

"(25) DEFINED BENEFIT PLAN MUST PROVIDE BENEFIT PAYABLE IN FORM OF LIFE ANNUITY.—In the case of a defined benefit plan, a trust forming part of such plan shall not constitute a qualified trust under this section unless, in addition to any other form of benefit payments such plan may provide, such plan provides for the payment of benefits in the form of an annuity payable over the life of the participant," and

(B) by striking out "and (20)" in the last sentence and inserting in lieu thereof "(20), and (25)".

(2) CONFORMING AMENDMENTS.—Sections 404(a)(2) and 805 (d)(3) are each amended by striking out "and (22)" and inserting in lieu thereof "(22), and (25)".

#### SEC. 104. SPECIAL RULES FOR ASSIGNMENT IN DIVORCE, ETC. PROCEEDINGS.

(a) PROHIBITION AGAINST ASSIGNMENT NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.—Paragraph (13) of section 401(a) (relating to assignment of benefit) is amended—

(1) by striking out "(13) A trust" and inserting in lieu thereof:

"(13) ASSIGNMENT AND ALIENATION.—

"(A) IN GENERAL.—A trust", and

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

"(B) SPECIAL RULE FOR ASSIGNMENT OF RIGHTS UNDER STATE DOMESTIC RELATIONS LAWS.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply to any assignment or alienation pursuant to any qualified domestic relations order.

"(ii) QUALIFIED DOMESTIC RELATIONS ORDER.—For purposes of clause (i), the term 'qualified domestic relations order' means a domestic relations order which meets the requirements of clauses (iii), (iv), and (v).

"(iii) ORDER MUST CREATE OR RECOGNIZE RIGHT.—A domestic relations order meets the requirements of this clause if such order creates, or recognizes the existence of, an individual's right to receive all or a portion of the benefits payable with respect to a participant under a plan.

"(iv) ORDER MUST CLEARLY SPECIFY CERTAIN FACTS.—A domestic relations order meets the requirements of this clause if such order clearly specifies—

"(I) the participant and each alternate payee,

"(II) the amount or percentage of the participant's benefits to be paid to any alternate payee, or the manner in which such amount or percentage is to be determined,

"(III) the number of payments to which such order applies, and

"(IV) the name and mailing address of the participant and any alternate payee.

"(v) ORDER MAY NOT ALTER AMOUNT FORM, ETC. OF BENEFITS.—A domestic relations order meets the requirements of this clause only if such order—

"(I) does not require a plan to provide any benefits which are not otherwise available under the plan,

"(II) does not require a plan to make payment of benefits in a form other than the form such benefits would otherwise be payable under the plan, and

"(III) does not require a plan to honor an election which may not otherwise be made under such plan.

"(vi) EXCEPTION FOR CERTAIN PAYMENTS MADE AFTER EARLIEST RETIREMENT AGE.—A domestic relations order shall not be treated as failing to meet the requirements of clause (v) merely because such order requires that payment of benefits be made to an alternate payee after the earliest retirement age (within the meaning of section 401(a)(11)(G)(ii)) in any form in which such benefits may be paid under the plan to the participant."

(C) PLAN PROCEDURES WITH RESPECT TO ORDERS.—

"(i) ACTION BY ADMINISTRATOR.—If the plan administrator determines that a domestic relations order is not a qualified domestic relations order, the plan administrator shall notify the participant, any alternate payee, and any person issuing such order of such determination and the reasons therefor.

"(ii) SUSPENSION OF PAYMENT OF BENEFITS.—No benefits subject to a domestic relations order shall be paid by the plan during the period beginning on the date on which notice is sent under clause (i) and ending on the date on which the plan administrator determines that such order has been modified to meet the requirements of a qualified domestic relations order.

"(iii) TIME FOR MAKING DETERMINATION.—Any determination under clause (i) shall be made—

"(I) within a reasonable period after receipt of notice of the domestic relations order (as determined under regulations prescribed by the Secretary), and

"(II) at such other times as the plan administrator determines appropriate.

(D) DEFINITIONS.—For purposes of subparagraphs (B) and (C)—

"(i) DOMESTIC RELATIONS ORDER.—The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(I) relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, or child of a participant, and

"(II) is made pursuant to a State domestic relations law (without regard to whether such law is a community property law).

"(ii) ALTERNATE PAYEE.—The term 'alternate payee' means any spouse, former spouse, or child of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant."

(b) TAX TREATMENT OF DIVORCE DISTRIBUTIONS.—

(1) ALLOCATION OF INVESTMENT IN THE CONTRACT.—Subsection (m) of section 72 (relating to special rules applicable to employee annuities and distributions under employee plans) is amended by adding at the end thereof the following new paragraph:

"(10) DETERMINATION OF INVESTMENT IN THE CONTRACT IN THE CASE OF QUALIFIED DOMESTIC RELATIONS ORDERS.—Under regulations prescribed by the Secretary, in the case of a distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 401(a)(13)(B)), the investment in the contract as of the date prescribed in such regulations shall be allocated on a pro rata basis between the present value of such distribution or payment and the present value of all other benefits payable with respect to the same participant to which such order relates."

(2) DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS NOT TREATED AS LUMP SUM DISTRIBUTIONS FOR CERTAIN PURPOSES.—Subparagraph (A) of section 402(e)(4) (defining lump-sum distribution) is amended by adding at the end thereof the following new sentence: "For purposes of this section and section 403, any distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 401(a)(13)(B)) shall not be treated as a lump sum distribution."

(3) ROLLOVER OF DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (6) of section 402(a) (relating to special rules for rollovers) is amended by adding at the end thereof the following new subparagraph:

"(F) QUALIFIED DOMESTIC RELATIONS ORDERS.—If—

"(i) within one taxable year of the recipient, the balance to the credit of the account of the recipient by reason of any qualified domestic relations order (as defined in section 401(a)(13)(B)) is distributed or paid to the recipient,

"(ii) the recipient transfers any portion of the property the recipient receives in such distributions to an eligible retirement plan described in subclause (I) or (II) of paragraph (5)(D)(iv), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then the portion of the distribution so transferred shall be treated as a distribution described in paragraph (5)(A)."

#### SEC. 105. INCREASE IN ALLOWABLE MANDATORY DISTRIBUTIONS FROM \$1,750 TO \$3,500.

Subparagraph (B) of section 411(a)(7)(B) (relating to effect of certain distributions) is amended by striking out "\$1,750" and inserting in lieu thereof "\$3,500".

#### SEC. 106. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (e) of section 6057 (relating to individual statement to participants) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date."

#### SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply—

(1) in the case of any plan which is not in existence on October 19, 1982, to years ending after October 19, 1982, and

(2) in the case of plans in existence on October 19, 1982, to years beginning after December 31, 1984.

(b) SECTIONS 102(B) AND 103(A).—The amendments made by sections 102(b) and section 103(a) shall apply to any participant—

(1) the annuity starting date of which did not occur before the date of the enactment of this Act, and

(2) who on or after such date had at least 1 hour of service for an employer or employers maintaining the plan.

(c) REQUIREMENT THAT DEFINED BENEFIT PLANS PROVIDE ANNUITY BENEFITS.—The amendments made by section 103(b) shall not apply to any defined benefit plan in existence on October 19, 1983, if, on such date, such plan did not provide for the payment of benefits in the form of an annuity over the life of the participant.

(d) ASSIGNMENT AND ALIENATION.—The amendments made by subsection (a) of section 104 shall take effect on the date of the enactment of this Act.

(e) INCREASE IN ALLOWABLE MANDATORY DISTRIBUTIONS.—The amendments made by section 105 shall apply to years ending after the date of the enactment of this Act.

## TITLE II—AMENDMENTS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

### AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 201. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

### MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS

SEC. 202. (a) Section 202(a)(1) (29 U.S.C. 1052(a)(1)) is amended by striking out "25" each place it appears in subparagraphs (A)(i) and (B)(ii) and inserting in lieu thereof "21".

(b) Section 203(b)(1)(A) (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "18".

(c)(1) Paragraph (4) of section 202(a) (29 U.S.C. 1052(a)(4)) is amended to read as follows:

"(4)(A) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing any period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(i) 5 years, or

"(ii) the aggregate number of years of service before such period.

"(B) If any years of service are not required to be taken into account by reason of a period of breaks in service to which subparagraph (A) applies, such years of service shall not be taken into account in applying subparagraph (A) to a subsequent period of breaks in service.

"(C) For purposes of subparagraph (A), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(2) Subparagraph (D) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(D)) is amended to read as follows:

"(D)(i) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5 years, or

"(II) the aggregate number of years of service before such period.

"(ii) If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(d)(1) Subsection (b) of section 202 (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5) In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph."

(2) Paragraph (3) of section 203(b) (29 U.S.C. 1053(b)(3)) is amended by adding at the end thereof the following new paragraph:

"(E) In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph."

(3) Subparagraph (A) of section 204(b)(3) (29 U.S.C. 1054(b)(3)) is amended by inserting "(determined without regard to section 202(b)(5))" after "section 202(b)".

### JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS; DEFINED BENEFIT PLAN MUST PROVIDE LIFE ANNUITIES

SEC. 203. (a) Section 205 (29 U.S.C. 1055) is amended to read as follows:

#### "JOINT AND SURVIVOR ANNUITY REQUIREMENT

"Sec. 205. (a) In the case of any plan which provides for the payment of benefits in the form of an annuity, such plan shall provide for the payment of annuity benefits to each qualified participant in the form of a qualified joint and survivor annuity.

"(b) For purposes of subsection (a), the term 'qualified participant' means any participant who has not made an election under subsection (c) and—

"(1) who has reached the earliest retirement age under the plan,

"(2) is a participant on or after the first day of the 120th month beginning before the date on which the employee reaches normal retirement age, or

"(3) who—

"(A) has attained the age of 45, and

"(B) has completed at least 10 years of service (as determined under section 411(a)(4)), with the employer or employers maintaining the plan.

"(c)(1) A plan meets the requirements of subsection (a) only if—

"(A) under the plan each participant may elect, within a reasonable period before the first date on which such participant is a qualified participant under subsection (b) (and at such other times as the plan or Secretary may prescribe), not to receive the qualified joint and survivor annuity,

"(B) under the plan each participant may, within a reasonable period before the annuity starting date, revoke any election under subparagraph (A), and

"(C) the plan meets the requirements of paragraphs (2) and (3).

"(2) Each plan shall provide that an election under paragraph (1) shall not take effect unless—

"(A) the spouse of the participant (as of the time of the election) consents in writing to such election, and the spouse's consent is witnessed by a plan representative or a notary public, or

"(B) the participant establishes to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because the spouse cannot be located or because of such other circumstances as the Secretary may by regulations prescribe.

"(3) Each plan to which paragraph (1) applies shall provide (at the time prescribed by the Secretary) to each participant a written explanation of—

"(A) the terms and conditions of the qualified joint and survivor annuity, and

"(B) the participants' right to make, and the effect of, an election under this subparagraph.

"(4) A plan shall not be treated as failing to meet the requirements of subsection (a) merely because the plan provides that any election or revocation under paragraph (1) shall not take effect (or ceases to be effective) if—

"(A) the participant dies within a period (not in excess of 2 years) beginning on the date of the election or revocation, and

"(B) the death of the participant is not due to an accident which occurred after such election or revocation.

"(5) In the case of a plan under which benefits are not reduced by reason of any qualified joint and survivor annuity, such plan shall be treated as meeting the requirements of paragraph (1)(A) if the election under such paragraph may be made only within a reasonable period before the annuity starting date.

"(6) If a plan in good faith relies on any consent received, or determination made, under paragraph (2) with respect to any election, any payment of benefits in accordance with such election shall discharge its obligations to the participant and spouse to the extent of such payment.

"(7) A plan shall not be treated as failing to meet the requirements of subsection (a) if the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been mar-

ried throughout the 1-year period ending on the earlier of—

"(1) the participant's annuity starting date, or

"(2) the date of the participant's death.

"(e) A plan does not meet the requirements of subsection (a) unless the payments under the survivor annuity are equal to or greater than the payment which would have been made if the survivor annuity had been determined on the basis of the annuity to which the participant would have been entitled if—

"(1) in the case of a participant who dies after the earliest retirement age, such participant had retired on the day before the date of death, and

"(2) in the case of a participant who dies on or before the earliest retirement age, such participant had—

"(A) separated from service on the date of death,

"(B) survived to the earliest retirement age,

"(C) begun to receive a qualified joint and survivor annuity when he attained the earliest retirement age, and

"(D) died on the day after reaching the earliest retirement age.

"(f) In the case of a former spouse of a participant who is entitled to receive any portion of such participant's benefit under a qualified domestic relations order (within the meaning of section 206(d)(3))—

"(1) this paragraph shall not apply to the extent inconsistent with such entitlement, and

"(2) any spouse of such former spouse shall not be entitled to any qualified joint and survivor annuity (and the order may not so provide) unless the plan otherwise provides for such entitlement.

"(g) For purposes of this section—

"(1) The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

"(2) The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(3) The term 'qualified joint and survivor annuity' means an annuity for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (or greater than 100 percent of) the amount of the annuity which is—

"(A) payable during the joint lives of the participant and the spouse, and

"(B) the actuarial equivalent of a single life annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(4) A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing joint and survivor annuity benefits.

"(5) Subsection (a) shall apply to any plan which provides for payment of benefits in the form of an annuity without regard to whether such form is normally provided, is provided as an option, or is otherwise provided."

(b) Section 206 (29 U.S.C. 1056) is amended by adding at the end thereof the following new subsection:

"(e) A defined benefit plan shall, in addition to any other form of benefit payments such plan may provide, provide for the payment of benefits in the form of an annuity payable over the life of the participant."

SPECIAL RULES FOR ASSIGNMENT IN DIVORCE,  
ETC. PROCEEDINGS

SEC. 204. Section 206(d) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraphs:

"(3)(A) Paragraph (1) shall not apply to any assignment or alienation pursuant to any qualified domestic relations order.

"(B) For purposes of subparagraph (A), the term 'qualified domestic relations order' means a domestic relations order which meets the requirements of subparagraphs (C), (D), and (E).

"(C) A domestic relations order meets the requirements of this subparagraph if such order creates, or recognizes the existence of, an individual's right to receive all or a portion of the benefits payable with respect to a participant under a plan.

"(D) A domestic relations order meets the requirements of this subparagraph if such order clearly specifies—

"(i) the participant and each alternate payee,

"(ii) the amount or percentage of the participant's benefits to be paid to any alternate payee, or the manner in which such amount or percentage is to be determined,

"(iii) the number of payments to which such order applies, and

"(iv) the name and mailing address of the participant and any alternate payee.

