SENATE—*Tuesday, November 1, 1983*

(Legislative day of Monday, October 31, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray.

The fear of the Lord is the beginning of wisdom.—Psalm 111: 10.

Eternal, unchanging God, all wise and all powerful, in mercy awaken us to our need of Thee. Thou art the God of the infinite and the God of the infinitesimal—the God of the universe and the God of the atom. Nothing is too big for Thee to handle, nothing is too small to escape Thy notice and concern. "The nations are as a drop in the bucket" to Thee, a sparrow does not fall to the ground but Thou knowest it.

Gracious, loving Father, somehow help all in authority to realize that Thou art the way out of futility and frustration—the way to truth, justice, and righteousness. Give them to understand that they waste no time in seeking Thee, in waiting upon Thee. Teach them that Thou canst lead them in the way that transcends the best human judgment and into consensus that is consistent with reality. Help them to see that they save time by taking time for Thee. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SENATE SCHEDULE

Mr. STEVENS. Mr. President, after the expiration of the time for the two leaders and a special order for the Senator from South Dakota (Mr. PRESSLER), the Senate will have a period for the transaction of routine morning business not to extend beyond the hour of 12 noon. Following our customary practice, the Senate will recess from 12 noon until 2 p.m. for the policy meetings on both sides of the aisle. At 2 p.m., the majority leader, as announced yesterday, will proceed, I am informed, to S. 1715, the natural gas bill. If objection is heard, he intends, I understand, to make a motion to proceed with that bill.

The Senate is on notice, I am certain, that a motion to reconsider the vote by which the debt ceiling bill was defeated was entered last evening by the majority leader, and that may be called up during the day. We would urge the Senate to keep in mind the deadlines that we face. We do have a deadline of November 10, on the continuing resolution. We hope to have the defense operations bill on the floor this week. The Senate has already considered 10 of the 13 annual operations bills. That has not been done for several years now. There are more appropriation bills that have been passed by the Senate than many years in the past.

I want to restate to the Senate what I am informed was information from the Treasury Department concerning the impact of the Senate's failure to pass the debt ceiling extension bill last night.

The scheduled $13 billion investment in the Social Security Trust Fund cannot totally be made. Only $4 billion will be invested. Sales of U.S. savings bonds are suspended as of today. I am further informed that 6 million people purchase such bonds annually. Sales of nonmarketable Treasury securities to State and local governments will not be made. The scheduled auction of the 3- and 6-month Treasury bills have been reduced by $5 billion. The 3-year Treasury note auction scheduled for today has been postponed. The scheduled auction of the 3-, 10-, and 30-year Treasury bills has been postponed. I am told that the cost of that is $250 million. That is the total amount, Mr. President, not a daily amount, I am informed.

Further, an announcement will be made during the week of the 52-week Treasury bill auction that is scheduled in the amount of $7.75 billion and the Treasury is still assessing further implications of the effects of not passing the debt bill last evening.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Democratic leader is recognized.

THE NATURAL GAS DEREGULATION BILL

Mr. BYRD. Mr. President, I objected last night on behalf of another Senator to proceeding to take up the natural gas deregulation bill. That did not necessarily depict my personal feeling, and I simply want to state for the record that if the majority leader today asked unanimous consent to proceed to that bill, any Senator who wishes to object should be notified to be on the floor himself to object. I will ask my cloakroom to inform Senators or if the acting Republican leader does not feel that that request will be made before the caucuses meet, I will inform my party in caucus.

Mr. STEVENS. I might say to my good friend, Mr. President, that I am unable to give a response to that until the majority leader does return from the meeting he is attending at the White House now. I will speak to him as soon as he returns, and I do believe that we can give the Senator assurance that it will not be made prior to noon.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I do not see any Senator seeking recognition. I ask unanimous consent that I may reserve the remainder of my time.

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

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

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.

VITIATION OF SPECIAL ORDER FOR SENATOR PRESSLER

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order that was requested by the Senator from South Dakota (Mr. PRESSLER) be vitiated.

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

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I reserve the remainder of the leadership time on both sides.

I ask unanimous consent that if either leader wishes to make a statement later in the day, it be printed at this point in the RECORD.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RECESS UNTIL 11:30 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30 a.m. today.

There being no objection, the Senate, at 10:26 a.m., recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

Mr. BAKER. Mr. President, I understand there are some speakers this morning in morning business. Are we in morning business yet?

The PRESIDING OFFICER. We are not in morning business at this time.

Mr. BAKER. Mr. President, I just arrived from another meeting away from the Capitol. As I recall, we were going to have a special order and then morning business. Could I inquire why we did not have morning business?

The PRESIDING OFFICER. The recess order came before we had an opportunity to go in morning business.

Mr. BAKER. So morning business would be in order at this time, is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. I ask that the Chair place us in morning business.

ROUTINE MORNING BUSINESS

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

Mr. BAKER. Mr. President, there are speakers, I believe, who wish to speak in morning business. While they arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NBA CRACKDOWN ON DRUGS

Mrs. HAWKINS. Mr. President, 2 points and three cheers for the National Basketball Association for cracking down on their players' abuse of illegal drugs. In late October, Commissioner Larry O'Brien of the NBA announced that any player convicted of using or distributing heroin or cocaine will be barred from the league for life. That is the toughest stance any sports organization has taken so far—and the odds are that it will work.

There is no question that an athlete's use of drugs hampers his performance and slows his reactions and responsiveness. More important, professional basketball players are powerful role models for young people throughout the country. And dealing and using illegal drugs introduces a criminal element that belongs in no American sport. I hope that professional baseball and football organizations follow the example of the NBA to rid their sports of foul play.

Mr. President, I ask unanimous consent to enter into the RECORD an article on the NBA's crackdown on drugs.

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

[From the New York Times]

NBA WILL BAN DRUG USERS—STERN PLAN ADOPTED

(By Sam Goldaper)

The National Basketball Association and its players' union have forged a wide-ranging, innovative program that would ban from the league any players who is convicted of using or selling illegal drugs.

In the strongest stance taken by any professional sport, the program provides that a player convicted of, or pleading guilty to a crime involving the use or distribution of heroin or cocaine, or found under a new procedure that allows testing to have illegally used those drugs, shall be permanently barred from the league.

"The message we are sending out today is clear: drugs and the N.B.A. do not mix," said Larry O'Brien, the league's commissioner, at a news conference yesterday at the Plaza Hotel.

Several hours after the program had been announced, Michael Ray Richardson, the Nets guard who recently completed a five-week treatment for abuse of cocaine, urged players on drugs to seek help.

RICHARDSON SKEPTICAL

"Rules won't do it," Richardson said at an informal gathering with reporters at Byrne Meadowlands Arena. "The N.B.A. doesn't understand that drugs are a disease that changes your entire life. It's an illness, and only the player can cure it. The big problem is that people who are on drugs are ashamed to admit it. They have this terrible fear of getting up in the morning and seeing a newspaper headline that so and so is on drugs."

O'Brien and Larry Felisher, the general counsel of the National Basketball Players Association, said jointly:

"The penalty of permanent dismissal is mandatory and cannot be reduced by the N.B.A. or any of its teams. However, a player subjected to such a dismissal may appeal for reinstatement after two years, with the approval of the commissioner and the players' association."

Bob Lanier of the Milwaukee Bucks, who is president of the association, said: "There is no question that professional basketball players are role models for young people all over the country, and particularly in inner cities. By telling the world that we, as professional athletes, will not tolerate the use of illegal drugs, we are setting a new standard, something that is absolutely essential in today's environment."

The program was provided in an agreement signed yesterday as an addendum to the four-year labor contract signed last April 1. The agreement provides an "amnesty period" until Dec. 31. Until then, no player will immediately be subjected to a penalty. Instead, a player who voluntarily admits to using drugs will be given counseling and medical assistance at his team's expense by the Life Extension Institute, a privately organization under contract with the N.B.A. and the association.

Junior Bridgeman of the Bucks, a member of the association's executive committee, said: "We felt the stigma of drug use has hurt our sports and we had to find a way to eliminate it. It doesn't matter if it's one or two players, or five, 10 or more that are on drugs, it gives the N.B.A. a bad image."

The agreement was approved by the player representatives, 22-1, Monday at a meeting in Chicago. Lanier refused to say who had voted against it.

The league and the players will hire an independent expert with experience in drug abuse, detection and enforcement. Based on information given him by the league, the union or other sources, he may authorize drug testing. A player may be subjected to four tests over six weeks.

The N.B.A. or the union, in place of testing, may request a hearing on a player's suspected use of drugs before an arbitrator. If the arbitrator determines the player has used drugs, he will be expelled from the league. Also, a player who previously requested and received treatment for a drug problem, and volunteered again for treatment, would be suspended without pay but not subjected to any other penalty.

COULDN'T DEAL WITH TRADE

The Nets had arranged for Richardson's question-and-answer session so that he would not have to discuss his involvement with cocaine when training camp opens tomorrow at Princeton University.

Richardson, who underwent rehabilitation at the Hazelden Foundation in Center City, Minn., told why he had finally sought help.

"It started for me last year, when the Knicks traded me to the Warriors," he said. "I just couldn't deal with it. I never used drugs when I was with the Knicks.

"Once I got involved, it took me quite a while to seek help. At first I thought I could beat the habit myself, then there was that fear and shame of being found out."

Asked when he had decided to seek help, he said: "This summer when I knew I was not the same Michael Ray Richardson. I didn't feel well. I had lost my strength and was a half-step slower, maybe even a mile."

Asked if he had sought help from teammates, he replied, "No, I didn't want anybody to know."

He said that he felt fine now and attended weekly rehabilitation meetings.

YELLOW RAIN: A CRITICAL ASSESSMENT OF THE BEE THEORY

Mr. PRESSLER. Mr. President, evidence indicating that the Soviet Union is engaged in chemical and toxin warfare in Southeast Asia and Afghanistan continues to accumulate. Studies conducted by the U.S. Government and the Governments of France and Canada have all arrived at the conclusion that chemical and toxin agents are in use. Despite the refusal of the Soviet Union and its client states to allow international investigators from the United Nations to visit areas where chemical warfare is suspected, the United Nations last year issued an

interim report that adds weight to these charges.

Despite the overwhelming nature of the case against the Soviet Union, there are skeptics. Doubts are partly attributable to the absence of a smoking gun, such as an attack being witnessed by an international observer team. But, given the remote areas in which these incidents have occurred, investigators are unlikely ever to be present when an attack is made. Other critics have cited the imperfect manner in which evidence has been collected. While the United States and other governments have gone a long way to correct these deficiencies, it must be remembered that specimens are being collected in a war zone and they are carried out by foot. Often days and weeks pass between an incident and the arrival of evidence in the hands of specialists. This is not an environment in which laboratory conditions can be created.

We are, therefore, unlikely to ever obtain the smoking gun for yellow rain comparable to the intelligence intercepts which prove Soviet responsibility for the attack on Korean Air Lines flight 007.

But, as in the case of KAL flight 007, even a yellow rain smoking gun is sure to be followed by Soviet denials. We must note that in refusing access to areas where attacks are reported, the Soviets demonstrate their determination to prevent the collection of irrefutable evidence. Do they have something to hide? Many reports indicate that they do. The extent of the case against Moscow and her Southeast Asia clients is massive. There are numerous eye-witness accounts, blood and tissue samples collected from victims, and physical evidence ranging from contaminated gas masks to soil and plant samples.

Theories which claim that mycotoxins are a natural occurrence have been offered. Recently, a Soviet representative to the United Nations stated on American television that mycotoxins can be found naturally anywhere in the world. He stated that samples of mycotoxins are present on Washington's lawns. But, as far as is known, nobody has been sent to a hospital or has died from overexposure to Washington's parks. Only in Afghanistan and Southeast Asia—two areas of the world separated by thousands of miles—have mycotoxins killed people. The only common denominators connecting these areas are a Soviet presence or involvement and eye-witnessed attacks.

But charging the Soviet Union with engaging in or supporting chemical and toxin warfare is a most serious matter. Chemical warfare is a heinous crime, representing denial of the most basic of human rights—the right to life. Moreover, most victims have been noncombatants. The very young and the old have suffered most.

The Soviet Union is a signatory to the 1925 Geneva protocol and the 1972 Biological and Toxin Weapons Convention. Involvement in this form of warfare places the Soviets in violation of these solemn international agreements. This cannot bode well for arms control, for it raises serious questions of the value of Moscow's legal undertakings. One clear lesson for effective arms control agreements must be derived from the sad story of yellow rain: Agreements reached without strong and effective verification measures can harm prospects for progress in arms control while, at the same time, they detract from security.

But, given the seriousness of the charges, I believe that every government must satisfy itself that chemical and toxin warfare is occurring. That is why Senate Resolution 201, which I offered with 35 cosponsors, and which has been favorably reported to the Senate by the Foreign Relations Committee, calls upon governments to carefully assess the evidence. Should they still have doubts, we urge that they conduct their own investigations. Clearly, a shift in Moscow's policy away from hindering and toward assisting United Nations investigators would be welcomed.

In any event, we must be sure that arms control accords provide for effective verification. With regard to chemical, toxin and biological warfare, Senate Resolution 201 calls for the negotiation of a strengthened verification system to assure compliance with standing accords. The administration has made a fair and realistic proposal for improved verification at the Committee on Disarmament in Geneva. If the Soviets are seriously interested in resolving the problems of controlling these weapons, they would take up the offer.

Those who are skeptical of the evidence also have every right to speak out and offer alternative explanations. I must, however, state that nothing that I have seen or heard to date leads me to doubt the case for Soviet engagement in this inhumane behavior.

At the end of May, Dr. Matthew S. Meselson of Harvard presented an alternative explanation for yellow rain at the Detroit meeting of the American Association for the Advancement of Science. According to Dr. Meselson, yellow rain may be nothing more than bee droppings. Under this theory, bee feces provide a favorable environment for natural growth of mycotoxins.

Dr. Amos Townsend of the International Rescue Committee has been actively engaged in assessing the bee theory, on the ground in Southeast Asia. As many of you know, Dr. Townsend is a leading authority on yellow rain, and has been investigating suspected chemical and toxin weapons use while at the same time providing medical assistance to refugees in Thailand. Dr. Townsend testified before the Foreign Relations Arms Control Subcommittee in a hearing on yellow rain last February, as did Dr. Meselson at a hearing in November 1981.

After a careful analysis of the evidence, Dr. Townsend produced a detailed rebuttal of the bee theory for the International Rescue Committee. The IRC has shared this document with me. I believe that Dr. Townsend's analysis deserves to be read by the public and by Senators. I ask unanimous consent that Dr. Townsend's report be printed in the RECORD.

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

A SUMMARY OF ARGUMENTS ON THE ORIGINS OF YELLOW RAIN

(By Dr. Amos Townsend)

EVIDENCE CONSISTENT WITH THE NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. Yellow color, size (a few millimeters in diameter) and general appearance of spots.
2. Approximate area in which spots are found in an occurrence (a few adjacent houses in a village).
3. Approximate spacing of spots in affected area, several per square foot.
4. Continued appearance of spots over a period of days in an affected area.
5. High pollen content of all spots examined.
6. Variable diversity of pollen types and sizes in spots from different sites.
7. Different pollen types in spots from different sites.
8. Pollen in spots from plant families common in Southeast Asian tropics.
9. Pollen in spots from plant families visited by bees.
10. Bee hairs present in spots.

EVIDENCE AND REPORTS NOT EXPLAINED BY NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. Tricothecene mycotoxins in samples of yellow rain.
2. Tricothecene mycotoxins in samples of blood, urine, and tissues of alleged victims.
3. Tricothecene mycotoxin on Soviet gas mask from Afghanistan and possibly on an additional gas mask and on vegetation.
4. Refugee reports of illness and death associated with occurrence of yellow rain.
5. Refugee reports of yellow rain following overflights or attacks by aircraft and attacks by artillery and rockets.

CONCLUSION

Whatever the source of mycotoxins in various samples, it is possible that yellow rain is bee excrement.

INTERNATIONAL RESCUE COMMITTEE: EVIDENCE REGARDING THE ORIGIN OF YELLOW RAIN

(By Dr. Amos Townsend, August 3, 1983)

INCONSISTENCY OF EVIDENCE CONSISTENT WITH . . . ETC. . . . BEE EXCREMENT

1. Yellow color: I have examined many different bee feces from different types of bees, wild and domesticated, and have found none of feces like the spots I examined, photographed and gathered in Kampuchea last March 1983 and none like specimens brought in to us thus far. Only the spot size is similar. The colors of bee feces seen in

Thailand are variable in shading from off white to light brown but I have seen no yellow color while there has been much consistency in the Yellow Rain (YR) spots seen. I have seen no white spots among bee feces to match the white spots I saw in Kampuchea which occurred at the same time and place as the yellow spots and over the same area. The physical texture is markedly different, as the Hmong also noted, for the bee feces are always sticky but not the YR after the first half hour of drying when they turn to fragile and brittle spots of powder. There is also much more coarse debris in the yellow spots than in bee feces as a rule and one Thai entomologist has said that there was 'too much pollen for bee feces' in the YR spots. The white spots seen in Kampuchea also have a texture.

2. Approximate area: I have found them over an area as large as 3+ Km^2 which I am told by the bee experts is totally unrealistic. Even 1 Km^2 would be considered most unusual even with the largest swarm imaginable. Swarms normally would make a fecal path a few meters wide for 30-50 Ms long.

3. Approximate spacing: I saw them vary from about 5 spots per 1/10th M^2 to no more than 1 spot per M^2 with the yellow outnumbering the white by a 4:1 margin.