"(E) A domestic relations order meets the requirements of this subparagraph only if such order—

"(i) does not require a plan to provide any benefits which are not otherwise available under the plan,

"(ii) does not require a plan to make payment of benefits in a form other than the form such benefits would otherwise be payable under the plan, and

"(iii) does not require a plan to honor an election which may not otherwise be made under such plan.

"(F) A domestic relations order shall not be treated as failing to meet the requirements of subparagraph (E) merely because such order requires that payment of benefits be made to an alternate payee after the earliest retirement age (within the meaning of section 205(g)(2)) in any form in which such benefits may be paid under the plan to the participant."

"(4)(A) If the plan administrator determines that a domestic relations order is not a qualified domestic relations order, the plan administrator shall notify the participant, any alternate payee, and any person issuing such order of such determination and the reasons therefor.

"(B) No benefits subject to a domestic relations order shall be paid by the plan during the period beginning on the date on which notice is sent under subparagraph (A) and ending on the date on which the plan administrator determines that such order has been modified to meet the requirements of a qualified domestic relations order.

"(C) Any determination under subparagraph (A) shall be made—

"(i) within a reasonable period after receipt of notice of the domestic relations order (as determined under regulations prescribed by the Secretary), and

"(ii) at such other times as the plan administrator determines appropriate.

"(5) For purposes of paragraphs (3) and (4)—

"(A) The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(i) relates to child support, alimony payments, or marital property rights, and

"(ii) is made pursuant to a State domestic relations law (without regard to whether such law is a community property law).

"(B) The term 'alternate payee' means any spouse, former spouse, or child of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant."

INCREASE IN ALLOWABLE MANDATORY  
DISTRIBUTIONS FROM \$1,750 TO \$3,500

SEC. 205. Section 204(d)(1) (29 U.S.C. 1054(d)(1)) is amended by striking out "\$1,750" and inserting in lieu thereof "\$3,500".

PARTICIPANT TO BE NOTIFIED THAT BENEFITS  
MAY BE FORFEITABLE

SEC. 206. Section 105(c) (29 U.S.C. 1025(c)) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date."

EFFECTIVE DATES

SEC. 207. (a) Except as otherwise provided in this section, the amendments made by this title shall apply—

(1) in the case of any plan which is not in existence on October 19, 1982, to years ending after October 19, 1982, and

(2) in the case of plans in existence on October 19, 1982, to years beginning after December 31, 1984.

(b) The amendments made by sections 202(b) and 203(a) of this Act shall apply to any participant—

(1) the annuity starting date of which did not occur before the date of the enactment of this Act, and

(2) who was an active participant in the plan on or after such date.

(c) The amendments made by section 203(b) of this Act shall not apply to any defined benefit plan in existence on October 19, 1983, if, on such date, such plan did not provide for the payment of benefits in the form of an annuity over the life of the participant.

(d) The amendments made by section 204(a) of this Act shall take effect on the date of the enactment of this Act.

(e) The amendments made by section 205 of this Act shall apply to years ending after the date of the enactment of this Act.

Mrs. HAWKINS, Mr. President, I am pleased to join as a cosponsor of legislation that affects all Americans—reform of inequities in our pension laws.

We must all be concerned that older women are the fastest growing poverty group in America, and that 81 percent of women over age 65 who do not reside with relatives live below the poverty line. As you know, many of the bills before Congress today have provisions that address pension inequities that primarily affect women. These inequities, however, are not limited to women, and the problem that they address is not just a women's issue.

S. 19, which was introduced by Senator DOLE; S. 918, introduced by Senator HATFIELD; S. 1700, which I have introduced; and title I of the Economic Equity Act all share similar or identi-

cal provisions. The provisions bear repeating, and perfecting, because we all share the same goal: To correct the inequities that exist in the current private pension programs for women. Today, we are joining together to introduce consensus legislation that incorporates the concepts and provisions contained in all these bills. Women are especially vulnerable to these inequities because they tend to enter the work force early, have breaks-in-service because they interrupt their careers for childcare responsibilities, or choose the role of a homemaker in marriage. Today, only 21 percent of women workers are covered by pension plans compared to 49 percent of men, and only 13 percent of all working women actually receive their pension benefits. We need to amend ERISA to improve the ability of women to be covered by private pensions, whether in earning their own pension credits or in improving their access to a spouse's retirement income in divorce and widowhood.

Enactment of ERISA did insure that a joint and survivor annuity was offered to a participant covered under a private pension annuity at retirement age. Current law, however, only requires notification and written waiver of this election by the participant. It does not require the consent of the participant's spouse, the person who is the most affected by the decision to waive the joint and survivor annuity. They do not even have to be notified of the existence of this option.

Even in those marriages where the pension participants do wish to provide for the retirement of their spouses, they may be prevented from doing so. Current law does not require the pension plan to offer the joint and survivor benefit until retirement age. If the participant dies before he or she is eligible to opt for this benefit, some plans provide that employee benefits are forfeited even if they were fully vested. If the participant lives long enough to choose this option but dies within 2 years of the selection, the pension plan may refuse to honor the election of joint and survivor benefits. Plans may also prohibit employees from providing a survivor option to a divorced spouse and may also preclude providing for a spouse married after the annuity starting date. Because of all the conditions that must be met before survivors' annuities are paid, the National Women's Political Caucus estimates that only 5 to 10 percent of surviving spouses actually receive their benefits.

Since we all share a common interest in reforming the private pension programs to remove the inequities against women, we have been working together to develop consensus legislation that incorporates the various concepts and provisions that are contained in our individual bills. This legislation

would increase the ability of women to obtain coverage under private pension plans both in improving their ability to vest in pension programs and in their ability to be covered under their spouse's private pension program.

This legislation would correct these inequities by amending ERISA in the following manner: In order to insure that the person most impacted by the decision to elect or waive the joint and survivor annuity is consulted, the bill requires that the election of joint and survivor annuity is automatic and cannot be waived unless the participant's spouse is notified and consents in writing. To insure that vested pension benefits are not forfeited because the participant died before having the opportunity to choose this option, the bill requires the joint and survivor options to be offered at age 45 and after 10 years of service. In order to protect divorced spouses the bill specifies that individuals who were the spouse of a plan participant on the date that retirement benefits began but were subsequently divorced, can continue to receive benefits even if the plan participant dies. In order to mitigate the litigation surrounding pension alienation in divorce and child support cases, the bill clarifies that pension benefits can be considered and alienated in domestic relations court orders. This legislation incorporates what I feel are key concepts regarding the definition of a qualified domestic relations order and the duties of a plan administrator regarding allocation of those pension benefits.

This legislation also attempts to rectify the inequities in our private pension programs which have limited the number of working women who vest in their companies pension programs. The legislation requires employers to allow their employees to begin participating in the pension program at age 21 instead of age 25 and to count years of service of that employee from age 18 instead of 22. This provision benefits men as well as women, because it applies to any individual who began their career early. This legislation also amends ERISA's breaks-in-service provision to avoid penalizing individuals who interrupt their employment for childcare responsibilities.

The legislation also amends ERISA to address the breaks-in-service provision which often has the effect of preventing working women from vesting in their companies pension plans because they interrupt their service for childcare responsibilities. Our legislation would amend ERISA to insure that working women could interrupt their employment for childcare responsibilities without losing their prior years of employment service.

Mr. President, there is a saying: "Women are not a minority; they are just treated like one." Well, women are a majority—and no minority or

majority should be subject to economic indignities that threaten their self-esteem, their well-being, and the health and safety of their families. As I stated in my introductory remarks for S. 1700, I feel that these reforms in our private pension programs are long overdue, and I urge my Senate colleagues to join me in supporting this bill.

Mrs. KASSEBAUM. Mr. President, I am pleased to join the distinguished chairman of the Senate Finance Committee, Mr. DOLE, and a number of other Senators in introducing legislation designed to improve the treatment of women under private pension plans. As a cosponsor of the Economic Equity Act in both the 97th and 98th Congresses, I have long felt that retirement income protection for women is of particular importance. A variety of factors reduce the likelihood of a woman's being entitled to a private pension. Coupled with the relatively longer life expectancies of women, these factors are a major contributor to alarmingly high rates of poverty among older women.

The measure being introduced today represents a broad consensus among members who have been working on behalf of pension equity. By incorporating features of several different proposals, it offers a broad and thoughtful approach to the concerns which have been expressed.

Devising an appropriate response to these concerns is no simple task. In looking at our private pension system, we find that most of the disadvantages experienced by women are not the result of requirements which are discriminatory on their face. Problem have resulted, however, from the insensitivity of current laws and programs to the actual work and life patterns of women—which do vary considerably from those of men. For example, in the job market women are more likely to begin work at younger ages, engage in more part-time employment, change jobs more frequently, and interrupt careers to assume family responsibilities. These characteristics place women at an obvious disadvantage in a private pension system designed to reward most generously those individuals who spend their careers in uninterrupted work with a single employer.

In addition, there is a great deal of variance among women in terms of their employment and family situations. As a general rule, men work in the paid labor force throughout their adult years whether or not they are married or have families. Alternatively, no "twenty-five-words-or-less" statement can accurately describe the lifetime work patterns of the majority of American women. Consequently, in attempting to fashion changes, it is necessary to consider a variety of ap-

proaches. This measure acknowledges this diversity by including provisions dealing with women as workers; women as mothers; and women as spouses, divorced spouses, and widows.

This legislation attempts to expand pension coverage of working women by lowering the minimum age for participation in a retirement plan from 25 to 21. The highest labor force participation rate among women—69.1 percent—occurs among women in the 20 to 24 age bracket. Yet, individuals generally do not have a chance to participate in a retirement plan until age 25. In addition, the measure lowers the minimum age for vesting from 22 to 18—again offering additional protection to individuals who join the work force at younger ages.

This bill recognizes that family responsibilities can create work interruptions, which jeopardize pension benefits. It addresses this situation by amending current break-in-service rules to provide that a limited period of approved maternity/paternity leave does not constitute a break in service for participation and vesting purposes. In addition, the measure amends the "rule of parity" to provide that, in most cases, an individual will not lose participation and vesting credit for prior service if he or she interrupts service with an employer for fewer than 5 years. This provision is not limited to leave attributable to child rearing, though it would be of obvious benefit in such a situation.

The measure also includes provisions designed to assist individuals who, because they do not work outside the home, rely heavily on benefits earned by their spouses. It requires that a worker and spouse give written consent in order to waive a joint and survivor annuity election. Currently, an alternate annuity option can be selected by the worker without the consent—or even the knowledge—of a spouse. The bill offers additional protection to the surviving spouse by providing that a pension benefit be made available even if the working spouse dies before the annuity starting date, providing that the plan participant had attained age 45 and had at least 10 years of service for vesting purposes.

Finally, this legislation clarifies that private pensions are property which may be divided as part of a divorce settlement and provides rules for the tax treatment of retirement plan distributions upon divorce.

I hope that the Senate Finance Committee and the Senate Committee on Labor and Human Resources can act quickly in approving this measure.

Mr. MOYNIHAN. Mr. President, I am very pleased to cosponsor legislation vital to the economic well-being of American women. The Retirement Equity Act of 1983, will bring this Nation a little closer to realizing a goal

which we all share, that of full economic equality for women and men.

This bill will alter certain current pension laws, so as to eliminate discrimination against women in this vital area. It has become increasingly apparent that the existing pension, tax, and retirement laws do not accommodate the special needs of women and homemakers. Many instances of outright discrimination have also become apparent. As more and more women enter the work force, it is urgent that these laws be changed to assure women their due financial security now and into the future. Otherwise the "feminization of poverty" will continue to increase and pervade our society. The present bill would help stop the "feminization of poverty" by providing new protections for women whose husbands die and for those women who become divorced or separated from their husbands.

Only with legislation such as the present Retirement Equity Act of 1983 can we hope to assure that women achieve the economic independence that they need and deserve. The bill has the support of both women's groups and industry groups. I urge my colleagues to support the bill so that it can soon be enacted into law.

Among the many features of the bill are provisions to insure that more women qualify for employer pension plans, provisions to protect women's pension rights when they elect maternity leave or longer breaks in service, and provisions to protect spousal survivors. The bill also allows courts to split pension benefits between a husband and wife who are separated or divorced. Although the issues addressed in this legislation do not encompass every necessary change, the bill is a proper step in the continuing struggle for full equality for women. Women, in the American work force and out, must be guaranteed the financial security due them.

Mr. President, this bill is not a panacea, nor is it intended to be a substitute for the equal rights amendment. As one of the original supporters of the equal rights amendment, I know that equal rights for women cannot be achieved until it is part of the U.S. Constitution. Nevertheless, I am committed to the passage of every piece of legislation, large or small, that promotes equity among men and women, and I urge my colleagues both to pass the present Retirement Equity Act of 1983 and to work to insure that the equal rights amendment is made a part of the U.S. Constitution.

Mr. DURENBERGER. Mr. President, I am pleased to cosponsor this important pension legislation which is being introduced today. I would also like to commend Senator DOLE, Senator PACKWOOD, Senator HATFIELD, and the other cosponsors for the strong

leadership roles they have taken in promoting pension equity for women.

This legislation reflects growing awareness of the economic inequity that exists for women in America today—specifically, with regard to pensions. The economic barriers which confront American women are not isolated instances, they affect real people and real families. In fact, just about every woman in this country will face one or more of the following roadblocks sometime in her working life: Longer work requirements for pension vesting and participation rights; termination of survivorship benefits; denial of pension survivorship benefits; loss of accrued benefits due to "break in service" requirements; inability to afford high quality dependent care; failure to obtain employment because of a lack of training or experience; and, failure to collect child support.

The pension legislation which we are introducing will make significant inroads toward alleviating many of these inequities. This bill represents a culmination of the efforts of many of the Members of this body. I am pleased that most of the provisions of the bill were contained in the Economic Equity Act, S. 888, which was introduced by Senators PACKWOOD, HATFIELD, HART, and myself in 1981 and 1983. Many were also part of Senator DOLE's pension equity bill, S. 19, and the newly introduced administration bill, H.R. 4032.

This bill will remove pension discrimination against women in the following ways:

#### WOMEN AS WORKERS

It reduces the minimum age of pension participation from 25 to 21 and it lowers the minimum age of vesting from 22 to 18. These changes are significant for women because more women under age 25 are employed outside the home than any other age bracket. It is also true that women are more likely than men to leave the work force in their twenties or thirties.

If we are to provide retirement security for women, as well as for men who start working at a later age, it is important that early working years count in earning pension rights. This provision would recognize those critical working years.

#### WOMEN AS MOTHERS

It would insure that individuals who temporarily leave their jobs for up to 5 years would not lose their pension rights for prebreak periods of service.

Although this provision would provide invaluable assistance to women who take time away from work to raise families or care for dependent family members, it will also assist men who are desirous of returning to school or fulfilling various personal demands.