4. Continued appearance: Even in the dry season, the many yellow and white spots seen in Kampuchea were dropping off before one week although perhaps 5% were still present in 3 weeks. In contrast, bee feces seem to last for months on wood, glass and other objects. (The red, green, blue, brown and black spots seen by Hmong in Laos were said to disappear soon and are thus rarely picked up.)

5. High pollen: Bee experts in Thailand have felt that it was higher in concentration in the yellow spots than is normaly found in bee feces. I noted only much more debris in many of the YR spots than I have ever seen in bee feces. The white spots had much less sediment and that sediment did not seem to be coarse as was that in the YR spots. Indeed, it was as fine as diatomaceous earth or talcum powder and not at all sticky like the bee feces.

6. Variable diversity: Spot sizes varied from 1mm to 12-15mm in diameter. Spot variation is believed related to thickness of the slurry used and manner of distribution from either helicopters at rather low levels to large aircraft at much higher elevations as reported. Helicopters are much more useful for specific targets of limited areas and also seem much more often used with chemicals more potent than the yellow or white spots and that tend to dissipate in a matter of a few hours, usually within 12-24 hours. The red and green, spoken of most often, are distributed this way and the people are far more afraid of them than of the yellow and white spots. Thai bee experts have stated that from my photographs, there is too much material in the yellow spots to believe it is from even the Apis dorsata, the 'giant bee' of SEA. Having recently studied bee feces from that and smaller bees from this region, I have to agree with them.

7. Different pollen types: It is my understanding that this has not been studied well as yet in any country's laboratories and neither have the 'normal distribution' of pollen types been studied for different parts of Thailand let alone Laos or Kampuchea. Therefore, I believe that such a statement is rather premature as it is presented.

8. Pollen in spots: It should be carefully explained to the public as well as to other scientists that pollen is available and used by the ton commercially in the world and is sold commercially even in Thailand, although on a much reduced scale. There are several possible reasons why pollen is found, and found in unusually large amounts, in the yellow spots known as 'Yellow Rain.'" It should not be surprising, therefore, to find some pollen from the SEA region in these spots. However, it would be faulty to assume that all, or even most, of the pollen found in the YR spots is of SEA origin.

9. Pollen in spots: The spots have been noted to contain pollen common to both insect and wind distribution varieties. There are also several plausible explanations for this. However, it currently would seem far more likely that the YR spots are either wholly, or partly, man-distributed at this point in the overall investigation.

10. Bee hairs: The setae or bee hairs are often and easily knocked off the bees when commercially utilized pollen is obtained. It is far more likely that the 'hairs' are thus obtained within a batch of commercial pollen than that they waft down from bee flight or are swallowed and, later, undigested, defecated over large tracts of land as has been seen, and photographed in Kampuchea and sampled on many occasions in both Laos and Kampuchea as well as in Thailand near its borders with those countries (but not on the borders with Burma and Malaya).

FURTHER EVIDENCE AND REPORTS NOT EXPLAINED BY NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. The reports are received only from militarily contested areas under the control of the PAVN or in adjacent areas within Thailand just across from Laos and Kampuchea by a few Kms at the most. There have been no similar reports from contested areas along the Thai borders with Burma and Malaya although the fighting has been significant in areas of mountain and jungle not unlike those of Laos and Kampuchea in flora and bee fauna.

2. There are reports of human illness and animal illness and death inside Laos, Kampuchea and the northern and eastern border areas of Thailand where 'drifts' of yellow spots have been noted over a dozen times thus far in 1983.

3. Except for the commonality of being contested areas, there are dissimilarities of YR reports between Kampuchea, where both the fighting and the use is largely confined to the 'Dry Season' of December to May, Hmong areas of Laos where the use has been noted during all seasons including an increase during the Monsoon seasons of June to December and the Lowland Lao areas of Laos where reports are much more rare (supposedly because the Pathet Lao and non-Pathet Lao live in the same communities) and seem to relate largely to supposed locations of Lowland Lao trails and encampments. As I warned the Volags and the various International Organizations last August, there has been an increase of 'Yellow Rain' near the borders of Thailand in the past twelve months, as compared to any comparable period before.

4. There is no known historical evidence, scientific or mythological, that has ever linked bee feces with illness of human or animals within Thailand, Laos, Kampuchea or Vietnam.

5. There is no known historical evidence of any plant damage linked to bee feces within SEA, even mild plant damage which has sometimes been reported to affect the leaves and/or the root structures of some plants, domestic and wild.

6. There has been no explanation for the fairly consistent pattern of animal illnesses and deaths, domestic and wild, and show a variable pattern of effect dependent upon the species of animal—fowl, mammal or fish.

7. Although the PAVN has been reported to have had CBW agents in good supply even since their failure on the battlefield during the so-called '68 Tet Offensive,' supposedly fearing an attack on North Vietnam by the U.S. and South Vietnamese forces, and although there have been reported episodes similar to those recently reported involving so-called 'Yellow Rain,' in reputable English language publications since January 1974 (the National Geographic Magazine), there has been no adequate explanation as to why there has been only within the last two years any concerted effort of the part of the scientific community of any country, governmental or private, to take a serious in-depth examination of the complaints of the citizens of Laos and Kampuchea.

8. There is still no adequate explanation as to why segments of the scientific private sector has chosen to repeatedly denigrate the modest effort of the interested and concerned, private and governmental, rather than mount their own privately funded investigations which are financially quite within their resources. If they can find the funds to visit Hanoi in order to study the effects of Agent Orange, a known herbicide, why can they not afford to come to Thailand, Laos and Kampuchea and visit the areas of greatest concern for the past ten years. One might think that the resurgent interest in Tricothecenes and other Mycotoxins would be a sufficient stimulus for the scientifically curious by itself!

CONCLUSION BY DR. TOWNSEND

Considering what I have seen and sampled of the yellow and white spots in Kampuchea and have learned about yellow spots in Laos, Kampuchea and Thailand, as well as studies of bee feces here in Thailand and the considered opinions of local entomologists, I find it extremely improbable that even 1 percent of the alleged YR episodes were of bee fecal origin. Indeed, I would suggest that many of the more primitive Hill Tribes people are better observers of their own natural phenomena than we, the strangers to the area, erudite though we may be.

FOOD PROCESSORS' NEW LABORATORY

Mr. HATCH. Mr. President, The National Food Processors Association (NFPA), which represents the Nation's processed foods industry, recently opened its new headquarters building and laboratory facility at 1401 New York Avenue N.W., in the heart of our Nation's Capital.

NFPA, whose membership includes more than 600 companies engaged in processing of fruits and vegetables, juices, meat, fish, and specialty products, was founded as the National Canners Association in 1907, 6 months after enactment of the Federal Food and Drugs Act; 6 years later, the association opened its scientific research laboratory in Washington, D.C., the first to be established by any trade association solely for its own industry re-

search. The NFPA laboratory in Washington, D.C. is operated in conjunction with additional facilities and staff in Berkeley, Calif. and Seattle, Wash. NFPA's three laboratories give the association a solid base of scientific and technical knowledge and experience from which to address issues related to food law and regulation.

The new NFPA research laboratory, funded by contributions from members and suppliers to the food processing industry, will enable the association to expand significantly its research capabilities.

According to NFPA President Charles J. Carey:

> The modern research facilities at our new location reflect the desire of our members to continue to gain knowledge in the areas of nutrition, food safety, and packaging technology for the ultimate benefit of consumers. NFPA's state-of-the-art laboratory will enable our staff to keep pace with the tremendous scientific advances in analyzing and measuring the complex array of substances that make up all foods.

NFPA members and suppliers contributed $3 million to equip the new laboratory, which will include facilities for processing research, consumer product testing, container testing, nutrient composition research and for assessing micronutrients.

A new scanning microscope will enable NFPA scientists to magnify objects up to 100,000 times. A specially designed precision instrument room will protect sensitive equipment from interference from environmental sources. Modern computers will speed process calculations and other work by NFPA specialists.

In addition, NFPA will maintain its capabilities in chemistry and microbiology, using the latest instrumentation and laboratory equipment.

NFPA Executive Vice President Harry C. Mussman, former administrator of USDA's Animal and Plant Inspection Service, administers the association's expanded research effort.

As chairman of the Committee on Labor and Human Resources, which has jurisdiction over the Federal, Food, Drug and Cosmetic Act, I wish to acknowledge the contributions of the National Food Processors Association to the development of food law and regulation over the past three-quarters of a century. I am confident that the new Washington, D.C. laboratory will enable the association to continue to make significant and constructive contributions not only to the industry it represents, but to the formation of sound, sensible public policy in the food area as well.

I might add that this fine new facility will be officially dedicated next February 12, during the NFPA's 77th annual convention to be held in Washington, D.C. The Secretary of Health and Human Services, Margaret Heckler has been invited to speak at the dedication ceremony. I know that the association wants to share this occasion with the people from Government who have an interest in food and nutrition policy and programs.