## WOMEN AS WIDOWS

It would require that survivor's benefits be provided in the event of the death of a plan participant who is at least 45 years old and who has 10 years of service.

This addresses the serious problem faced by many women whose husbands die prematurely and who find themselves without survivor's benefits. This problem was well-identified during the Senate Finance Committee hearings on the Economic Equity Act in June, when Mrs. Geneva Burgess, of Glen Burnie, Md. testified that her husband's pension had been denied to her despite many years of marriage and family partnership.

Mr. Chairman, it is probably too late for me. But it is not too late for thousands of women who lose out this year or the next. It is not too late for someone like Patricia Tice who also lives in Maryland and who told me that her husband is dying of cancer at age 50.

She has written to IBM to see about getting a share of his benefits. But even after 23 years with the company, when Mrs. Tice moved frequently with her husband to further his career, she will be out of luck if he does not make it another 5 years. She was crying to me on the phone because she knows he will not make it. I ask for her sake and the sake of thousands of other women who count on their husband's pensions to get by, for you to change the law.

Mrs. Burgess, and countless other women like her, have been denied thousands of deserved dollars because of inequities in our pension laws. This bill would eliminate many of these hardships.

In addition, joint and survivor's annuity benefits will now be considered the normal type of benefit payout for any plan which offers an annuity as an optional form of benefit. Should a married couple desire to waive the right to such survivor's benefits, they will be required to do so in writing. This change will help insure that a spouse will no longer unknowingly find himself or herself without survivor's benefits.

## WOMEN AS FORMER SPOUSES

This legislation addresses several of the difficult problems that have arisen in divorce actions with respect to pensions. It would require that a plan, to the extent a court has ordered, split the pension account between the divorced husband and wife, and makes favorable IRA rollover rules available to alternative payees.

It would also mandate that, in the case of a divorce after a joint and survivor annuity begins, the ex-spouse may be eligible to receive survivor's benefits.

## ADDITIONAL PROVISIONS

In an effort to provide plan participants with advance notice of possible benefit forfeitures, the legislation

would require individual benefit statements to include a notice to participants identifying when vested benefits may be forfeited.

The bill would also ease the administrative burden on pension plans by increasing the level at which plans may cash out benefits from \$1,500 to \$3,500.

While I would have preferred this legislation be expanded to incorporate specific pension provisions of the Economic Equity Act, I believe it represents great progress toward insuring economic equity for women.

I am encouraged by the attention being devoted to the pension issue, but continue to believe the most effective way for Congress to address pension discrimination is to pass the entire Economic Equity Act with all its other reinforcing provisions.

I urge my colleagues to keep in mind the fundamental purpose of this pension reform: To insure that the Federal Government plays a constructive role in removing obstacles to economic equity, rather than a destructive role of creating or even maintaining these obstacles.

One criticism which may be raised to this legislation is that we cannot afford these changes. To that charge my answer is, we cannot afford not to have economic equity. For two centuries of our history, the cost of economic inequity has been borne by women. The time has come to spread these costs.

This bill begins that process. I urge my colleagues to support this important measure.

Mr. PACKWOOD. Mr. President, I am delighted to join as a cosponsor of S. 1978, an excellent pension equity proposal introduced today by Senators DOLE, LONG, DURENBERGER, ROTH, DANFORTH, CHAFEE, WALLOP, HEINZ, BENTSEN, MOYNIHAN, BAUCUS, MITCHELL, HATFIELD, HATCH, NICKLES, KENNEDY, KASSEBAUM, WARNER, PERCY, PRESSLER, LUGAR, MATHIAS, THURMOND, D'AMATO, JEPSEN, BAKER, QUAYLE, DOMINICI, and myself.

I particularly appreciate the leadership Senator DOLE has given in the development of this bill. I also appreciate his gracious words about our work over the years on S. 888, the Economic Equity Act.

There is a developing consensus that a number of changes are needed in the private pension system to increase equity for women. Interest has been building for several years. Most of the provisions in S. 1978 were contained in S. 888, the Economic Equity Act, introduced in 1981 and 1983 by Senators DURENBERGER, HATFIELD, HART, and myself. Other provisions were introduced earlier this year by Senator DOLE in S. 19. Introduction today of this bill is an important further step toward enactment of the best of these bills.

Pension reform has been sought by women and men alike for many years. Injustices caused by divorce, loss of pension rights due to maternity or paternity leave or for extended leave for child-rearing are among the inequities dealt with in the Economic Equity Act and which are addressed in this legislation.

The bill we are introducing today does the following:

First, it lowers the minimum age of participation under ERISA from 25 to 21;

Second, it lowers the minimum age for vesting under ERISA for 25 to 18;

Third, it requires plans to offer survivor's benefits in the case of a death of a plan participant who has reached age 45, and who has 10 years of service;

Fourth, it insures in most cases that individuals with a break in service up to 5 years do not lose credit for participation or vesting purposes for pre-break periods of service;

Fifth, it requires that joint and survivor benefits be the usual form of benefits;

Sixth, it requires that the election out of joint and survivor coverage must have the consent of the spouse;

Seventh, it requires that, in the case of a divorce after a joint and survivor annuity starts, that the ex-spouse will be eligible to receive survivor benefits;

Eighth, it requires that a joint and survivor annuity be the usual form of benefit payout for any plan that offers an annuity as an optional form of benefit payment;

Ninth, it requires that the plan, to the extent that the court orders, split the participant spouse's pension account between the divorced husband and wife; provides the nonparticipant ex-spouse with the option of an annuity based on his or her own life expectancy at the plan's early retirement date for the participant; and makes favorable IRA rollover and allocation for annuities rules available to alternate payees;

Tenth, it requires that individual benefit statements include a notice to participants that vested benefits may be forfeited upon death; and

Eleventh, it increases the level at which plans may cash out benefits from \$1,750 to \$3,500.

Mr. President, I look forward to working with other Senators to help enact these changes. I welcome this further step toward providing greater pension equity for women.

Mr. LONG. Mr. President, it is a great pleasure to join with my distinguished colleagues in introducing legislation designed to remedy many of the inequities that women face in pensions. This bill represents a bipartisan attempt to address many of these inequities in a fair and balanced manner.

Although I enthusiastically endorse this bill as a much-needed solution to correcting the problems faced by women in the work force, I also believe that the bill can be improved upon. In particular, I am concerned that certain provisions in the bill may create certain costs and other problems for plan sponsors which could outweigh the expected benefits. Let me take just a few moments to outline a few of these concerns in the hope that an approach might be found that can solve these problems while still advancing the bill's very worthwhile objectives.

One of the principal provisions of this bill would lower the minimum age for participation in pension plans from age 25 to age 21. This provision is intended to enable working women to participate in employer-sponsored pension plans at an earlier age than under present law, thereby enabling them to earn greater pension benefits than they might otherwise earn under prevailing work patterns.

One concern that I have in this area is the effect that this lower participation standard might have on the tax qualification of plans maintained by the employer. In the case of thrift and savings plans, for example, only those employees who elect to contribute to the plan become participants. Not surprisingly, younger employees are less likely than older employees to make contributions, not only because they are less concerned with retirement security, but also because they are generally more concerned with utilizing their income to meet current needs.

The problem in this case arises from the need for all tax-qualified plans to satisfy the nondiscrimination standards under Internal Revenue Code sections 401(a)(4) and 410(b). Code section 401(a)(4) requires that contributions and benefits may not discriminate in favor of employees who are officers, shareholders or highly compensated, and code section 410(b) sets forth certain tests that a plan must meet in order for its eligibility criteria to be considered nondiscriminatory. Because these discrimination tests are based on the level of actual plan participation, the addition of a large number of eligible employees can jeopardize the tax qualification of such plans—particularly where those newly eligible employees are those who are least likely to participate in a contributory plan.

It is not the intent of this bill that such plans be disqualified. Thus, if the minimum participation age is lowered to age 21, consideration should be given to amending the nondiscrimination standards to exclude from consideration, in plans with mandatory employee contributions, those employees under the age of 25.

Lowering the minimum participation age could also have an adverse effect on plan sponsors that maintain de-

financed benefit plans. In addition to the increased administrative costs for reporting, disclosure, and recordkeeping, employers will also be required to pay an annual fee to the Pension Benefit Guaranty Corporation (PBGC) for each such participant. This cost could be substantial in many situations especially in light of the administration's proposal to increase the annual per participant PBGC fee from \$2.60 to \$6. To lessen this cost impact, consideration might be given to retaining the present law minimum participation age of 25 for defined benefit plans but crediting service with the employer from age 21 for all purposes: eligibility, benefit accrual, and vesting. This approach would insure that the service of those entering the work force at an early age is recognized while at the same time reducing some of the plan costs associated with including younger workers.

Another area of concern is the bill's provision for a survivor annuity for the spouse of a participant who dies after a period of service with his or her employer. Testimony before the Finance Committee documented the need for protection for the nonworking spouse in the case of the premature death of a working spouse. I am concerned, however, that the protection envisioned under this bill may not be provided in the most effective and efficient manner.

Many employers provide life insurance protection for their employees which provides greater amounts of money in the case of premature death than otherwise may be provided under a retirement plan. In addition, the amounts paid under a life insurance contract, unlike amounts paid under a pension plan, provide a substantial tax benefit to the protected spouse because payments are fully excluded from taxable income. My fear is that if employers who are currently providing life insurance protection for their employees are required to provide a survivor annuity under a pension plan, they may elect to eliminate or reduce employees' life insurance protection in order to avoid the duplication of benefits or costs. Where plan participants are covered by a separate life insurance program of the employer, consideration should be given to formulating standards for exempting such plans from the survivor annuity provision.

Another problem created by the survivor annuity provision of this bill is that individuals who have separated from employment with a vested benefit also must receive the survivor annuity protection. As a practical matter, for large plans such as the typical multiemployer pension plan, it will be impractical to administer the election-out provision provided under the bill. Consequently, such plans may be forced to provide the survivor annuity without charging an employee who

elects to receive such protection. The result may be to restrict the plan sponsor's ability to provide other types of death benefit protection that may be preferable for the covered employees. In addition, to the degree that such plans choose to absorb the cost of providing this protection, this cost generates additional unfunded liabilities for the plan. These increased liabilities, in turn, will result in higher increased liabilities for withdrawing employers.

There are other problems that should also be addressed in this survivor annuity area. For example, what if the employee does not know that a layoff is in fact a separation from service, or than an inability to find work would persist long enough to ripen into a break in service? These problems and others will arise when trying to deal with this survivor annuity option.

I hope that we will take the time to structure this provision, as well as the others in this bill, in such a fashion that they will accomplish the intended result without doing any unintended harm either to participants or to plan sponsors.

Mr. CHAFEE. Mr. President, I am proud to join Senators DOLE, PACKWOOD, and DURENBERGER as a cosponsor of the Retirement Equity Act of 1983, which represents a beginning step toward greater pension equity for women. As Chairman of the Subcommittee on Savings, Pensions, and Investment Policy, I think that this bill will significantly improve the chances that women will receive benefits under pension plans, without imposing undue burdens on pension plan administrators or employers.

Pension equity for women is not a simple issue because the pension needs of women are so diverse. Although 53 percent of all women are in the work force, most pension plans do not meet their needs. There are many reasons for this. Women still earn an average of only 59 cents for every dollar the average man earns. Women are often clustered in occupations or companies that are less likely to provide pension coverage. In 1979, for example, only 40 percent of women working full time in private industry were covered by a pension plan. Women often have shorter job tenure than men, and they are more likely to leave their jobs to raise children or take on other traditional family responsibilities.

This bill makes a number of changes in existing pension law which should improve the chances for women to have access to adequate pension benefits. For example, the bill lowers the age at which service for an employer must be taken into account for pension coverage. In 1978, women in the 20-24 age bracket had the highest labor force participation rate among

women—68.3 percent projected to increase to 76.8 percent in 1985. Yet, current law does not require an employer to count service prior to age 25 for purposes of participation in a pension plan. This bill would require the employer to count service at age 21 for purposes of participation, and would require the employer to count service from age 18 (instead of 22) for purposes of vesting. The bill also provides that anyone leaving the service of an employer for fewer than 5 years can return to work and not lose credit for the prior service.

In addition to provisions designed to meet the needs of women working outside the home, the bill also contains a number of changes for women who continue to work in the home and are dependent upon the pension benefits of a spouse. If the pension plan provides for an annuity, it must be in the form of a joint and survivor annuity, and if a participant elects otherwise, he (or she) will have to obtain the consent of the nonparticipant spouse. There will also be required spousal survivor coverage for all plan participants who attain age 45 and have 10 years of service.

Finally, the bill clarifies the status of pension benefits in divorce settlements so that pension benefits can be clearly subject to a property settlement or court order in a divorce. These clarifications assure that the antiassignment rules of ERISA, which were designed to protect the participants from creditors, do not shield them from their family responsibilities.

In conclusion, I would simply say that while this bill does not cure all the problems of pension equity for women, it is an important first step. I remain committed to advancing the economic and pension equity of women in our society as they participate both in the workplace and at home, and I encourage my colleagues to join with me in this commitment by supporting this bill.

Mr. NICKLES. Mr. President, I am pleased to join Mr. DOLE as a cosponsor to the Retirement Equity Act of 1983. As chairman of the Labor Subcommittee, I am working toward eliminating any inequities in pension laws while still insuring the health and stability of pensions in this country. In this regard, this bill today focuses on inequities existing in pension laws between working men and women.

For younger women, there are several provisions which are of assistance. Lowering the ages for both participation and vesting will help assure that they later will be entitled to a pension. Liberalizing the break in service rules will assist not only for child bearing and rearing, it also will help women and men who leave the work force for other personal reasons such as care of an elderly parent.

Perhaps the most significant impact of the bill is in the joint and survivor annuity requirements. A nonparticipant spouse will be eligible to receive a pension after the participant spouse has reached age 45 and completed at least 10 years of service. This provision is in response to the inequity of a participant working for 30 years for the same company, dying at age 54, and having no benefit under the pension plan for the surviving spouse.

In addition, under current law, it is possible for a participant to exclude the spouse from a survivor annuity without the spouse's being aware of such exclusion until after the participant's death. This bill would require the spouse to waive the right to such an annuity in writing. This would eliminate surprise to the surviving spouse as well as provide an equal voice in this important marital decision.

A serious problem is presented to State courts having jurisdiction over domestic relations. Since Federal pension law preempts State law, State courts have had to come out with an exception for alimony and child support payments. This bill eliminates the need for this procedure by carving out an exception for a qualified domestic relations order.

Mr. President, again I am pleased to cosponsor this legislation. I pledge to do all I can to get this bill to the floor of the U.S. Senate for passage as soon as possible. The Labor Subcommittee held an extensive hearing on the issues addressed by this legislation on October 4 of this year. That hearing convinced me of the need for prompt enactment of this bill.

#### ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 654

At the request of Mr. WALLOP, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 702

At the request of Mr. DANFORTH, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 702, a bill to correct any misinterpretation in the classification of textile fabrics, articles, and materials, coated, filled, or laminated with rubber or plastics.

S. 891

At the request of Mr. BUMPERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 1173

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1173, a bill to amend the Federal Mine Safety and Health Act of 1977.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of non-dramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1736

At the request of Mr. DURENBERGER, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1736, a bill to establish a process that provides for the submission to the Congress each year of a regulatory budget that recommends the costs to be incurred during the fiscal year beginning on October 1 of such year by specified economic sectors in complying with the laws of the United States and the rules promulgated thereunder, and for consideration by the Congress of a bill containing proposals for legislation to implement such regulatory budget.

S. 1746

At the request of Mr. RUDMAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1746, a bill to require that the Federal Government procure from the private sector of the economy the goods and services necessary for the operations and management of certain Government agencies and that the Director of the Office of Management and Budget and the Comptroller General of the United States identify the activities of the Federal Government to produce, manufacture, or otherwise provide goods and services which should be provided by the private sector and prepare a schedule for transferring such activities to the private sector.

S. 1817

At the request of Mr. SYMMS, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S.

1817, a bill to provide equitable rules for the tax treatment of fringe benefits.

S. 1867

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1867, a bill to provide additional authorizations of appropriations for fiscal years 1983 and 1984 for the surplus commodities program under the Older Americans Act of 1965, and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1931

At the request of Mr. DURENBERGER, the names of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1931, a bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels.

S. 1939

At the request of Mr. WALLOP, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberculous Sclerosis Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the names of the Senator from California (Mr. WILSON), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the name of the Senator from Alabama

(Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. TSONGAS, the names of the Senator from Delaware (Mr. ROTH), the Senator from Indiana (Mr. QUAYLE), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the grave concern of the Congress regarding the plight of Ethiopian Jews.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENTS SUBMITTED

MARTIN LUTHER KING, JR.,  
HOLIDAY

HUMPHREY AMENDMENT NO.  
2335

Mr. HUMPHREY proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday, as follows:

On page 1, line 7, strike out "Monday" and insert in lieu thereof "Sunday".

INTELLIGENCE AUTHORIZATION  
ACT

PROXMIRE AMENDMENT NO.  
2336

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 1230) to authorize appropriations for the fiscal year 1984 for intelligence activities of the U.S. Government, the intelligence community staff, the Central Intelligence Agency retirement and disability system, and for other purposes; as follows:

At the bottom of page 11, add the following new section:

PROHIBITION ON CERTAIN ASSISTANCE TO THE  
KHMER ROUGE IN KAMPUCHEA

SEC. 502. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting sustaining or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b)(1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

Mr. PROXMIRE. Mr. President, on October 7, 1983, I submitted two amendments for printing, one to the State Department bill S. 1342, and one to the Intelligence authorization bill S. 1230. Both amendments, however, were printed in the RECORD as submitted to the State Department bill.

Therefore, today I am resubmitting the second amendment to its proper bill, S. 1230, the Intelligence authorization bill. All of these amendments are identical in form and substance.

MARTIN LUTHER KING, JR.,  
BIRTHDAY

HUMPHREY AMENDMENT NO.  
2337

Mr. HUMPHREY proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

On page 1, strike out lines 6 and 7, and insert in lieu thereof: "Lincoln's Birthday Day, the second Sunday in February."

HELMS AMENDMENT NOS. 2338  
AND 2339

Mr. HELMS proposed two amendments to the bill (H.R. 3706), supra, as follows:

AMENDMENT No. 2338

At the end of the bill, add the following:  
SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a legal public holiday is established under Federal law in honor of Thomas Jefferson on or about April 13 each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

AMENDMENT No. 2339

At the end of the bill, add the following:

"Sec. 3. Since Marcus Garvey is known universally throughout the world as the Father of Black Nationalism; and

"Since Marcus Garvey was a major leader in the development in the United States of Black consciousness; and

"Since the writings of Marcus Garvey have served as an inspiration to all those who favor opportunity for all, and the doctrine of self-help; and

"Since the conviction of Marcus Garvey in 1923 occurred in an atmosphere charged with emotionalism and publicity; and

"Since the excessiveness of the sentence was recognized by President Coolidge in 1927 in commuting that sentence;

"Therefore, let it be stated that it is the sense of Congress that the President should remove this cloud over the reputation of Marcus Garvey by granting a full pardon of any crimes of which he may have been convicted."

#### DEPARTMENT OF STATE AUTHORIZATION

#### HAWKINS (AND OTHERS) AMENDMENT NO. 2340

(Ordered to lie on the table.)

Mrs. HAWKINS (for herself, Mr. PERCY, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DeCONCINI, Mr. HUMPHREY, Mr. MOYNIHAN, and Mr. PELL) submitted an amendment to the bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

At the bottom of page 48, add the following:

#### TITLE VII—GENERAL PROVISIONS

##### INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i) and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country

for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c) (1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provision of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c) (3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of

loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances."

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation,

and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine, or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961."

**MARTIN LUTHER KING, JR.,  
HOLIDAY**

**HELMS AMENDMENT NO. 2341**

Mr. HELMS proposed an amendment to the bill (H.R. 3706), supra, as follows:

At the end of the bill, add the following:  
SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a specific legal public holiday is established under Federal law in honor of Hispanic Americans for one day each year.

SEC. . Notwithstanding any other provisions of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

**GRASSLEY AMENDMENT NO. 2342**

Mr. GRASSLEY proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Heroes Day Commission Act of 1983".

**ESTABLISHMENT OF COMMISSION**

SEC. 2. (a) There is established a commission to be known as the National Heroes Day Commission (hereinafter referred to as the "Commission") to annually select the individual to be honored on National Heroes Day.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) three members to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation.

**DUTIES OF COMMISSION**

SEC. 3. (a) It shall be the duty of the Commission to consider and select on an annual basis an individual to be honored on National Heroes Day. The Commission shall actively seek the advice of private organizations and individual citizens.

(b) The Commission shall submit the selection for each year required under subsection (a) to the President prior to July 1 of the previous year.

**NATIONAL HEROES DAY**

SEC. 4. (a) Subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following new item:

"National Heroes Day, the third Sunday in January."

(b) The president is authorized and requested to issue a proclamation on National Heroes Day each year honoring the individual selected by the Commission under section 3 of this Act and calling upon the people of the United States to honor such individual with appropriate programs, ceremonies, and activities.

**BOREN (AND OTHERS)  
AMENDMENT NO. 2343**

Mr. BOREN (for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. MATTINGLY, Mr. RANDOLPH, and Mr. CHILES) proposed an amendment to the bill H.R. 3706, supra; as follows:

On page 1, strike out lines 3 through 7, and insert in lieu thereof the following:

That (a) subsection (a) of section 6103 of title 5, United States Code, is amended—

(1) by inserting immediately before the item relating to New Year's Day the following:

"Birthday of Martin Luther King, Jr., January 15."

(2) by striking out the item relating to Washington's Birthday and inserting in lieu thereof the following:

"Washington's Birthday, February 22.", and

(3) by striking out the item relating to Columbus Day and inserting in lieu thereof the following:

"Columbus Day, October 12."

(b) Subsection (b) of section 6103 of such title is amended by inserting "(except the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)" after "Executive order".

**DEPARTMENT OF STATE  
APPROPRIATIONS**

**PERCY AMENDMENT NO. 2344**

Mr. PERCY proposed an amendment to the bill (S. 1342), to authorize appropriations for the fiscal year 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

Page 26, beginning in line 20, strike out "to the National Endowment for Democracy (established pursuant to title IV of this Act)" and insert in lieu thereof "in accordance with title IV of this Act, to the National Endowment for Democracy".

Page 33, strike out line 21 and all that follows through line 3 on page 43 and insert in lieu thereof the following:

**TITLE IV—NATIONAL ENDOWMENT  
FOR DEMOCRACY**

**SHORT TITLE**

SEC. 401. This title may be cited as the "National Endowment for Democracy Act".

**NATIONAL ENDOWMENT FOR DEMOCRACY**

SEC. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad con-

cerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

#### GRANTS TO THE ENDOWMENT

SEC. 403. (a) The Director of the United States Information Agency shall make an annual grant to the Endowment with funds appropriated to the Agency for the "Salaries and Expenses" account to enable the Endowment to carry out its purposes as specified in section 402(b). Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 402(b), that the Endowment will allocate funds in accordance with subsection (d) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 402(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than \$5,000,000 shall be for the National Democratic Institute for International Affairs;

(2) not less than \$5,000,000 shall be for the National Republican Institute for International Affairs;

(3) not less than \$13,800,000 shall be for the Free Trade Union Institute; and

(4) not less than \$2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

#### ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

SEC. 404. (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 402(b).

(c) Officers of the Endowment may not receive any salary or other compensation from any source other than the Endowment during the period of their employment by the Endowment.

(d)(1) The Endowment shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other indi-

vidual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Endowment shall remain in possession and custody of the Endowment.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g)(1) The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title

keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(h) Not later than December 31, of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

#### HAWKINS (AND OTHERS) AMENDMENT NO. 2345

Mrs. HAWKINS (for herself, Mr. PERCY, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. HUMPHREY, Mr. MOYNIHAN, Mr. PELL, Mr. ABDNOR, Mr. MURKOWSKI, Mr. WILSON, and Mr. MATTINGLY) submitted an amendment to the bill (S. 1342) supra, as follows:

At the bottom of page 48, add the following:

#### TITLE VII—GENERAL PROVISIONS

##### INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertak-

en and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(C)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provision of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country,

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the

furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances."

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine, or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) program under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Educational and Cultural and Exchange Act of 1961."

#### LUGAR AND BIDEN AMENDMENT NO. 2346

Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment (which was subsequently modified) to the bill S. 1342, supra, as follows:

On page 2, strike out lines 8 and 9 and insert in lieu thereof "\$1,478,713,000 for the fiscal year 1984 and \$1,478,713,000 for the fiscal year 1985."

At the bottom of page 48, add the following:

#### TITLE VII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING ACT OF 1983

##### SHORT TITLE

SECTION 701. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

##### FINDINGS AND DECLARATIONS

SEC. 702. The Congress finds and declares that—

(1) factual knowledge, independently verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;  
(B) advanced research;  
(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists and the facilitation of research; and

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists including on-site conduct of advanced training and research to the extent practicable; and

(4) It is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

#### DEFINITIONS

SEC. 703. As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Board" means the Soviet-Eastern Europe Studies Advisory Board.

#### ESTABLISHMENT OF THE SOVIET-EASTERN EUROPE STUDIES ADVISORY BOARD

SEC. 704. (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Board which shall be composed of the Secretary of State, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advance of Slavic Studies, the Secretary of Defense, and the President of the Association of American Universities. The Secretary of State shall be the chairman.

(b) The Advisory Board shall meet at the call of the Chairman and shall hold at least one meeting each year. Three members of the Advisory Board shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Board in carrying out its functions under this title.

(d) The advisory Board shall recommend grant policies for the advancement of the objectives of this Act. In proposing recipients for grants under this title, the Advisory Board shall give the highest priority to national organizations with an interest and expertise in conducting and disseminating research and training concerning Soviet and Eastern European countries. In making its

recommendations, the Advisory Board shall emphasize the development of a stable, long-term research program.

#### AUTHORITY TO MAKE PAYMENTS

SEC. 705. (a) The Secretary of State, after consultation with the Advisory Board, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.

(b)(1) One part of the payments made in each fiscal year shall be used—

(A) in consultation with officials of the United States Government designated by the Secretary of State, to develop and keep current a research agenda of fundamental research dealing with major policy issues and questions of Soviet and Eastern European development; and

(B) to conduct a national research program at the postdoctoral or equivalent level in accordance with that agenda, such program to include—

(i) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, which contracts shall contain, shared-cost provisions; and

(ii) the awarding of contracts for such research projects as the respective institution determines will best serve to carry out the purposes of this title after reviewing the proposals submitted under clause (i).

(2) One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis, at American institutions of higher education; and

(iii) to include—  
(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institution determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to re-

search institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

#### APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

SEC. 706. (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purpose for which the payments will be used in accordance with section 705; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid under this title, and (B) to insure the verification of the costs of the continuing education and research programs conducted under this title.

(b) The Secretary of State may approve or deny any application for whatever reasons he deems necessary to carry out the provisions of this title.

(c) Payments under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

#### REPORT

SEC. 707. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance and an accounting of any such assistance used to cover administrative expenses of such institution, if such administrative expenses represent more than 10 percent of such assistance, together with such recommendations as the Advisory Board deems advisable.

#### FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 708. Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

#### ALLOCATION OF FUNDS

SEC. 709. Of the funds authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, \$5,000,000 for each fiscal year shall be available only to carry out the provisions of this title.

#### TERMINATION OF PROVISIONS

SEC. 710. The provisions of this title shall terminate ten years after its date of enactment.

#### PRYOR AND OTHERS AMENDMENT NO. 2347

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. ANDREWS, Mr. PRESSLER, Mr. SASSER, Mr. BOREN, Mr. COCHRAN, Mr. HEFLIN, Mr. BAUCUS, Mr. LEAHY, and Mr. MELCHER) proposed an amendment to the bill (S. 1342) supra, as follows:

At the appropriate place in the bill add the following:

Sec. . (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

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

"Sec. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities."

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

#### ZORINSKY AMENDMENTS NOS. 2348 AND 2349

Mr. ZORINSKY submitted amendments to the bill (S. 1342), supra, as follows:

##### AMENDMENT NO. 2348

On page 27, line 5, strike after "Program," through line 7 and insert in lieu thereof "and not more than \$7,100,000 shall be available for the Private Sector Program. Funds authorized to be appropriated by this act for the Private Sector Program shall be available only for grants to private not-for-profit cultural or exchange-of-persons organizations or accredited colleges and universities.

Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, \$5,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States."

On page 27, line 12, insert "and" between "Program," and "not less than."

On page 27, line 14, strike after "Program" through line 16 and insert in lieu thereof."

On page 27 after line 16 add the following new subsection:

"(c) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, shall have made two or more trips financed in whole or in part by grants from the Private Sector Program. The foregoing limitation on the number of foreign trips shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, or to persons engaging in theatrical or musical performances. The limitations on foreign travel also shall not apply to the full-time staff of the recipient organizations if the Director of the Bureau for Educational and Cultural Affairs determines that the travel by a staff person is essential to the successful completion of the grant program and so certifies to the Chairman of the Committee on Foreign Relations

of the Senate and the Speaker of the House of Representatives.

##### AMENDMENT NO. 2349

On page 27 after line 16, add the following new subsection:

"(d)(1) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants; subject to all applicable guidelines and notification requirements, to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange of person.