WHY THE RUSSIANS ARE CONCERNED ABOUT A UNITED STATES FIRST NUCLEAR STRIKE

Mr. PROXMIRE. Mr. President, how does President Reagan justify his call for a continued massive buildup of our strategic nuclear forces? He argues that the Soviets are building a first nuclear strike capability that could wipe out our deterrent. Is the President right? Well, it is true that the Air Force has claimed that the Russians will soon be able to knock out all of our land-based Minuteman missiles. Does that prospect frighten you? If it does scare you, it should not. Why not? Because more than 70 percent of the U.S. deterrent is not in land-based missiles. It is deployed under the oceans in submarines and in the air in our bomber fleet. Neither of these are vulnerable and no qualified expert charges that they are vulnerable. On the contrary, sworn testimony before congressional committees this year from the top military experts assert the assured invulnerability of both sea-launched and air-launched missiles.

Furthermore the centerpiece of the Reagan administration's nuclear buildup is the MX. Does the MX increase our deterrent invulnerability? Absolutely not. Why not? Ask yourself: What makes a system vulnerable or invulnerable? First mobility. Right? Is it not true that a target that moves is much harder to hit than a target that is stationary? Of course. Second, concealment. Right? If you do not know where a target is and can not find it because it is concealed, do you not have more trouble hitting that target than if you know precisely where it is and can find it? Again—of course this is true.

How do we hide a nuclear missile? We move it around in a submarine under the ocean. The ocean is opaque. If the submarine in which the missile is carried is quiet, it is very difficult to find it. Or we put the missile in a bomber, which can fly at various altitudes, take advantage of cloud cover or the darkness of night and move at great speed to avoid detection. Now when a nation has many bombers—as we have and many submarines as we have, and when these submarines and bombers are constantly moving as our bombers and submarines are, and when each of them carry missiles with a destructive capability of many megatons, that is many millions of tons of TNT and each has the capacity to launch those missiles for hundreds or even thousands of miles and hit every city in the Soviet Union, it becomes clear that the Soviet Union does not have and will not have a nuclear first strike capability that could possibly knock out our deterrent, not now, and not for many decades to come, if ever.

And what an irony—consider the heart of the Reagan nuclear strategy—the MX. Would it add to America's deterrent invulnerability? Absolutely not. It would be conspicuously and obviously vulnerable. Why? First because it would not be mobile. It would be stationary. It would sit in one location day after day, week after week, throughout the years. Would it be an inviting target? Ah, just consider: It would sit there with 10 nuclear warheads in each single missile. So a single Russian warhead could knock out 10 of our warheads. Certainly the Russians could find these stock-still, land-based massive dinosaurs.

With all this in mind, why are the Russians so concerned about the MX? Answer: Easy. The Russians must know that we have deployed most of our deterrent at sea and in the air mobile and invulnerable. If you were a Russian wouldn't you ask yourself, why in the world would the Americans build a missile that cost tens of billions of dollars, and put it in such a stationary mode, knowing that it could not be used to retaliate once the Russians started a pre-emptive strike, because it would be target No. 1. Is it not the only possible explanation that we built the MX so we could have a first-strike capability.

Now President Reagan regards all this as paranoia on the part of the Russians. In a recent article in the Christian Science Monitor, Pat Holt, former chief of staff of the Senate Foreign Relations Committee quoted a speech by the President before the American Legion arguing for the MX. The President denied the MX would pose a first-strike threat to the Soviet Union. "This idea", said President Reagan, "runs counter to the whole history of America. Our country has never started a war, and we have never sought, nor will we ever develop, a strategic first-strike capability." Now, Mr. President, I believe President Reagan was completely sincere. Furthermore I believe what he said. Since the Spanish American War we have not started a war, with a very small but very disturbing exception. That exception, unfortunatley, occurred only a few days ago and on a direct order of whom? That is right—a direct order of President Reagan. We started a war with the tiny island nation of Grenada. Yes, we had our reasons. Yes, we considered our motives as decent and pure. But we did, in fact, start a war; so small as to be almost insignificant, only a few killed, but we invaded a sovereign country. And who ordered it? President Reagan did. He

did so with enthusiastic and widespread public approval.

And that is not all. Twice in human history nuclear bombs have been dropped in war with the full knowledge that they would kill hundreds of thousands of people. What nation dropped both of those nuclear bombs at Hiroshima and Nagasaki? Again those actions had overwhelming American approval, and, in retrospect, they saved lives and ended a bloody war that started when this Nation was attacked at Pearl Harbor. And this Senator supported that terrible Hiroshima and Nagasaki action.

But does it take much imagination to understand why the Soviet Union, seeing us build the MX that only makes sense as a first-strike weapon, recognizing that we have within the last few days invaded a sovereign country—a small, but nevertheless independent country, and that we alone, not once but twice, dropped a nuclear bomb on an inhabited city and killed hundreds of thousands of innocent people in the process—does it take much imagination to understand that the Russians might not see things quite the same way we do when it comes to our nuclear buildup?

Mr. President, I ask unanimous consent that the article from the Christian Science Monitor by Pat Holt, to which I have referred, be printed in the RECORD.

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

[From the Christian Science Monitor, Oct. 26, 1983]

DOES UNITED STATES OR RUSSIA HAVE FIRST-STRIKE CAPABILITY?

(By Pat M. Holt)

This trenchant remark is attributed to Dwight Morrow, the American ambassador to Mexico during the administration of Calvin Coolidge, Ronald Reagan's favorite President:

"The trouble is, we judge ourselves by our motives and others by their actions."

One is reminded of it by some remarks of Reagan himself. Arguing for the MX missile before the American Legion, the President denied that it would pose a first-strike threat to the Soviet Union. This idea, he says, "runs counter to the whole history of America. Our country has never started a war, and we have never sought, nor will we ever develop, a strategic first-strike capability."

To somebody with Reagan's mind-set even to suggest that we would launch a first-strike is preposterous. Never mind that some historians might quarrel with the bit about never starting a war—the Spanish-American War in 1898, for example. The United States is a peace-loving country. Its leaders—not only Reagan—have been bragging about this for years. The purity of our motives makes us worthy of trust.

But consider how things look when seen from Moscow. Reagan is probably correct that the MX will not in fact give the United States a first-strike capability. Soviet missiles are so numerous and so widely dispersed that destroying all or even a major fraction of them at one time is a practical impossibility, no matter what theoretical models may be built by a computer. The Soviets doubtless know this. But they also know that, first strike or not, the MX would add significantly to American nuclear firepower. And they are less interested in American intentions than in American capabilities.

This, of course, is precisely the logic of the Reagan Pentagon—and of generations of military planners, for that matter. It produces the argument that we have to plan our military forces not on the basis of what a potential enemy is likely to do, but on the basis of what he could do. If unrestrained by considerations of other national priorities or of resource allocation, this is what leads to the endless accumulation of ever more complicated and destructive weapons. When two opposing superpowers proceed on this premise, it makes the world a scary place.

When the President argued that regardless of intentions the MX would not in fact give the United States a first-strike capability, he was denying one of his own principal arguments for building the MX. That argument is that the increased accuracy of Soviet missiles has made it possible to wipe out all the U.S. Minuteman silos at once. This would preclude retaliation against a Soviet attack and would give the Soviets a first-strike capability.

Therefore, the Reagan administration has argued, the United States has to build the MX to regain the deterrence it has presumably lost. This argument has always been faulty on two grounds. First, it assumes a most improbable technical capability by the Soviets. Second, it completely overlooks the existence of U.S. airborne and seaborne nuclear forces. What are we supposed to think these forces, especially the submarines, will be doing while the continental United States is being incinerated? And if the European public will hold still, in a few months we will have Pershing missiles in NATO. Would it not occur to somebody to fire them?

For all their callous behavior, the Soviets are not complete idiots. We can assume that these points have also occurred to their military planners. They are no doubt aware that they do not have a first-strike capability any more than we do. Nor either side likely to acquire it.

"There is no way that the MX, even with the remaining Minuteman force, could knock out the entire Soviet ICBM force," Reagan told the American Legion. Why, then, does he think the Soviets could knock out the Minuteman even without the MX? He cannot have the argument both ways.

Assuming a reasonable degree of sanity in Washington and Moscow, the danger of the world ending not with a whimper but a bang does not come from an attempted first strike. It is more likely to come from the uncontrolled escalation of a superpower confrontation which starts small and gets big.

Arms control agreements are an important step in putting an upper limit on how big a confrontation could get. With weapons already in American and Soviet inventories, it could get big enough to blow up the world; but we've got to start somewhere. Arms control agreements by themselves, however, do not keep a confrontation from starting small. That was—and remains—the necessity for the unfortunately discredited Nixon-Kissinger policy of détente.

Before the United Nations last week, Reagan sounded as though he really wants strategic arms reductions. But neither there nor elsewhere has he sounded as though he even understands the importance of reducing tensions.