"(2) No organization shall be designed by the United States Government, or any agency thereof, as the official United States Commission or Committee for United States participation in International Youth Year unless (i) the membership of such organization is open to all major youth and youth service organizations, (ii) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts and expenditure, and (iii) the composition of the Government Board and the voting strength of organizations on the Governing Board reflects size of the membership of the constituent youth or youth service organizations.

"(3) No funds authorized to be appropriated by this Act shall be available to any organization to coordinate or plan for United States participation in International Youth Year which does not meet the criteria specified in subsection (d)(2).

"(4) In the event two or more eligible organizations seek recognition as the official United States Commission or Committee on International Youth Year, the Secretary of State may designate one organization as the official organization. In designating the official organization the Secretary of State shall give major weight to the number of young people who are members of the constituent organizations."

#### BYRD (AND BENTSEN) AMENDMENT NO. 2350

Mr. BYRD (for himself and Mr. BENTSEN) submitted an amendment to the bill (S. 1342), supra, as follows:

At the bottom of page 48, add the following:

##### TITLE VII—GENERAL PROVISIONS

##### AMENDMENTS TO THE WAR POWERS RESOLUTION RELATING TO CONGRESSIONAL PRIORITY PROCEDURES

SEC. 701. (a) Section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) is amended by striking out "if the Congress so directs by concurrent resolution" and inserting in lieu thereof "if there is enacted into law a joint resolution or bill directing such removal".

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(b)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(c)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to twelve hours in each House."

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES AP- PROPRIATIONS, 1984

##### McCLURE AMENDMENT NO. 2351

Mr. McCLURE proposed an amendment to the amendment of the House to the amendment of the Senate numbered 17 to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: "\$4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which \$500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: *Provided*, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title."; and an additional \$23,301,000".

##### McCLURE AMENDMENT NO. 2352

Mr. McCLURE proposed an amendment to the amendment of the House to the amendment of the Senate numbered 91 to the bill H.R. 3363, supra; as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following areas located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-

332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682:

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561:

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011:

(d) All submerged lands within 30-nautical miles of the baseline from which the territorial sea is measured: Provided, That the western boundary of the area is a line extending south from the line dividing blocks 404 and 405 in Official Protraction Diagram NH 16-9, Apalachicola to a point 30-nautical miles from the baseline from which the territorial sea is measured. In addition, from the boundary between blocks 404 and 405 as described in the preceding sentence, westerly to a line extending north and south dividing blocks 38 and 1 in Official Protraction Diagram NH 16-9, all submerged lands within 20-nautical miles of the baseline from which the territorial sea is measured. The limitation with regard to this subsection on the use of funds shall not apply if any state-owned tide or submerged lands within the area described in this subsection are now or are hereafter subject to sale or lease for the extraction of oil or gas from such state lands; and

(e) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

#### MELCHER (AND ARMSTRONG) AMENDMENT NO. 2353

Mr. MELCHER (for himself and Mr. ARMSTRONG) proposed an amendment to the amendment of the House to the amendment of the Senate numbered 94 to the bill H.R. 3363, supra; as follows:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, lease exchanges as defined in 43 CFR 3435, and the processing, sale or lease of maintenance tracts which are defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contracted commitments, until the Secretary has appointed a Commission on fair market value for Federal coal leases; the Commission has submitted its report to the Congress and ninety days have subsequently elapsed.

#### STATE DEPARTMENT AUTHORIZATION

#### STAFFORD AMENDMENT NO. 2354

Mr. PERCY (for Mr. STAFFORD) proposed an amendment to amendment No. 2346 proposed by Mr. LUGAR to the bill S. 1342, supra; as follows:

On page 5, between lines 33 and 34, insert the following:

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

On page 5, line 34, strike (5) and renumber as (6).

#### PERCY AMENDMENT NOS. 2355 THROUGH 2360

Mr. PERCY proposed six amendments to the bill S. 1342, supra; as follows:

##### AMENDMENT NO. 2355

Page 48, after line 17, insert the following new title:

#### TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

##### SHORT TITLE

SEC. 701. This title may be cited as the "United States-India Endowment for Cultural, Educational, and Scientific Cooperation Act".

##### THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of the United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scholarly cooperation.

##### USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 703. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 702, up to the equivalent of \$250,000,000 in foreign currencies owned to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

##### AMENDMENT NO. 2356

On page 33, after line 20, insert the following new section:

##### FOREIGN CURRENCY GAINS

SEC. 304. Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows—

"(b) Any amount appropriated pursuant to subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty, Incorporated, may, beginning in fiscal year 1983, be merged with and made available for the same time period and same purposes as amounts appropriated pursuant to section 8(a)(2) of this Act."

##### AMENDMENT NO. 2357

On page 24, after line 19, add the following new section:

##### U.S. EMBASSY—MEXICO CITY

SEC. 122. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated for "Administration of Foreign Affairs" for the fiscal year 1984 \$4,000,000 to be used for the purchase of land for and the construction of additional consular facilities and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

##### AMENDMENT NO. 2358

On page 24, after line 19, insert the following new section:

##### SECURITY OFFICERS

SEC. 122. (a) The Act of June 28, 1955, as amended (22 U.S.C. 2666) is amended by redesignating the present text as subsection (a) and adding the following new subsection (b):

"(a) Periods of service by security officers of the Department of State and the Foreign Service while performing functions under subsection (a) shall be considered periods of service as a law enforcement officer for purposes of sections 8335(b), 8336(c)(1), and 8339(d)(1) of title 5 of the United States Code. This subsection shall apply only to persons who retire under chapter 83 of title 5 of the United States Code after the effective date of this subsection."

(b) Section 2104 of the Foreign Service Act of 1980 (22 U.S.C. 4154) is amended by adding at the end thereof the following new subsection (c):

"(c) The 3-year period referred to in subsection (a) shall be extended for an additional period not to exceed 1 year from the date of enactment of this section in the case of Department of State officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions."

##### AMENDMENT NO. 2359

On page 4, line 13, insert "(a)" after "Sec. 105".

On page 4, after line 23, insert the following new subsections:

"(b) Assistance may be provided to a foreign mission, as defined by section 202(a)(4) of the State Department Basic Authorities Act of 1956, through State and local authorities directly or by contract under the preceding subsection (a) only if the Secretary has determined that there are reasonable grounds to believe that there exists a threat of violence to, or conditions inconsistent with appropriate security of such foreign mission or the personnel thereof,

except that the assistance requested by the Secretary shall be available only for extraordinary security purposes.

(c) Authority pursuant to this section shall be subject to the following conditions:

(1) Regulations to implement this authority have been approved by the Secretary after consultation with appropriate Committees of Congress;

(2) No more than twenty percent of funds available for obligation under this section in any fiscal year may be obligated for purposes of protective security in any State jurisdiction of the United States within that year;

(3) Any agreement to provide security assistance may not exceed a 90-day period in any calendar year, but may after review be subject to renewal; and

(4) There shall be retained from funds available for obligation under this section not less than fifteen percent thereof as a reserve for security purposes provided directly by the Secretary of State or for expenditures in any local jurisdictions not otherwise covered by an agreement for security services under this section."

#### AMENDMENT No. 2360

On page 24, after line 19, insert the following new section:

##### EUROPEAN SPACE AGENCY

SEC. 122. Section 11 of the International Organizations Immunities Act is amended by striking out "European Space Research Organization" and inserting in lieu thereof "European Space Agency".

#### PERCY AMENDMENT NO. 2361

Mr. PERCY proposed an amendment to amendment No. 2200 to the bill S. 1342, supra; as follows:

Strike all language contained in amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

##### 1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

#### HEINZ AMENDMENT NO. 2362

Mr. PERCY (for Mr. HEINZ) proposed an amendment to the bill S. 1342, supra; as follows:

On page 24, after line 19, add the following new section:

##### UNITED NATIONS WORLD ASSEMBLY ON AGING

Sec. 122. (A) That the Congress finds that—

(1) In 1977 the Congress, by joint resolutions, called for the United Nations to convene a World Assembly on Aging;

(2) The United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously

adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) The United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) The General Assembly of the United Nations in adopting the plan called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(B) Therefore, it is the sense of the Congress that the President should take steps to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

#### NOTICES OF HEARINGS

##### COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Committee on Small Business will hold a full committee markup on November 1, 1983, on S. 1429, a bill to amend the Small Business Act to provide for the continuation of the small business development center program. The markup will begin at 10 a.m. in room 428A Senate Russell Office Building. For further information, please contact Mary Meyers of the committee staff at 224-3840.

Mr. WEICKER. Mr. President, I would like to announce that the Senate Committee on Small Business will hold a hearing on November 3, 1983, to examine the competitive situation existing between public utilities and certain small business owners. The hearing will begin at 9:30 a.m. in room 428A Senate Russell Office Building. For further information, please contact Steve Snider on 224-2306, or John McNamara on 224-2809, of the committee staff.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 19,

at 10 a.m., to hold a hearing to consider the nomination of Bruce Beaudin and Nan Huhn to be associate judges for the Superior Court of the District of Columbia.

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

##### SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, October 19, at 2 p.m., to receive testimony on the national defense stockpile.

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

##### COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to receive testimony on the Office of Federal Procurement Policy.

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

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to consider S. 663, a bill to prohibit incentive payments for certain commodities produced on highly erodible land and S. 566, S. 1503, and H.R. 24 (S. 129), four bills dealing with land conveyance.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to hold a hearing to consider S. 1678, a bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes.

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

##### SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, October 20, at 10 a.m., to hold a hearing to evaluate the impact of the drought on American farmers and assess the assistance that

has been provided drought-stricken farmers.

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

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, October 20, at 9 a.m., to hold a hearing to consider H.R. 1149, a bill to designate certain national forest system and other lands in the State of Oregon for inclusion in the national wilderness preservation system, and for other purposes.

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

#### ADDITIONAL STATEMENTS

#### THE CONFERENCE AGREEMENT ON HOUSE JOINT RESOLUTION 368, THE CONTINUING APPROPRIATIONS RESOLUTION FOR FISCAL YEAR 1984

● Mr. DOMENICI. Mr. President, when the Senate considered the con-

ference agreement on the fiscal year 1984 continuing resolution on September 30, I promised to insert a final scoring of the resolution into the RECORD as soon as it was available from the Congressional Budget Office. We have just received the information.

I shall submit for the RECORD at the end of my remarks two summary tables of Appropriations Committee spending action to date, including the continuing resolution. These tables are similar in format to the tables I inserted in the RECORD when the Senate passed its version of the continuing resolution on September 29.

The first summary table compares action to date plus other requirements to the section 302(b) allocations to subcommittees under the Budget Act. It shows that at this point the Appropriations Committee is under its budget resolution crosswalk allocation by \$8.8 billion in budget authority and \$0.6 billion in outlays.

The second summary table provides a breakdown of the committee's present spending status into four parts: The continuing resolution itself (H.J. Res. 368); outlays from prior year budget authority and other actions already completed, including en-

acted regular appropriation bills; possible later requirements; and adjustments to keep mandatory programs at the levels assumed in the budget resolution.

I would point out, Mr. President, that the figures we have included for the Defense Subcommittee assume that the total defense level will be the amount contained in the Senate-passed version of the continuing resolution, even though the conference agreement provided temporarily for a somewhat lower level.

Mr. President, I would again like to commend the chairman of the Appropriations Committee, my distinguished colleague, Senator HATFIELD, for the progress being made on appropriations measures this year. As the tables indicate, appropriations actions to date are within the allocation made to the committee under the budget resolution.

The tables follow:

TABLE 1.—FISCAL YEAR 1984 CONTINUING RESOLUTION CONFERENCE AGREEMENT, HOUSE JOINT RESOLUTION 368<sup>1</sup>

(In billions of dollars)

Subcommittee	Action to date plus other requirements <sup>2</sup>		302(b) allocation to subcommittee <sup>3</sup>		Action to date compared to 302(b)	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture	35.2	23.0	35.6	23.1	-0.4	-0.1
Commerce/Justice/State/Judiciary	10.6	11.4	10.9	11.4	-3	
Defense	253.0	227.3	254.2	227.9	-1.2	-6
District of Columbia	6	6	6	6		
Energy and Water Development	14.4	14.6	14.9	14.7	-5	-1
Foreign Operations	11.6	9.6	12.1	9.8	-5	-2
HUD/Independent Agencies	56.3	58.6	57.8	58.2	-1.4	+4
Interior and Related Agencies	8.5	9.3	8.3	9.3	+2	
Labor/HHS/Education	104.8	108.9	107.5	109.0	-2.7	-1
Legislative Branch	1.5	1.5	1.5	1.5		
Military Construction	7.1	7.1	7.3	7.1	-2	
Transportation	10.9	25.4	10.9	25.4		
Treasury/Postal Service	11.9	11.9	11.9	11.8		+1
Subtotal	526.5	509.3	533.4	509.8	-6.9	-5
Unallocated to subcommittees	1.1	1.2	2.9	1.3	-1.9	-1
Total	527.6	510.5	536.4	511.1	-8.8	-6

<sup>1</sup> This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.

<sup>2</sup> Includes (1) the continuing resolution conference agreement (H.J. Res. 368); (2) outlays from prior year budget authority and other actions already completed, including enacted regular appropriation bills; (3) possible later requirements; and (4) adjustments to keep mandatory programs at the levels assumed in the budget resolution.

<sup>3</sup> Includes reserve fund allocations made to the Appropriations Committee on Sept. 14, 1983.

Note.—Details may not add to totals due to rounding.

TABLE 2.—FISCAL YEAR 1984 CONTINUING RESOLUTION, DETAIL OF ACTION TO DATE PLUS OTHER REQUIREMENTS<sup>1</sup>

(In billions of dollars)

Subcommittee	Outlays prior and other actions		Fiscal year 1984 continuing resolution (H.J. Res. 368)		Possible later requirements		Mandatory program adjustment		Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture	0.4	1.8	34.0	20.8	0.8	0.4			35.2	23.0
Commerce-Justice	1	2.4	10.3	8.8	4	3	0.1		10.6	11.4
Defense	1	77.7	246.9	144.3	6.3	5.6	0.3	0.3	253.0	227.3
District of Columbia			6	6					6	6
Energy and Water	14.4	14.7						1	14.4	14.6
Foreign Operations		5.9	10.9	3.5	7	2			11.6	9.6
HUD/Independent	55.8	57.9			4	5	1	2	56.3	58.6
Interior		3.4	8.4	5.9	1	1			8.5	9.3
Labor/HHS/Education	7.1	22.6	89.9	79.0	4.3	3.7	3.5	3.5	104.8	108.9
Legislative Branch	1.5	1.5							1.5	1.5

TABLE 2.—FISCAL YEAR 1984 CONTINUING RESOLUTION, DETAIL OF ACTION TO DATE PLUS OTHER REQUIREMENTS<sup>1</sup>—Continued

(in billions of dollars)

	Outlays prior and other actions		Fiscal year 1984 continuing resolution (H.J. Res. 368)		Possible later requirements		Mandatory program adjustment		Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Military Construction		4.7	7.1	2.3					7.1	7.1
Transportation	10.9	25.4							10.9	25.4
Treasury/Postal Service		4	11.4	11.0	5	5			11.9	11.9
Subtotal	90.3	218.7	419.5	276.1	13.3	11.4	3.3	3.1	526.5	509.3
Unallocated to subcommittees					1.0	1.0	1	1	1.1	1.2
Total	90.3	218.7	419.5	276.1	14.3	12.4	3.4	3.2	527.6	510.5

<sup>1</sup> This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.