BUILDING A FRAMEWORK FOR WORLD OPINION

Mr. PROXMIRE. Mr. President, Jose Zalaquett, former chairman of the executive committee on Amnesty International, wrote a thought-provoking article on human rights for the 1982 Jesuit Community Lecture Series. He eloquently retraces the events that have led up to a world consensus on the subject of human rights, paying particular attention to developments since World War II. Such developments include the establishment of the Universal Declaration of Human Rights by the United Nations which he believes have influenced international opinion by building a framework for contemporary thought and action.

The Universal Declaration of Human Rights begins: "Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Zalaquett asserts:

> The implication is that world peace and stability do not rest only on the security of governments or arrangements among governments; it is the freedom and security of citizens of all countries that is the foundation of world peace. The cruel experience of the Second World War dictated such conclusions, thus providing the basis for establishing the human rights question as a matter of legitimate international concern.

One of the most significant treaties implementing the lofty principles of the declaration is the Genocide Convention. The Convention provides a working definition of genocide, what constitutes a genocidal act, and how this horrendous crime can be legally punished. But more importantly, and perhaps more realistically, it establishes a framework for contemporary thought on the specific issue of genocide just as the Universal Declaration of Human Rights established a framework for thought on the general issue of human rights.

Zalaquett presents a convincing argument that covenants and documents similar to the declaration can be the basis for a system of universal values and norms, and that we all have a responsibility to influence that system through a commitment to an ideal—the ideal of peace through the security of people's most basic rights and freedoms. Mr. President, what could be a greater ideal than a world free from the ever-present threat of genocide? What could be more basic than our inherent right to exist?

In his article, Zalaquett quoted the wisdom of Saint Augustine, "If you don't live according to your convic-

tions you will end by changing your convictions accordingly." Let us not alter our commitment to the preservation of human rights. Let us prove our dedication to world peace and the security of people's inherent right to live by ratifying the Genocide Convention.

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

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

HUMAN RIGHTS AND THE MORAL DIMENSIONS OF INTERNATIONAL CONDUCT

(By José Zalaquett)

VALUES AND INTERESTS

Ladies and gentleman, while reflecting on the general topic of this series of lectures, the moral dimensions of international conduct, I found myself trying to remember a sentence that would synthesize the complex question of values and motivations in public life. In fact, I came up with two such sentences, which I can trace back two years and twenty-five years, respectively. Clearly, they had made a great impression on me, for they were so readily on call. One is by former Secretary of State Cyrus Vance, the other by Saint Augustine. Mr. Vance said in a commencement address at Harvard in 1980, referring to America's foreign policy, "In the long run our interests and our ideals coincide." We are reminded (I believe by Lord Keynes) not sadly, but realistically, that in the long run we shall all be dead. But the long run is made up of very small units of day-to-day, consistent short runs, which brings us to Saint Augustine, or rather to my high school religion teacher, who quoted him back in 1957. I take his word for the accuracy of the quotation. Saint Augustine said (I remember the quote in Spanish and translate it): "If you don't live according to your convictions you will end by changing your convictions accordingly."

Both statements, it may seem to some, involve a truism of sorts. For what are values (and I take ideals, in the context of Mr. Vance's quote, to mean the attainment of goals consistent with your own values), what are values if not the expression of what a community considers to be the guiding principles that better protect in the long run the basic interests of that community and its members? Or put the other way around, isn't it our interests that shape our values, isn't it the perception and practice of basic interests, when carried out on a societal and historical scale, that becomes the stuff out of which values are formed? The question of the origins of values is certainly very intriguing, but what I find so telling in those two remarks is not their scientific validity but their patent wisdom and their policy and political implications. In effect, by saying that in the long run our interests and our ideals coincide, Mr. Vance was addressing the key issue in a continuing debate about foreign policy: that is, what relative weight to give to moral considerations and national interest considerations? He was implicitly stating, first, that in the long run there is no incompatibility between values and national interest. Second, by saying that, he was reassuring those overly concerned for the protection of their own or the perceived national interest by suggesting that these would be better served if one is guided by one's own values. Third, the reference to the long run implies room for tactical flexibility, but flexibility—and here we are once more back to Saint Augustine's sentence—should be a function of the overall respect of values and not be such that in the end you deviate from those values and end up by changing them.

Values and interests may coincide, but the question for us tonight is, are there international values by which to guide our conduct, and whose interests would such values represent? I would argue that in our present world a set of basic values of universal acceptance, representing the interests of ordinary men and women, is slowly but steadily being forged. Internationally recognized human rights are the main component of such a set of values, and governments and individual alike, although with different degrees of responsibility and in different ways, are being called upon to observe and implement the values embodied in the human rights system.

THE EVOLUTION OF HUMAN RIGHTS

Let us begin by attempting to summarize the evolution of the human rights idea and to characterize the human rights issue and the human rights movement as they are known today. Progress in the history of human rights is usually marked by certain milestones: declarations, covenants, bills of rights. These are well-crafted, high-principled documents that seem at first reading to be the products of untrammelled light and the diligence of learned scholars. Yet, the driving force behind these documents has invariably been the struggle of peoples everywhere demanding recognition and respect for their rights. It may thus seem arbitrary to restrict the historical overview of human rights to any particular region or period of history. For the purposes of argument, however, our specific interest is to understand better the more direct historical antecedents of the human rights movement and legislation as they exist today.

From this point of view, it makes sense to confine the following historical considerations to the Western Judeo-Christian world in modern and contemporary times. It is in this context that the most distinctive feature of the whole human rights perspective evolved, that is, the placing of limits and duties upon the authorities and the community, nationally and internationally, based on the paramountcy of certain rights of the human person. Back in the twelfth and thirteenth centuries, men demanded and won limits on the authority of the king or prince. Later, rights were demanded from the colonial power or, after independence or reform, from the new constitutional nation states in Europe and the Americas. Laborious daily struggles and the insights of political philosophers inspired one another throughout this process. As a result, by the mid-nineteenth century, what has been recently termed the first generation of human rights was well established in the legislation of various countries.

Not everyone was entitled to this first generation of rights, which were civil and political. They were, to a large extent, rights for certain men. Their persons, the privacy of their property and affairs, and their freedom to participate in the associative life of the community were deemed worthy of respect and protection by the state apparatus they themselves controlled. But women did not enjoy the same rights nor were these rights considered applicable to all races or all social classes. Since those days, our common history has been, to a significant degree, the history of battles to end discrimination and to extend these basic civil and political rights to everyone. The central actors of these battles have been those who have asserted their own rights: workers and peasants, women, religious believers, nations, ethnic groups, indigenous populations, and various so-called minorities which more often than not are actually majorities.

Together with the increasing formal recognition (and I say *formal* recognition because they were consecrated in law but not necessarily observed in practice) of civil and political rights for all, a so-called second generation of rights began to be formulated in the second half of the nineteenth century. These included economic, social, and cultural rights, e.g., the right to employment and to fair working conditions, the right to a standard of living that ensures health and well-being, the right to social security, the right to education, to participate in the culture of the community, the special rights of motherhood and childhood.

But it was not until after the Second World War that both the first and second generation of rights were internationally recognized. Shaken by the barbarity of that war, the independent nations at that time moved determinedly to prevent those horrors from ever happening again. Soon after the establishment of the United Nations, work on the drafting of the Universal Declaration of Human Rights began. Proclaimed by the United Nations General Assembly in December, 1948, the Declaration leads off with the following statement: "Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . ." These words link world peace and respect for human rights. The implication is that world peace and stability do not rest only on the security of governments or arrangements among governments; it is the freedom and security of citizens of all countries that is the foundation of world peace. The cruel experience of the Second World War dictated such conclusions, thus providing the basis for establishing the human rights question as a matter of legitimate international concern.

The existing political and economic structures, however, both national and international, did not allow the world to live up to its postwar vision. The real actors in the world arena at that time were the countries of the North. Africa was still largely under colonial rule; the Latin American countries remained on the periphery of the world scene, reflecting the marginalization suffered by the majority of their own people. During the Cold War years, there was hardly room on the world agenda for the furthering of international human rights. The arms race, all-out ideological confrontation, and circumscribed proxy wars marked the relationship between the two poles of world economic, political, and military power. While the fact that the world is one single stage, one single arena, had been dramatically underscored by two world wars, and while this very fact constitutes the basic assumption on which the United Nations was established, it was the 1960s that clearly impressed that reality in everyone's mind. Throughout that decade, the world witnessed the increasing clamor of the oppressed majorities. The tumultuous process of decolonialization unfolded on the African continent, paralleled by popular revolts seeking major political and economic changes in many countries of Latin America. Similar processes occurred elsewhere in the Third World. The development of this revolution of expectation among the most

backward sectors of less developed countries took place in the 1960s in a special international context, made up of the North-South tensions and dialogue, implicit recognition of military parity between the super powers with their incipient efforts to limit the arms race, and the emergence or consolidation of various poles of economic, political, and even military influence on an international scene where there had previously been but two.