Note.—Details may not add to totals due to rounding.

## CONSERVATION

● Mr. TSONGAS. Mr. President, when Mo Udall speaks—everyone listens—or should. Chairman Morris Udall, of the House Interior and Insular Affairs Committee, has long been a leader in the Nation's bipartisan conservation movement. Recently, an article appeared in the Los Angeles Times in which Chairman Udall discussed the tragedy of James Watt's tenure as Interior Secretary and provided some advice for Secretary Watt's successor.

Although the article appeared on October 11, before President Reagan's appointment of William Clark—Judge Clark might well take heed of this excellent advice from one of the Congress' most respected leaders.

While James Watts was not forced to resign for Interior policy-related reasons, his term of office has been marked by a seeming total disregard for the protection of this Nation's natural resources. More of the same would be unacceptable.

Mr. President, I ask that the newspaper article from the October 11 Los Angeles Times be printed in the RECORD following my remarks.

The article follows:

[From the Los Angeles Times, Oct. 11, 1983]

WATT BETRAYED HIS OWN PARTY ON THE ISSUE OF CONSERVATION  
(By Morris K. Udall)

When James G. Watt seemed bent on turning conservation into an ideological combat zone, he betrayed no single group more than his own Republican Party. Had he taken the time to check the record, he would have known that the conservation ethic has wide and deep roots on the political right.

Checking a bit further, he would have known that, since the earliest days of conservation, the movement has never carried a partisan stripe. There never has been such a thing as a Democratic mountain or a Republican river.

The truth of it is that, in the eyes of Watt, no less an American than Theodore Roosevelt would have been branded an "extreme environmentalist." Consider the indignity, after all, of a President's proclaiming (as TR did) that "conservation is development." Worse than a Beach Boys album!

To Watt, public opinion never seemed to count for much. He seemed indifferent to the consistent support for conservation that has always shown up in public-opinion polls; his own self-righteous zeal meant more to

him. And under his leadership the open door of the Interior Department was slammed shut. One of his earliest acts was to seek out and fire every policy-making employee who had been hired under the Carter Administration.

Remarkably, few Americans seemed to link this most curious secretary of the Interior with the man who gave him his orders, Ronald Reagan. In the final analysis, it is the President who is the guardian of our natural resources. It is he who sets the tone and the pace, and tells his Cabinet which way to march, and to what tune. The Reagan Administration has played a decidedly different tune.

Consider, for example, that some of our major environmental laws—the Clean Air, Clean Water, Endangered Species and Environmental Policy acts—began during the Lyndon B. Johnson years and became law after they were picked up and moved along during the Nixon Administration. Our next two Presidents, Gerald R. Ford and Jimmy Carter, supported these measures.

Conservationists have always had some one in Republican Administrations with whom they could talk. Rogers C. B. Morton, Richard M. Nixon's Interior secretary, was a reasonable guy. So was Assistant Secretary Nathaniel P. Reed, who served under both Ford and Nixon. Dwight D. Eisenhower never declared war on the environment.

All of that followed years of honorable tradition that recognized that our most precious assets were not political issues: Differences of opinion could be worked out, compromises offered, and the job done.

But Watt threw all that out the window. He saw his job only in the most partisan light—a pulpit not so much bully as bulldozing. The enemy didn't even rate being called "American," and what was good for industry would be good for our natural resources. Conservationists reminded him of Nazis, and to those with whom he disagreed he had nothing to say.

Where the role of Interior secretary had traditionally been one of public advocate for public resources, Watt turned it into the role of public antagonist. He came at his job from the other side. Instead of getting out of bed each morning and asking himself what he could do to protect our rivers, parks and wildlife, he seemed to jump up each day and ask himself what he could do that day for offshore drilling, strip mines and you-name-it.

(Of course, those interests are deserving of their own advocates, and they have always had them. The secretary of Commerce speaks for the business community, the Treasury secretary speaks for Wall Street.)

Only about 2 percent of our public lands are off-limits to exploitation, but to Watt

that was far too much. And since our beginnings as a country the federal government has given away nearly 200 million acres of land (excluding Alaskan Indian claims) to any number of special interests, ranging from veterans to railroads. But to Watt that wasn't enough.

Where do we go from here? I would hope the Reagan Administration might go in several directions.

First, I would hope that the President recognize the honorable conservation tradition of his own party.

Second, I would hope that the Administration acknowledge the consensual nature of the American conservation movement, and that it see the benefit of a bipartisan conservation policy, fueled by compromise and not ideology.

Third, I would hope that the new Interior secretary see his role in the light of his predecessors, and that he acknowledge that he is responsible for caring for what we have left. As Thomas Jefferson once said, "Sometimes the right direction means a change in course." ●

## CARDBOARD CASKET BURIAL

● Mr. PRYOR. Mr. President, I have sent the following letter today to Mr. Harry Walters, Administrator of the Veterans Administration. My letter is an expression of reaction to a story in the Washington Post on October 17, and I ask that the text be included in the RECORD.

U.S. SENATE,  
Washington, D.C., October 19, 1983.

Mr. HARRY WALTERS,  
Administrator, Veterans' Administration,  
Washington, D.C.

DEAR HARRY: I was shocked and dismayed to read in the Washington Post on October 17 that a veteran of the U.S. Navy had been buried in a cardboard casket. This took place at Quantico National Cemetery in Virginia.

My question is whether this is happening regularly to deceased veterans who leave no money or resources for burial expenses. And, on a wider scope of concern, I would like to know if the Veterans' Administration expects this kind of thing to happen in the future. I wonder if minimum specifications, as mentioned in the article, are not only a realistic possibility but a necessity as well.

As you know, the group of veterans at least 65 years of age, presently numbering around four million, will grow to nearly nine million by 1999. Additionally, 60 percent of all veterans served by V.A. Hospitals make less than \$10,000 a year. There are a lot of poor and elderly veterans in this country

and, sadly, many who will be unable to pay for their own funerals.

In my judgment, veterans' benefits are a continuing cost of war and defense and service to one's country. I therefore plan to introduce an amendment that would transfer \$1 million from the Department of Defense for distribution to the states. The distribution formula would be based on the veteran population in each state, with funds to be used for supplementing costs for "honorable" burials of veterans who die as paupers. I personally do not think that cardboard caskets constitute "honorable" burials.

I would appreciate your attention to this idea and your letting me know what you think of such an amendment. The program would be administered by the states in whatever capacity serves veterans and their interests. Arkansas, for example, has a fine and sensitive Department of Veterans Affairs that could assume responsibility for the project. You met some of these people when you came to Arkansas to dedicate the John L. McClellan Hospital, and I'm sure you will agree with me that ours is a responsive and active office. Most of the states maintain similar operations and would be fully equipped to administer the program.

I realize there have been cutbacks in V.A. budgets that may have resulted in changes for burial policies. But I believe that \$1 million—a small amount in the defense budget—would cover pauper burials for our veterans. I also think the Defense Department budget is the proper place from which to shift these funds.

Finally, a question of this kind is another reason for the Department of Veterans Affairs to be elevated to cabinet-level status. I continue to hope that a move of this nature will be realized in the near future.

I look forward to your response and appreciate your attention to this matter.

Sincerely yours,

DAVID PRYOR.●

#### WORLD FOOD DAY

● Mr. GLENN. Mr. President, this past Sunday, October 16, was marked as World Food Day—a day set aside to remind the global community that in this modern era of space flights and satellite communications, one in five human beings still suffer some form of undernourishment and serious malnutrition afflicts one in nine. According to UNICEF, 40,000 children and infants die each day from a nutrition-related illness. And the situation worsens. Per capita food consumption actually declined by 10 percent in Africa over the past decade. Today the probability that a 1-year-old African child will die before his or her fifth birthday is 25 times greater than in the United States. Hunger and its prevalence are, in my view, systemic problems. Hunger is not a simple matter of too little food for too many mouths.

The economic difficulties that have afflicted the whole world since 1979 have taken a toll on the fragile economies of most of the Third World. Trade volume, globally, declined in 1981 and again in 1982—the first such declines in the post-World War II era. Demand for raw materials has dropped and commodity prices, in real

terms, have fallen to their lowest levels in three decades. As a consequence, many developing countries find themselves squeezed between a high debt burden, and declining revenues with which to service it.

In my view, the Third World debt problem looms as one of the most serious problems the international community faces today. Between 1973 and 1982 aggregate Third World debt rose from \$100 billion to over \$600 billion. Last year, total Third World debt service payments alone amounted to \$130 billion—or three times as much as all official development assistance provided the developing countries from all sources. Currently, almost all new borrowing by these nations is to refinance old debt, not to finance new investment in their development or to increase food production. This is an ominous sign that economic growth in these countries has become stagnant, and in some countries particularly in Africa, negative, ending almost three decades of sustained growth. The political ramifications of such trends continuing are very serious, not only for the Third World itself, but also for our Nation's future welfare and economic well-being.

This global economic crisis is, in many respects, yet the latest act in a larger drama taking place in the Third World, a drama which has been documented by a number of prestigious Commissions. In 1980, the Presidential Commission on World Hunger noted that one out of every nine persons in the world suffers serious malnutrition. In the 1950's the comparable figure was only 1 in 20. The Commission predicted that a grain shortfall of as much as 80-85 million metric tons could lead to widespread malnutrition and even starvation in the Third World by the end of this century unless significant improvements were made in their food production and distribution systems.

Although progress has been made in reducing fertility and birth rates in the Third World, population growth rates remain historically very high indeed. The Global 2000 report, also issued in 1980, predicted that world population will grow by 50 percent over the next 25 years. Five billion people, more than the entire population on Earth today, will reside in the Third World. If present trends continue unabated, as the Global 2000 report predicted, the world will suffer a 35-percent reduction in its available water supply, and a 50-percent decline in its forests and woodlands leading to massive soil erosion and lowlands flooding.

My purpose here is not to conjure up some vision of 20th-century Armageddon; rather, I seek to highlight the enormous social and economic pressures which grid the United States-Third World relationship. Our futures

are inextricably linked, by trade, by common human values, and enlightened self-interests. As the Global 2000 report stated, "Only a concerted attack on the socioeconomic roots of extreme poverty, one that provides people with the opportunity to earn a decent livelihood in a nondestructive manner, will permit protection of the world's natural systems. Nor will development and economic reforms have lasting success unless they are suffused with concern for ecological stability and management of resources." In my own view, this is the spirit with which the United States should approach its relationship with the Third World.

Unfortunately, our country has pulled back from this challenge in the last several years. As the economic deterioration worsened for most Third World countries, U.S. economic aid declined—by about 7 percent in real terms over the past 3 years. Meanwhile, military aid and arms sales have skyrocketed. Last year the United States sold \$25 billion worth of weapons, an alltime record. Military aid has increased by 73 percent in the past 3 fiscal years. In each of the past 3 years military aid has gone up, and economic/development aid has gone down as a total percentage of our foreign assistance effort. Development assistance has dropped from 49.3 percent of total bilateral aid in fiscal 1981, to 38.2 percent of the total in fiscal 1984. Our priorities are just plain wrong when, for example, a \$1.8 billion increase is proposed for military aid in fiscal 1984 while, at the same time, a \$500,000 cut is requested in the Peace Corps program. The dimensions of this distortion of priorities on a global scale are clearer when one contemplates the observation of former West German Chancellor Willy Brandt that "one-half of 1 percent of 1 year's world military expenditure would pay for all the farm equipment needed to increase food production and approach self-sufficiency by 1990." Ultimately, when we and the Soviets are willing to combat hunger rather than each other in the Third World, then we can truly beat our swords into plowshares.●

#### STATUS REPORT ON BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

This is the first status report for fiscal year 1984. The current level as shown in this report reflects the budgetary effect of permanent appropriations and all legislation that has been cleared by the Congress to date, including annualized amounts for the 1984 continuing resolution (Public Law 98-107).

The second budget resolution level as shown in this report reflects reserve fund allocations made to date pursuant to section 2(c) of House Concurrent Resolution 91.

The report follows:

[Report No. 84-11]

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF OCTOBER 14, 1983

(In millions of dollars)

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	899,790	841,483	665,354
Amount remaining	22,335	10,642	0

**BUDGET AUTHORITY**

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds \$22,335 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

**OUTLAYS**

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding \$10,642 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

**REVENUES**

Any measure that would result in revenue loss exceeding \$0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

**THE NIGERIAN ELECTIONS**

● Mr. GLENN. Mr. President, at a time of international crisis and tension, I would like to draw our attention to one of those significant and all too rare milestones that point to a more stable, evolving world order. The second Republic of Nigeria, the world's fourth largest democracy and our second largest oil supplier, has just experienced its second round of free elections since the return to civilian rule in 1979.

We should congratulate President Shagari for his success at the polls. We should also congratulate all the legislators and governors of his and the other parties for their achievement. It is satisfying to see a recently independent country whose government has been able to meet the expectations of its people to the extent that they want to live under its leadership for another term; not all democracies have that wise and successful a leadership.

We should also congratulate all Nigerians, including those who ran and

lost, and the millions who participated in the vote, for their individual engagement in a collective system of responsibility and civic cooperation. Democracy is not only made of leaders; it is, above all, a system of the people who constantly support and legitimize it with their expectations and participation, with their beliefs and actions.

It is no secret that some commentators were dubious earlier this year about whether the elections would actually take place. They thought they saw Nigeria as a country in an unstable continent which could not sustain democracy and they thought they saw signs that people were losing faith in Nigeria. History has shown them to be wrong.

Although the reality of the past is never an absolute guarantee for the future, it is an assurance that precedents can work. There were events that were disturbing during the elections, but Nigeria nevertheless carried out its democratic and constitutional exercise successfully, showing once again its leadership in Africa and its exemplary position in the world. It has shown that under the most difficult circumstances—in the complexity and newness of the Nigerian system, in the hardship of financial strain, in the diversity and pluralism of the society—that democracy can work in Africa. It has shown, too, that those who might be tempted to be impatient with its weaknesses are justified in giving it their confidence and support, and should do so.

Like Nigeria, our own democracy was constructed on successes and mistakes, on lessons learned from our own experience and lessons from others properly applied. Nigeria has come to its present form of government as a combination of both—it has reacted to events in its history and it has seen fit to adopt many features of the American Federal experience in its own Constitution. Nigeria paid us the highest compliment as a nation by borrowing the basic elements of our political system to pioneer its own path toward democracy. We follow its progress, celebrate its success, and applaud its constitution in the spirit of brotherhood as a democracy with similar aspirations.

It is in this spirit that we salute Nigeria and extend to it a special hand of friendship. Americans can identify closely with Nigeria's ordeals as well as its triumphs, for in our struggle for national unity and freedom, we went through similar experiences. Now, we share Nigeria's satisfaction with having crossed a very important watershed in its struggle for unity and freedom.

Mr. President, Nigeria is a country with weight and promise, an exuberant and dynamic society which exemplifies continuity and change and which seeks to meet constructively the

challenge of its size and growth. It is a country of diversity and competition, of hope and satisfaction, of youth and leadership. We wish President Shehu Shagari and his great nation peace and prosperity in the years ahead.

**BLANCHE ELLIOTT DAY IN ARKANSAS**

● Mr. PRYOR. Mr. President, for 30 years the historic War Eagle Mills Farm has drawn thousands of visitors to the Ozarks Arts and Crafts Fair on the third weekend in October. This weekend, participants in this annual ritual are gathering to recognize three decades of craftsmanship and folk heritage.

They will also recognize a guiding light who has given inspiration to the fair during all these years. My friend Blanche Elliott, who lives at War Eagle Mills Farm, founded the fair in 1953 and has given it her unequalled leadership and commitment since that time.

When other fairs and exhibits failed for lack of interest, or fell on hard times, War Eagle Mills thrived and flourished. Craftsmen and artisans in a four-State area knew that if they could make it to only one show it would have to be that one. And they continue to come by the thousands.

As an undergraduate at the University of Arkansas in Fayetteville—which is on top of another mountain 30 miles away—I used to drive over to Blanche and Lester Elliott's farm and spend a tranquil weekend at their house, most of it on the front porch. I would wade the beautiful War Eagle River in search of small-mouth bass. The view out over those hills was spectacular, and many times I restored body and mind as a guest in their home.

Lester Elliott died a few years ago. He was a fine and strong man who gave inspiration to his family and to the best traditions of the Ozarks. He is still missed by his many friends in the State of Arkansas.

I recall the first Ozarks Fair 30 years ago. By today's standards it was a modest affair. A few local craftsmen set up card tables and hawked their wares under the wide oak trees in the front yard. At the end of the afternoon they folded up their tables and boxes and drove back down the mountain to Huntsville and Kingston and other towns in the surrounding area.

Things are different now, and what those early artists and crafts people started continues as one of the major fairs in the country. Hundreds of thousands come to War Eagle from all States in the South and Southwest. It is now more a pilgrimage than a crafts show. Every form of native American art is displayed and, apart from being a cultural exposition, it is also a lot of

fun and recreation for everyone who attends.

I want to join my fellow Arkansans in paying tribute to the 30th year of the War Eagle Fair. And I especially want to join them in recognizing Blanche Elliott on her special day.

October 21 is officially Blanche Elliott Day in Arkansas, and I can think of nothing more appropriate than to testify to her leadership and determination. She is not only a splendid American and Arkansan, and a living example to all of us who value our background and heritage. She is also a close friend whose sturdy wisdom continues to inspire me even after 30 years. ●

#### AN AGENDA FOR EDUCATIONAL EXCELLENCE

● Mr. DODD. Mr. President, my distinguished colleague, Senator PAUL TSONGAS from Massachusetts, delivered an important address September 18 at the University of Massachusetts, Boston, commemorating its 20th anniversary. The speech outlined a number of bold initiatives that hold great promise for improving our public schools. Some of these ideas are already being tried in Massachusetts schools, and Senator TSONGAS is urging their adoption more widely. I commend Senator TSONGAS' proposals to the attention of my colleagues, and I ask that his address be printed in the RECORD.

The address follows:

##### AN AGENDA FOR EDUCATIONAL EXCELLENCE

Public education has been on trial in recent months as never before. Report after report has found our schools sadly lacking. The harshness of the indictment tends to obscure many great successes. One of them is the University of Massachusetts, Boston. In two decades it has developed into a major university with an impressive faculty, a broad diversity of students and an imposing campus of its own.

What is the value of such a university? To state the question more broadly, why invest in public education at all? By public education I mean all levels: primary, secondary and vocational, as well as college and university.

Why does it matter whether our public schools are atrocious, excellent or merely mediocre?

There are several reasons. But the least appreciated is economics. Public schools are not only the best means to prepare our people for citizenship; they are not simply the best ladder of social mobility. They are also the prerequisite for economic survival. They are the seed corn of tomorrow. They are the key ingredient for industrial growth and prosperity.

Despite all the grand talk these days about offering every kid a ticket to private school, there is no way the majority of American students will ever attend them. Nor should they—not in a democratic society. The fact remains that 90 percent of the nation's students attend public school. The ratio is unlikely to change much for many years to come. So most of the education

that will take place in this country will take place in the public schools.

If you doubt the value of education to our country and our state, ask a business man or woman whether a qualified workforce figures importantly in a company's prospects for success. Or look at the record of Japan, where the widening availability of a high school education since World War Two has played a large part in its economic miracle.

Nowhere is the education factor more pivotal than in Massachusetts. In our state education is the fuel driving our most important growth sector, the high tech industry. High technology is an industry that runs on brainpower. In computer science, bioengineering, fiber optics, robotics, or any other high tech field, the basic input is the skill of the engineers, scientists and technicians working there.

The same principle applies to the state's traditional industries. If the mills and factories of Massachusetts are to stay competitive, they must raise their productivity. The hope for higher productivity lies not only in better machines, but also in better educated workers.

Most people in Massachusetts can readily see the link between high-quality public education and their economic well-being. They need no sales talk. They are already sold on public education. They want to know what to do to make it better.

In fact, much is already being done to make public education in Massachusetts better. One example is the High Technology Morrill Act, which I am sponsoring in the Senate. The idea for it originated in a book called *Global Stakes*, written by Stata, Dimancescu, and Botkin, three men committed to the future of the Massachusetts high tech industry.

The legislation is patterned after the Morrill Act of 1862, which established the land-grant colleges that have helped make American agriculture number one in the world. My bill would strengthen science, engineering and technical education to help keep the American high tech industry competitive. Under the proposal the federal government provides matching funds for joint educational programs undertaken by the states, private industry and schools and universities. A version of the High Tech Morrill Act has been incorporated into the proposed Education for Economic Security Act, and I expect the bill to pass by the end of this year.

Much is also happening in Massachusetts to improve public education. Throughout the state, schools struggle with ways of purchasing and integrating computers into the classroom. A pilot project under way in Cambridge, in which I am involved, seeks to develop a model classroom of the future. This pioneering effort brings together the resources of the city. Participants include members of the Cambridge Chamber of Commerce, state and city officials, universities, and teachers and parents.

Together we have established a magnet school in Cambridge offering students in kindergarten through the fourth grade a curriculum that combines imaginative computer instruction with basic skills. I am excited about the potential for this project. If it proves successful, we will encourage those interested in computer literacy instruction to compare their own efforts and work together for greater dissemination in other Massachusetts schools.

Another project to bolster Massachusetts public education is being tested at Burlington High School. This is called Best Bet, the

letters standing for Building Excellent Schools Through Business-Education Teamwork. Developed by Jack Rennie, President of Pacer Systems, Inc., and SBANE, and Supt. Tom Michael, Best Bet pairs the high school with a leading Burlington high tech firm, Pacer Systems. Pacer is working with school officials and other Burlington companies to identify the ways that business can work together to upgrade public education.

Pacer has defined its own best interest in terms of the caliber of learning available in Burlington classrooms. If the Best Bet formula works as well as I expect it will, I can see many other Massachusetts companies following in Pacer's footsteps. Already, firms in Lynn, Springfield, Worcester, and Fall River have expressed an interest in establishing Best Bet partnerships with their local schools.

In my hometown of Lowell, citizens have taken the initiative to scrutinize the schools with an eye toward reform. Parents, teachers and administrators have joined with me in launching a far-reaching review of the Lowell school system. Assisting us is a team of consultants that includes Dr. Marion Fantini of the University of Massachusetts in Amherst; Dr. Robert Sperber, Special Assistant to the President, Boston University; and Dr. Virginia Biggy, Dean of Education at the University of Lowell. When completed, the Lowell study ought to have an impact far beyond the city's borders.

Here in Boston the business community has been outfront in developing an array of innovative programs to buttress the public schools. The nine-year-old Tri-Lateral Council for Education promotes citywide partnerships between Boston businesses and schools. The Boston Compact, run by leaders from business and education, coordinates placement of high school graduates in local industries. The Boston Private Industrial Council works to find summer employment for students, this year locating more than 1000 jobs. Also proposed for Boston is the University Partners plan. It will unite the public schools with colleges and universities in programs for scholastic enrichment.

In other parts of the state, Massachusetts has a number of exciting projects in effect. They range from computer camps supported by the Bay State Skills Corporation, to the National Education Center in Framingham, developed by Cullinet Software and the Massachusetts High Tech Council. Throughout the Commonwealth, projects such as the Business-Education Collaborative in southeastern Massachusetts, the Newburyport School-Business Partnership, the Regional Expanding Vocational Awareness Project (REVAP) in Framingham, and Springfield School Volunteers demonstrate commitments to working together to further our educational goals. In cities too numerous to mention, people from the public and private sector have begun to come together to see how they can share resources in the educational field.

These efforts on behalf of public education in Massachusetts are cause for applause—and for emulation. Many of these programs receive little or no recognition. Conversely, some communities have yet to make this type of investment.

To encourage them, I am convening a statewide conference, sponsored by the Massachusetts Business Roundtable and the New England Council, to focus on the role of business-education partnerships in our effort to enhance excellence in public education here in Massachusetts. This confer-

ence, which will be held on November 21 in Boston, will bring together chief executive officers of companies, educators, state officials and a variety of other persons interested in public education to discuss ongoing projects throughout the state. There are so many people working in this area that we feel it is necessary to bring attention to exciting projects, while encouraging others to get involved.

On this occasion, I will outline our plans for a statewide strategy to promote partnerships throughout the Commonwealth. Clearly, there are inequities in the support received by different communities. Our goal is to reduce the economic disparity that puts some school districts in Massachusetts at a disadvantage in attracting business support. Thus, our statewide strategy would respond to innovative local ideas, while channeling resources to those who are in the greatest need.

What I am seeking in this and other proposals is a new cooperative spirit: a public commitment to heave together to move our school forward. If I were simply appealing to Good Samaritanism, that would be one thing. But I am appealing to Massachusetts on different grounds.

What I am saying is this: public education is the business of everyone. And everyone's business depends on public education.

Massachusetts is engaged in a Darwinian struggle for economic survival. Our state competes for its livelihood not only in a national marketplace, but increasingly in an international marketplace. Other states—and other countries—recognize the nexus between their educational standards and their economic prospects. In states such as Texas, California, Minnesota and North Carolina, there is already a high-priority campaign in the works to better the public schools. The same is true of Japan, only more so.

In this struggle the fittest will survive. Massachusetts has reason for optimism and for pride in its schools. But there are, nonetheless, disturbing signs. How fit is Massachusetts if its college board scores stand below the national average? And how fit is this nation if we have fewer than 500 students enrolled in Japanese schools, while Japan sends 15,000 of its students to study at our finest schools, learn our language and familiarize themselves with American practices and markets? How well Massachusetts responds will dictate our state's economic future for the rest of this century.

The leadership of Massachusetts is now being challenged. I implore our citizens to join the movement for excellence in our public schools. As students, you can devote some of your time and talent to helping younger students. As graduates, you can choose teaching as a career. And as parents and citizens, you can volunteer your time and resources for betterment of the public schools.

Without our commitment and that of others like you, the prospects for Massachusetts look bleak. With your help, the prospects could hardly look brighter. ●

#### THE CLINCH RIVER PLAN: THE NATION'S TOP 31 ECONOMISTS SAY NO

● Mr. HUMPHREY. Mr. President, I have long argued that the proposed alternative financing plan for the Clinch River breeder reactor project makes a bad thing worse. Indeed, the Congress-

sional Budget Office (CBO) and the General Accounting Office have already determined that the plan would increase the project's cost. The CBO estimates that the plan would add nearly a quarter of a billion dollars even if everything worked as well as hoped.

This is thin soup, especially since Congress has demanded that there be no further funding for the project unless and until a substantial private industry cost sharing plan is enacted.

Recently, the Public Interest Economic Foundation released a statement signed by 31 of the Nation's leading economists, both liberal and conservative, in opposition to the alternative financing plan. Among the signatories are economics Nobel laureates Kenneth Arrow and James Tobin. Also signing are Thomas Moore, director of domestic studies of the Hoover Institution, Walter Heller of the University of Minnesota and Kenneth Boulding of the University of Colorado.

Mr. President, before the Senate considers the alternative financing plan, it is essential that it recognize that the plan lacks informed support. I ask that the full text of the Public Interest Economics Foundation's signed statement against the Clinch River plan be entered into the RECORD.

The statement follows:

#### STATEMENT IN OPPOSITION TO FURTHER PUBLIC FUNDING OF THE CLINCH RIVER BREEDER REACTOR

On May 12, 1983, the U.S. House of Representatives voted 388 to 1 to deny further funding to the Clinch River Breeder Reactor program unless private industry agreed to pay a substantial share of the cost estimated to be between \$2.5 and \$4 billion.

On June 23, 1983, a plan was proposed by the Department of Energy. The financing plan is based on the \$2.4 billion cost estimate and provides for continued, direct, public funding of \$1.5 billion. The nation's electric utilities would contribute \$.1 billion financed by newly created tax advantages; the remainder of the funds would be raised by government guaranteed bonds and loans. The lenders (principally insurance companies, pension funds, investment banks and the like) are to be repaid by selling the electricity generated by the breeder reactor. The public guarantees that the power generated from the reactor whenever it is available will be able to be sold for more than its cost of production. If the breeder fails to break even, then the public will have to pay off all of the project's debts.

The new financing plan does not increase the private sector's risk exposure at all. It only stretches out the public's payments over a longer period of time (with interest costs, of course) and moves the reactor from on-budget to off-budget.

The new financing plan is based on assumptions that are unlikely to be fulfilled, and if the assumptions are not fulfilled, the plan will increase the public's liability. For example, the plan assumes that the bonds will sell for the same rate as treasury issues. Historically, government guaranteed bonds have carried a risk premium over treasury bonds. Accordingly, interest payments are likely to be higher than those anticipated in the plan.