Other important factors included: the proliferation of internal political conflicts in numerous Third World countries and the consequent rise of strong dictatorial regimes in many of them; growing alarm over the danger of environmental pollution; increased political awareness within various creeds (particularly Christian ones), a reformulation of the role that the churches ought to play in the denunciation and elimination of the structural causes of economic and social injustice. This list of issues seems familiar now, but in the 1960s these concerns were just storming onto the international stage. As a reaction to these developments, in the early sixties, voices were increasingly heard throughout the world invoking human rights to denounce situations of intervention or repression and to demand liberty, equality, and justice. The allusion to human rights began thus to be employed as a reference to a tentative body of universal moral standards, not always defined or understood in the same manner, in order to reinforce the legitimacy of the protesters' demands. International attention during this period was stimulated by a number of events which acted as a catalyst and increased international awareness. Both the invasion of the Dominican Republic by United States marines in 1965 and the invasion of Czechoslovakia by Soviet Union troops in 1968 mobilized large sectors of world opinion around questions of relations among states and of self-determination of peoples. In the second half of the 1960s, the emergence or evolution of regimes such as those in Indonesia, Brazil, and Greece, and the continuing racist character of the government of South Africa, caused numerous voices to be raised in defense of human rights.

An important benchmark in this country was, of course, U.S. intervention in the Indochinese conflict, and the profound questioning it provoked among U.S. citizens themselves with respect to their own values and their government's foreign policies. In the early 1970s, the proliferation of repressive regimes in various countries in the Third World, particularly in South America, and the development of dissident movements in Eastern Europe and the Soviet Union, marked new steps in the rise of international interest in the topic of human rights. Finally, the declared intention of the Carter administration to make human rights a priority of U.S. foreign policy (whatever the judgment may be about the actual human rights record of that administration) further contributed to international interest in the topic and added to the controversy around human rights questions.

It is in this whole setting that, in the early to mid-1960s, the human rights issue as it is now known began to develop around the activities of ordinary men and women. Many new international actors had appeared while international and economic and political power centers spread. The world became one single arena, one single complex web of interdependence or "interconnections." As people everywhere realized this fact and the extent to which domestic conditions, including respect for human rights, depend on external factors, they started taking more interest in international affairs and from there, many moved to international activism. Thus, growing interdependence and the communication revolution have raised the world's awareness of the fact that we are one single human community—a tentative, conflicting, and seemingly nonviable community, but in the end, a community.

Any community that becomes aware of its existence starts formulating basic values by which to guide itself. Seen in this light, the Universal Declaration of Human Rights and other international human rights documents constitute the first attempt on the part of the community of nations to build up a system of values of universal acceptance. Those international instruments or documents are therefore the starting-point for the international human rights movement, the point of reference. But it was not, as I said until nongovernmental groups, men and women in the streets, became involved in human rights action as opposed to norms, that the language of human rights and the reference to the Universal Declaration became household notions. That is how the international movement for human rights in the past fifteen to twenty years shifted its center away from organizations such as the United Nations to ordinary individuals who, it has been proven, were better prepared to place their system of values on the world agenda. Also in these last two decades other central items, closely linked to the human rights question, appeared on that international agenda: peace and disarmament, protection of the environment and of national resources, the search for a just economic order, and freedom from extreme want. These issues, too, may be seen as expressions of concern by a nascent global community that seeks to protect the common nest from being fouled or blown up, and that endeavors to use its resources for the benefit of all. Centered on these basic concerns—human rights, peace and disarmament, protection of the environment—international movements involving hundreds of thousands of ordinary men and women have been organized, new areas of study have been developed, intergovernmental and governmental activity has proliferated.

TOWARD UNIVERSAL NORMS FOR HUMAN RIGHTS

Let us turn, after sketching the evolution of the human rights question, to my contention that a system of basic values which is universally accepted is gradually being forged and that it takes the form of international human rights norms. To what extent can one affirm that human rights are universal, knowing as we do the vast differences—political, ideological, social, economic—that are to be found among the nation states of today? How can it be said that freedom of expression means the same in the Netherlands as in Czechoslovakia, that political rights are conceived of similarly in Saudi Arabia as in Canada? To these questions we may respond that the international human rights documents which contain these norms were agreed upon after a long drafting process involving complicated political bargaining. As a result, there are built-in ambiguities and generalities in the drafting of the respective provisions wherever consensus could not be reached. Summarizing the normative quality of the Universal Declaration of Human Rights, we find different norms expressed more or less strongly according to the greater or lesser degree of consensus achieved. So when we talk about the "universal" value of human rights, we use that term advisedly but with a realistic eye on the various degrees of consensus that have shaped the provisions of the Universal Declaration.

Let me be more precise. The consensus which is now expressed in the Universal Declaration and in the United Nations covenants, and other major regional and international human rights instruments, consists of five general points. In the first area there is an absolute condemnation of the most extreme forms of privation of freedom and degradation of the person, namely, slavery and servitude; on this, you find East and West in agreement. There is also an absolute condemnation of extreme forms of intolerance: the denial of freedom of thought or religion, at least insofar as holding views goes (expressing them is another matter entirely, involving many nuances). Within this first area, we find in addition agreement on the absolute condemnation of extreme forms of defenselessness of the individual before the state, namely, torture and the denial of due process, at least at a minimal level. Torture is condemned even more strongly than killing, not because anyone would not prefer to be tortured rather than killed, but because there is this element of extreme defenselessness: the person being tortured has first been rendered completely defenseless. This universal condemnation of torture in theory doesn't mean, however, that the practice of torture has been abolished, but only that the values defended by the condemnation are deemed to be of universal validity.

The second area of consensus expressed in the Universal Declaration and other instruments is the protection of life, personal freedom, and citizenship, apart from (and here's the rub) lawful exceptions. Life, citizenship, and personal freedom are protected everywhere and deemed worthy values. The lawful exceptions are the problem. What is considered a crime in some countries represents perfectly innocent behavior in others. And what is punished with very severe penalties in one country may be only a misdemeanor elsewhere: these differences point to different values. Actually, the way human rights norms are constructed allows for these differences though, of course, they are not meant to become loopholes for abuses against the absolute values referred to before. You cannot, for instance, permit the condemnation or killing of a person because of beliefs that person holds, nor can you permit killing through torture. In other words, the first set of values remains absolute. But certain countries interpret these norms as allowing them to apply the death penalty for an economic crime, for instance, which would be punished less severely (perhaps by a fine) in other countries.

Let us move now to the third area of consensus. The second one, as we have seen, is already less absolute, and allows of lawful exceptions. The third one involves the general affirmation of certain freedoms and inviolabilities: for example, freedom of expression, of movement, of association, the inviolability of the home and correspondence, and the privacy of personal affairs. The real content of those values, however what is to be understood by freedom of expression, is not defined. Does it mean the private and plural ownership of the mass media, or having the party express the will of the people through the official organs? Interpretations vary. In addition, these rights can be restricted by an appeal to higher

values like national security, morality, or public order. There is, in fact, no precise agreement as to what constitutes these values in different societies. Indeed, martial law, state of siege, or the invocation of national security are the grounds in many countries for the derogation of rights that are accepted as valid in principle: they seek refuge in the alleged exception, arguing that they have a case for actually applying the exception rather than the rule.

The fourth area of consensus is a very general endorsement of the democratic model, political participation, i.e. that governments should be elected by the people; but the respective norms are not precise enough and the vagueness allows many different regimes to contend that their particular governments are indeed an expression of the will of the people, or at least represent a transition toward that after a period of social turmoil.

A fifth and final area of consensus is the assertion of social, economic, and cultural rights. These rights have perhaps the weakest support in the international human rights documents. They are put forward as goals to be attained progressively through internal effort and international cooperation. Thus, different governments with varying economic policies can argue that they are aiming precisely at those objectives but that more time is needed, maybe ten years, maybe twenty.

These internationally recognized human rights correspond to the various levels of consensus we have just summarized. Such consensus may seem rather slender and unimpressive; yet it is arguably the largest explicit ideological consensus ever reached by humankind. Thus we may affirm that the human rights normative system—that is, the norms contained in the major international human rights documents—does enjoy a degree of universal acceptance (which does not mean, of course, universal observance). We know well that acceptance of a norm can be mere lip service and can coexist in practice with flagrant violations of the same norm.

Ideological differences, as I said, are to a large extent built into the norms themselves, in that they account for the vagueness of the norms or for exceptions to them. Still, this consensus is dynamic and grows through the activism and scholarly work undertaken within the framework of human rights advocacy. Let me give an example. The persistent activity of the human rights movements has established the principle that you cannot punish a person according to an internal law, no matter how formally legitimate that law may be, if that person is engaged in the exercise of an internationally recognized human right. That limits the scope of, say, what in an Eastern country might be considered hooliganism or an action against the state. Certain regimes are still not prepared to accept the idea that peaceful dissent is legitimate, and they may incarcerate those who engage in it. But they are being increasingly pressured by the human rights movement in the international community to observe the norm which says that people should not be put in prison for exercising their human rights. The movement is saying, in effect, that such "lawful exceptions" cannot be merely pretexts for denying the exercise of one's rights. Another example would be the meaning of democratic elections. We have a long way to go before there is universal agreement on basic principles for free elections, but it is getting more difficult for regimes to call their state elections legitimate when they do not meet the standards gradually set up by the international community as valid criteria for the fairness of an election.