The costs of the reactor are highly uncertain, but any costs increases are the responsibility of the public. No one knows how much will be required to make the breeder reactor commercially attractive. It is a research and development project that industry cannot handle. That, of course, does not make it a legitimate public project; the breeder reactor must compete for limited public funds with all other public projects. Nevertheless, the public is being asked to commit whatever it takes to make the reactor a commercial entity. The private sector is going to send the tax payments (up to a limit of \$.1 billion), it would otherwise make to the treasury, to this project and purchase a limited amount of guaranteed bonds provided they are at least as attractive as treasury bonds.

The electricity generated from this project may not have a market. At present, no electric utility is willing to sign a contract to take delivery of the electricity that may be generated by the reactor. TVA and U.S. government studies indicate sufficient electricity capacity in this region at least until the end of the century (the end dates of their studies). This is not surprising since Clinch River was a R&D project and was not sited with consumers in mind. The consequence, of course, of generating the wrong amounts of electricity in the wrong place is that the public will have to pay off the lenders.

In conclusion, the new plan is not cost sharing and does not increase private financing and risk at all. It does increase public liabilities by means of sophisticated financial instruments and off-budget financing. In our opinion, the costs of this project are likely to go higher while the benefits are likely to go lower. Congress should reject this financing plan and stay with the decision of May 1983 to curtail public involvement in the Clinch River Breeder Reactor.

Kenneth J. Arrow, Nobel Laureate, Stanford University; Hendrik S. Houthakker, Harvard University; William Baumol, New York University; Carolyn Shaw Bell, Economist; Barbara R. Bergmann, University of Maryland; Kenneth E. Boulding, University of Colorado; Dr. Gerard M. Brannon, American Council of Life Insurance; Dr. Robert S. Browne, Howard University.

William Capron, Boston University; Dr. Charles Cicchetti, Economist; John H. Cumberland, University of Maryland; Allen R. Ferguson, Public Interest Economics Foundation; A. Myrick Freeman III, Bowdoin College; Robert Haveman, University of Wisconsin; Charles Holt, University of Texas; Dr. Norman H. Jones, Jr., Economist.

James Tobin, Nobel laureate, Yale University; Walter W. Heller, University of Minnesota; Thomas G. Moore, Hoover Institution; Dr. Allen V. Kneese, Economist; John Tepper Marlin, Economist; Daniel McFadden, MIT; W. F. Mueller, University of Wisconsin; Roger G. Noll, Stanford University.

Richard B. Norgaard, University of California—Berkeley; Leonard A. Rapping, University of Massachusetts; Dr. Ronald G. Ridker, The World Bank; Clifford S. Russell, Economist; Robert M. Solow, MIT; Anthony Yezer, George Washington University; Marty Zimmerman, University of Michigan. ●

## FEDERALISM STUDIES

● Mr. DURENBERGER. Mr. President, when the Senate passed S. 1426 on September 21, 1983, to reauthorize the general revenue sharing program for 3 years, it adopted a provision that would require far reaching studies of the American Federal system. In its reauthorization bill, H.R. 2780, the House provided only for a very narrow study of the allocation formulas used to distribute revenue sharing funds.

Over the past few weeks I have called to the attention of the Senate the growing support for the wide-scope studies contained in the Senate bill. Today, I am happy to inform my colleagues of the official position in favor of the Senate language adopted by the National Governors' Association, the National Conference of State Legislatures and the Southern Governors' Association.

At this time, I ask that the letter of October 14, 1983, from the National Conference of State Legislatures and the National Governors' Association, along with the resolution of September 28, 1983, adopted by the Southern Governors' Association, be printed in the RECORD.

The material follows:

NATIONAL GOVERNORS' ASSOCIATION  
AND NATIONAL CONFERENCE OF  
STATE LEGISLATURES,  
Washington, D.C., October 14, 1983.

HON. DAVE DURENBERGER,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DURENBERGER: Our two organizations strongly support the reauthorization of the revenue sharing program and commend you for your work to ensure timely consideration of the legislation.

We hope that the conference committee will accommodate our concerns on the following issues:

(1) State authorization: Although states have not received revenue sharing payments since 1981, we believe that a workable provision authorizing state payments should be available. Such authorization language provides an important stand-by mechanism for state aid. The concern for prudent Federal budget decisions felt by you and your colleagues in Congress is shared by state officials. Therefore, the state payments would not be activated without a consensus at the Federal and State levels that they are fully justified. We urge that the authorization remain on the books in case it is needed; the close vote on this matter on the House floor suggests that many Members of the House of Representatives agree with this position. We ask you to support the Senate provision on the state authorization.

(2) Study of Federalism Issues: Federalism reform has been a high priority of both our groups, and we view congressional study of these issues as a positive step in the national debate. We favor the Senate language on the study because it encourages inquiry into a number of important issues, although we are concerned that the time and funding allotted may be inadequate. We have urged that the study topics be assigned in such a way as to assure the neutral treatment of the issues. We urge you to support Senator Durenberger's study amendment as written and as clarified in the floor debate.

(3) Funding for Local Share: The budget resolution permits funding for the revenue sharing program to rise by \$450 million. We support this increase, one that is badly needed for a program that has been held constant for so long. We urge your consideration of the House language in this regard.

(4) Expansion of Audit Requirements: The current statute requires the performance of a local audit of GRS funds at least once every 3 years with the audit covering at least a 1 year period. The House-approved reauthorization would require performance of an annual audit with exceptions only for governments with biennial budgets. The new requirement will require revisions in the audit practices of some states, changes we believe are unnecessary in light of the excellent record of the program and undesirable in light of the serious dislocation they would cause in established state procedures. We ask that you support the Senate provision on the audit requirement.

Thank you for your attention to our views. Please let us know if we can supply you with needed information or otherwise be helpful to you in your role as a conference committee member.

Sincerely,

Gov. JAMES R. THOMPSON,  
Chairman,  
National Governors' Association,  
State of Illinois.

Gov. RICHARD A. SNELLING,  
Lead Governor on Federalism,  
National Governors' Association,  
State of Vermont.

Assemblyman WILLIAM F.  
PASSANNANTE,  
President, NCSL,  
Speaker Pro Tem,  
New York State Assembly.  
State Senator PHILIP J.  
ROCK,  
Chairman, State-Federal Assembly,  
President and Majority Leader,  
Illinois State Senate.

## GENERAL REVENUE SHARING

(Approved by the Southern Governors' Association, Austin, Tex., September 28, 1983)

## BACKGROUND

One of the major issues raised during the reenactment of General Revenue Sharing (GRS) by the Congress was the question of allocation formulas. Both the Senate and the House defeated attempts to alter the current formula, and instead mandated an evaluation of the GRS program. One of the items to be considered is the possibility of using the Advisory Commission on Intergovernmental Relations' proposed Representative Tax System as an alternative means of allocating General Revenue Sharing funds.

The Representative Tax System (RTS) was developed as a theory several years ago by the Advisory Commission on Intergovernmental Relations (ACIR). RTS is based on a more complex and abstract system than the per capita income figures now collected annually by the Federal Government, and it has never been tested at the Federal level. Applying RTS to Federal programs would result in a distribution of funds radically different from the current distribution using per capita income measures.

The House of Representatives reenacted GRS this year with instructions to several Federal agencies, including ACIR, to study and recommend methods to implement RTS in the General Revenue Sharing formula. The Senate bill, which was passed on September 20, calls for a study commission to

evaluate the impact of several measures of fiscal capacity, including RTS and per capita income, on allocation formulas. The intent of the Senate was further clarified in a colloquy between Senators Bentsen and Durenberger. Their dialogue specified that ACIR not be given responsibility for evaluating the RTS. Instead, an agency without a prior policy position on the issue, such as the U.S. Treasury Department, would undertake the study. The colloquy also opened the study commission to state and local government participation.

## RECOMMENDATION

The Southern Governors' Association urges the conference committee to: Adopt the Senate language and the details developed in the colloquy between Senators Bentsen and Durenberger regarding the evaluation of the General Revenue Sharing program and the full participation of state and local governments.●

CLARENCE "SKEETS"  
GUSTAFSON

● Mr. DODD. Mr. President, Mr. Clarence Gustafson, a leading figure in Connecticut's banking industry for the past 43 years, has announced his retirement, and I believe that upon this momentous occasion it is fitting to call attention to his significant accomplishments.

"Skeets," as he is affectionately called by his friends, is a remarkable gentleman. Beginning his banking career literally in the mail room of a bank, Skeets' keen intelligence, relentless energy, and diligence enabled him to climb to his most recent office of senior vice president for Connecticut Bank & Trust. As division head for the bank's eastern region, Skeets has been responsible for his company's operation in the Second Congressional District, the State's largest geographically.

Mr. President, while it is obvious from a statement of his career path that Skeets possesses financial acumen, I would like to share what is truly a unique attribute. As much as our society has advanced to high technologies and many of our industries have become fully automated, oftentimes the average citizen finds the atmosphere of the business world to be cold and impersonal. Skeets has brought warmth and compassion to all of his professional undertakings. Over the years, he has not allowed himself to become desensitized to the individual needs of countless Connecticut residents. This man is regarded as friend and neighbor by many of his customers for his humane and individualistic approach.

Skeets has not limited his energies to his career. He has contributed to numerous service organizations as a member of the Norwich Community Development Corp., United Community Services, Inc., Boy Scouts of America, and the University of Connecticut Foundation, the study commission of

the State legislature on bank holdings, Backus Hospital, United Way, and the Eastern Connecticut Development Council to name a few. Skeets has made major civic contributions.

On the occasion of his retirement, I ask my Senate colleagues to join with his many friends and colleagues in Connecticut in honoring this fine citizen. It is hoped that the years ahead will bring Skeets, his wife Alice, and his family continued happiness and success. ●

#### ORDER TO HOLD H.R. 4013 AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives H.R. 4013, a bill to extend the Small Business Development Center program administered by the SBA until January 1, 1985, it be held at the desk pending further disposition.

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

#### ORDERS FOR THURSDAY

Mr. STEVENS. Mr. President, under a previous order, the Senate will convene at 9:30 a.m. tomorrow. A period for the transaction of routine morning business will ensue until 10 a.m.

I ask unanimous consent that the Senate at that time resume debate on the State Department authorization bill, S. 1342, which is the pending business.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that at 1 p.m. on tomorrow the Senate resume debate on the two remaining amendments in disagreement to the Interior appropriations conference report, H.R. 3363.

I further ask unanimous consent that the only amendments in order to amendments No. 94 and No. 95 in disagreement be the Melcher-Armstrong coal leasing amendment to No. 94 under a 1-hour time limitation to be equally divided between the mover of the amendment and Senator McCLURE or their designees, and the Wilson OCS amendment to amendment No. 94 or No. 95 in disagreement and that that amendment of Senator WILSON be limited to 20 minutes to be equally divided between Senator WILSON and Senator McCLURE, or their designees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. JOHNSTON. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. Am I correct that the Wilson amendment would not be in order by reason of this time agreement but that all rights would be reserved with respect to the amendment being out of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. I have no objection.

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

Mr. STEVENS. Mr. President, it is my understanding that the Wilson amendment would be in order to amendment No. 94 in any event and to No. 95 it would take a unanimous-consent agreement to offer it.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. We are not attempting to change or alter the rights of the parties in any way.

Mr. JOHNSTON. That is correct.

Mr. STEVENS. Mr. President, I further ask unanimous consent that if Senator ARMSTRONG does not cosponsor the Melcher amendment, then Mr. ARMSTRONG shall be permitted to offer an amendment to amendment No. 94 upon which there will be a 1-hour time agreement equally divided as provided for the other amendment to amendment No. 94, and let me reiterate at this point that no other amendment to amendment No. 94 or No. 95 shall be in order.

I ask unanimous consent, further, that no points of order be deemed to have been waived by this agreement, and I further ask unanimous consent that if the State Department authorization bill is not disposed of early in the day, the Senate resume debate on the State Department authorization bill upon disposing of the Interior Department conference report.

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

The text of the agreement follows:

*Ordered.* That at 1:00 p.m. on Thursday, October 20, 1983, the Senate resume consideration of the two remaining amendments in disagreement to the conference report on H.R. 3363, Interior Appropriations Bill, and that the only amendments to be in order at that time be the Melcher-Armstrong coal leasing amendment to Amendment No. 94, on which there shall be 1 hour debate, to be equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees, provided that if the Senator from Colorado (Mr. ARMSTRONG) chooses not to co-sponsor the Melcher amendment, he be permitted to offer an amendment to Amendment No. 94 in his own right, on which there shall be 1 hour debate, to be equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees, and the OCS amendment to be proposed by the Senator from California (Mr. WILSON) to either Amendment No. 94 or 95, on which there shall be 20 minutes debate, to be

equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees.

*Ordered further.* That no points of order be deemed to have been waived by this agreement.

Mr. STEVENS. Mr. President, it is my understanding, and I state to the Chair again, I made the parliamentary inquiry earlier that if that time agreement is fulfilled there will be no further matters that could be raised to the Interior Department appropriation conference committee report. That is the intention of the parties.

We are hopeful that all Members of the Senate will be notified and be aware of the fact that we will resume consideration of the State Department authorization bill immediately following routine morning business at 10 a.m. and we expect votes to occur in the morning.

We have disposed of the noncontroversial amendments this evening with the consent of the two managers of the bill and in behalf of the majority leader I do thank Senator PERCY and Senator PELL for their cooperation this evening in handling so many amendments to that bill.

#### ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that following the period for the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be granted a special order for not to exceed 15 minutes tomorrow, Thursday, October 20.

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

#### ORDER OF BUSINESS

Mr. STEVENS. Mr. President, is there further business to come before the Senate? Does my good friend have any further business?

Mr. BYRD. I thank the acting Republican leader. I have nothing further.

#### PROGRAM

Mr. STEVENS. Mr. President, let me review the schedule for tomorrow. Tomorrow the Senate will at 10 a.m. resume consideration of the State Department authorizations bill. It is anticipated that there will be votes on that bill in the morning hours.

At 1 p.m. tomorrow the Senate will resume consideration of the conference report on the Interior appropriations bill under a time agreement. Following that conference report, the Senate will resume consideration of

the State Department authorizations bill.

It is the intention of the leadership to go to the State-Justice-Commerce appropriations bill following the disposition of the State Department authorizations bill tomorrow.

We do anticipate a late night and votes throughout the session tomorrow.

RECESS UNTIL TOMORROW AT  
9:30 A.M.

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order.

The motion was agreed to and, at 8:32 p.m., the Senate recessed until tomorrow at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate October 19, 1983:

##### DEPARTMENT OF THE INTERIOR

William P. Clark, of California, to be Secretary of the Interior.