This is the kind of thing I mean when I say that the consensus on human rights is dynamic. Indeed, the universality of human rights, in theory, and (especially) in practice, is one of the key questions that has to be considered when we address the general topic of these lectures—the moral dimensions of international conduct. Is there in fact an international law system? Are there international values? I could claim there is a gradually but steadily evolving system of universally accepted values. Their universality is further reinforced by several factors apart from the existence of covenants and documents signed by most governments. First of all, major creeds and religions accept explicitly or implicitly the compatibility between human rights norms and their own moral visions.

Let us take, for example, some pertinent elements in the Christian tradition to illustrate this point. Though it is highly questionable, of course, whether one can speak of a single Christian tradition without making important distinctions among the various sects and churches that embody that tradition, still it is important to point out certain aspects of the Christian vision, if we may use that phrase, which can help explain the position on human rights adopted by both the Catholic Church and certain Protestant churches and international ecumenical groups during the last two decades. Here are a few of those commonly agreed upon positions: (a) Human beings possess a transcendental worth not subordinate to any other end. Persons cannot be made instrumental to social and political arrangements. Human beings precede the state. (b) Human dignity is inherent in all individuals. Rights are the conditions for the realization of human dignity in action. (c) Religious freedom stands preeminent among human rights. (d) A preferential option for the poor should take precedence over economic liberty purchased at the cost of extreme want. (e) The social function of the church is to endorse and to encourage rather than to enact and to enforce. Consequently, there is less concern in the church's approach to rights with legal than with moral issues of enforcement. (f) In an effort to consider all the dimensions of human dignity, civil and political rights as well as economic, social, and cultural rights are equally stressed. (g) This is done in a way that seems to respond to a harmonious vision of social life but perhaps without sufficient reference to the reality of conflict. This is probably the result of the Christian conviction that love can be a source of reconciliation and conflict resolution. (h) Finally, churches stress that the transcendental nature of the human person is incompatible with purely materialistic systems of lifestyles.

These are some of the elements that can be considered common to the Christian vision, if you'll permit me that inexact expression; most of these have been consolidated, in fact, within the last couple of decades. While these notions are not exactly equivalents for the principles of human rights, they are perfectly compatible with them. Furthermore, explicit statements by church leaders have used human rights language and have stressed the compatibility between church teaching and human rights. Human rights may thus be developing into a kind of universal lay ethics compatible with other ethical systems. International human rights activists find in these norms a solid common moral reference, albeit a narrow one, that transcends whatever other theological differences they may have.

This last point deserves further attention, for many who praise the human rights movement for its humanitarian work feel nevertheless that its viewpoint is rather narrow-minded and naive. Torture, political imprisonment, or starvation, it is said, are just symptoms of deeper problems whose root causes the human rights movement neither analyzes nor seeks to remove. In response I would say that human rights activism is, of course, but one of numerous possible approaches to questions of justice, progress, or constructive coexistance. Many avenues have been taken in addressing such questions, including trade union membership, party politics, public interest groups, and educational efforts. All these approaches are both legitimate and important, but there is no reason for various types of involvement to be mutually exclusive. Most human rights activists have, in fact, specific political persuasions, and are active in arenas other than the human rights movement. So far, the movement has not turned into an all-encompassing sect or set of dogmas, and it is essential that it not. Seen in this light, the human rights movement can be best considered as an implicit alliance for a specific set of actions, an alliance among people of many persuasions who may indeed hold opposing views on other political matters. The tacit understanding among them is that conflict will continue to mark the course of human events, but that certain essential values can and must be affirmed as essential to life and society. To achieve that goal, it is important to act on the basis of consensus, even a relatively narrow one like human rights. This universality or common ground beyond political differences that exists among human rights activists is another argument for the validity of human rights themselves.

A third element that contributes to the universality of human rights, in addition to the religious and ethical bases, is the contribution made by the mass media. By increasing their coverage of human rights issues, and by accepting as credible the information coming from the main human rights organizations, the mass media have contributed to making human rights a familiar notion and a daily concern.

There are, of course, other international values apart from those contained in international agreements on human rights. I argue that human rights represent the main component on this growing common pool of international values, but there have been other contributors to it as well. We find these other values implicit in certain key issues that have found a central place on the international agenda of vital concerns, concerns relating to subsistence, the security and welfare of individuals, groups, and nations. I am referring here to questions of development, peace and disarmament, and the protection of the environment. These issues express central interests of the international community. In emphasizing activism on these issues, I am saying that it is truly in the interest of the international community actively to promote peace, a clean environment, and economic development. Important as these issues are, they have not yet achieved a degree of consensus in practice that would allow them to be translated into international norms. What I mean is that in the process of formation of

such norms, there is a moment when certain values begin to be shared and proclaimed. But for those general aspirations and values to be made operative, there must be considerable consensus on detail. This had not yet happened for this so-called third generation of human rights. There is as yet no specific international instrument setting forth this third generation of rights. They are still being discussed in theory. If the first generation covered civil and political rights, and the second, social, economic and cultural rights, the third generation would go beyond these to include the right to peace, the right of development, and the right to a clean environment, among others. But how do you translate such "rights" into functional norms for the international community at this time? As we have seen, even social and economic rights (the so-called second generation) have proved difficult to put into operation (to be enforceable or justiciable, to use more technical legal terms). Still, this third generation of rights is slowly taking shape, and may eventually crystallize into feasible norms.

WHOSE RESPONSIBILITY ARE HUMAN RIGHTS?

Having established now the fact that there are universal, international norms for human rights, I would like to turn to a second question. What role do these international values play in the actions of governments and individuals? In other words, whose behavior are international norms supposed to regulate? First and foremost, these norms are aimed at regulating the behavior of signatory states, and more precisely, of the governments of those states. For historical legal reasons, human rights aimed primarily at protecting the individual before the state and not the individual before another individual; for the latter, each nation has its own legal system. Now it is true that individuals can and often do attack the values which human rights norms are supposed to protect, for example, the case of contemporary forms of terrorism. But it is precisely the function of the state apparatus (the judiciary, the police) to defend citizens against these attacks, which are outlawed by national legislatures and punished by national courts. The same crime, whether committee by governments or nongovernmental groups, should receive the same moral condemnation, but mobilizing the international community and international human rights machinery should be reserved for the protection of those left defenseless because the very institutions of the state that are charged with protecting their human rights are actually violating them.

That turns out to be a rather important distinction, for many people claim that the human rights movement does not condemn terrorism sufficiently. Issuing moral condemnations is easy enough, but attempting to mobilize international pressure against terrorist groups the same way one does against governments is neither effective nor very sensible, since these groups do not accept responsibility as governments do to protect their citizens against abuses. Thus, governments are agencies primarily charged with observing human rights. This implies negative and positive duties, depending on the nature of the various rights. It also implies that government not embrace conceptions of national interest which are inimical to human rights.

I would like to give some examples here of such conceptions of national security which have actually denied the very foundations of human rights. In certain South American countries, such national security doctrines evolved during the 1960s and 1970s. In studies by scholars both in this hemisphere and in Europe, these doctrines have been shown to lead to policies that affect defense but also economics, questions of political ideology and, indeed, the very structure of the state. According to these doctrines, national security is seen as the principal responsibility of the military, and considerations of national security are given precedence over the rights of individuals. As you can see, such a conception is inimical to the whole notion of human rights, since it exactly reverses the priorities, giving consideration to the rights of individuals only after the interests of an amply defined national security are satisfied. This is, of course, an unacceptable political philosophy. Governments are not only bound to protect human rights, but they cannot legitimately develop or disseminate conceptions of national security which are intrinsically opposed to the essence of human rights. The duties of government include, furthermore, the adoption of a foreign policy that fosters human rights and does not lead to the condoning of human rights violations by other governments.

But, as we have seen, there is also an important role for the individual, and many individuals are actually taking up that role today. For at the base of the international human rights network are the numerous local organizations which have developed in the very countries where harsh violations of basic rights occur. They are working at this very moment under difficult conditions and must often suffer repression themselves. These groups vary greatly in size and in the scope of their activities, but they have much in common: they gather people from different political persuasions and creeds around the human rights agenda. They give legal, moral, and material assistance to those who have been persecuted and discriminated against and to their families. They have the best information on these questions of rights violations, and they produce reliable, documented evidence which is often the main basis for international action. They are certainly the main hope of many of their compatriots, and an inspiration for their counterparts around the world. Among international human rights organizations, some attempt to be global in their scope, as is the case with Amnesty International, which relies on the work of members gathered in some 3,000 groups worldwide; so too, the International Commission of Jurists, the International League for Human Rights, and the human rights programs of the World Council of Churches. Local and international nongovernmental human rights organizations regularly present evidence to the United Nations and to other intergovernmental bodies. Several of these bodies have greatly enlarged the scope and improved the quality of their work because of this stream of information.

The last question I would like to address is whether the establishment of norms for human rights involves a correlative duty for individuals. This is a question filled with political and ideological implications, for many governments have stressed the duties of citizens as a way of putting aside the question of human rights. Still, it cannot be denied or ignored that there is a correlative duty for every right. Individuals have the duty to respect the rights of others, and the duty to promote human rights. Such duties, however, are more moral than legal, in the sense that they are not enforceable unless an individual so blantantly disregards the human rights of others as to be guilty of criminal conduct. This question needs to be studied further, for the issue has up to now been so intertwined with political and propaganda issues that it is difficult to extricate it.

Now let me summarize. There were two basic assertions that I wanted to substantiate tonight. First of all, that there is in fact an international system of values, that such an international system of human values is of universal validity. Second, the promotion of human rights is a task both for governments and for ordinary men and women. These statements seem simple enough, and would hardly appear to need a fifty-minute long substantiation. Yet they constitute the very ground for the formulation of all other moral considerations concerning international human rights. There are, of course, many other items that are of great interest and need to be discussed, and I hope you will raise some of them during the question period: for example, the moral foundations for foreign policies based on human rights, or the agenda for future human rights action and research.

NATURAL GAS DEREGULATION

Mr. THURMOND. Mr. President, an editorial that appeared in the Wall Street Journal on October 25, 1983 was brought to my attention, and I would like to share it with my colleagues in the Senate. As we approach the debate on natural gas decontrol, I believe that we can all benefit by remembering the events surrounding the Arab oil embargo of a decade ago. Price controls on oil did not resolve that situation, and price controls have not worked for natural gas either. I realize the complexities involved in this important matter, but we must not forget the simple, overriding concept that free enterprise is the best course for producers and consumers alike.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal editorial be placed in the RECORD.

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

[From the Wall Street Journal, Oct. 25, 1983]

TEN YEARS AFTER

Last week marked the 10th anniversary of the Arab oil embargo and the accompanying mania about the "energy crisis" and the "need" for federally imposed price controls. If we have learned anything in the past 10 years, it's that price controls don't work and, in fact, act to the detriment both of energy consumers and producers. It's no coincidence that energy prices have declined, gasoline lines have disappeared and OPEC has fallen into disarray since President Carter began and President Reagan completed oil decontrol.

A test of how well Congress has learned these lessons is expected to come shortly when the Senate begins debate on an administration-supported natural gas decontrol bill. The measure, which has already been approved by the Senate Energy Committee, would phase out controls on all categories of natural gas by mid-1988. Meanwhile, producers and pipelines could rewrite

existing contracts that embody the tremendous price distortions created by the current Natural Gas Policy Act with its myriad categories of "old gas," "new gas," "deep gas," etc.

The NGPA is due to expire in 1985, but controls would remain on about half of all gas now produced, mainly lower-priced "old gas." The aim of the new legislation is to avoid such a two-tier system and to permit full-fledged competition that will lead to lower average prices. Moreover, the Senate bill would make pipelines "contract carriers," permitting large consumers such as utilities, factories and farm cooperatives to negotiate directly with gas producers and then to contract with pipelines to carry the gas. This too would open up the gas market to further competition and would dampen prices.

However, according to the twisted logic of "consumer advocates" and some members of Congress, natural gas decontrol will mean far higher prices. Many of these people, of course, were the same ones railing against oil decontrol, predicting huge price increases as oil companies "soaked" consumers who would no longer be "protected" by federal controls.

The Natural Gas Supply Association, which represents producers who obviously have an important stake in gas prices, concludes that prices will actually fall after decontrol and consumers will reap "significant savings." Its newly published study says that 20% is a "fair estimate" of the drop in gas prices at the margin one year after decontrol. Using a conservative figure of only a 5% drop, it calculates that consumers could save as much as 95 cents per thousand cubic feet, or more than $100 a year for the average household.

What the gas producers recognize—as oil producers have already experienced—is that decontrol will bring much new conpetition on stream. Shut-in gas will begin flowing, enhanced recovery techniques will become affordable, and expensive gas producers will be forced to lower prices or get out of the market. Gas producers, as well as pipelines, will perforce have to look to higher volume sales, not higher unit prices, to turn a profit. We'll see in the coming Capitol Hill debate whether members of Congress have yet learned the facts of life about energy economics.

ADMINISTRATION ON AGING NEED NOT FOLLOW APPROPRIATIONS LANGUAGE

Mr. GRASSLEY. Mr. President, when the Labor-HHS-Education conference report came before us, I protested language in the House and Senate reports of that legislation directing certain expenditures under title IV of the Older Americans Act.

Title IV of the Older Americans Act of 1965, as amended, in 1978-81, provides for a number of research, demonstration, education, and training projects. Specifically, section 422 of the act, creating discretionary demonstration projects, requires the Commissioner of the Administration on Aging to "give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of the rural elderly"—the only section in title IV so to specify.

The language in the House and Senate reports attempted to direct AOA to expend appropriated funds on other programs in title IV—to the detriment of these programs aimed at the elderly.

In addition, the Appropriations Committees attempted to steer section 424 funding to so-called national legal services programs—despite the absence of any such direction in section 424.

Mr. President, the Older Americans Act contains more than sufficient direction to the Administration on Aging. No elaboration by the Appropriations Committees is necessary. In fact, this attempt to direct funding by the committees undermines the spirit of title IV, which makes clear the intent of Congress that allocation of title IV funds be discretionary and that rural elderly get special consideration.

And if the Appropriations Committees found it absolutely necessary to tinker with the machinery of title IV, it would have behooved them to consult with the members of the authorizing subcommittee—which I chair—to seek our active support and cooperation. I can tell you, however, that had the committees sought my support for this report language, it would not have been forthcoming and I would, in fact, have actively opposed that language.

As it happens, I have also asked officials at the Administration on Aging to consult with me as they make allocation decisions in this fiscal year, and when they do consult me I intend to advise them to ignore the Appropriations Committees directions.

And after consulting with the Congressional Research Service, I have been supplied with documentation which shows that precedent exists for AOA to do exactly that—ignore the language.

Previous decisions by the Comptroller General in this area—with the LTV case being the leading example—have made it clear that executive agencies are free to ignore directions by Appropriations Committees which do not actually appear on the face of the statute, as long as the agencies' actions are otherwise within the law.

As I have indicated earlier, ignoring the appropriations report would be otherwise within the law—since the operative law, title IV, has exactly the opposite thrust of the report language. The only other restraints on ignoring report language, the memo notes, are practical ones. Yet ignoring the opposition of the chairman of the authorizing subcommittee would present practical problems as well.

Mr. President, I ask unanimous consent that portions of a memorandum by the General Accounting Office's General Counsel, which outlines the law in this area, be inserted in the RECORD at this point to provide both Senators and officials of the Administration on Aging with direction in this area.

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

PRINCIPLES OF FEDERAL APPROPRIATIONS LAW

USE OF LEGISLATIVE HISTORY

A fundamental principle basic to the interpretation of both Federal and State laws is that all statutes are to be construed so as to give effect to the intent of the legislature. *United States* v. *American Trucking Association Inc.*, 310 U.S. 534 (1940); 2A Sutherland, *Statutes and Statutory Construction* § 45.05 (Sands ed. 1973); 38 Comp. Gen. 229 (1958). This intent may be determined from the words of the statute itself, from the "equity of the statute," from the statute's legislative history, and in a variety of other ways. See Sutherland § 45.05, supra. The legislative history may be examined as an aid in determining the intention of the lawmakers when the statute is not clear (see, *e.g.*, *United States* v. *Donruss Co.*, 393 U.S. 297 (1969); 53 Comp. Gen. 401 (1973)), or when application of the statutory language would produce an absurd or unreasonable result (46 Comp. Gen. 556 (1966)), or if the legislative history provides "persuasive evidence" of what Congress intended. (*Boston Sand and Gravel Company* v. *United States*, 278 U.S. 41, 48 (1928)). 55 Comp. Gen. 307, 317 (1975).

Legislative history is, with certain exceptions, used in appropriations law much the same as it is used in other areas of law involving the application of statutes. For example:

A conference report is generally viewed as the most authoritative single source of legislative history. See, e.g., B-142011, April 30, 1971.

Where there is direct conflict in the floor debates and there is no more authoritative source of legislative history available, it is legitimate to give weight to such factors as which House originated the provision in question and which House has the more detailed and "clear cut" history. 49 Comp. Gen. 411 (1970).

Statements of an individual Member of Congress, even if that Member is the bill's sponsor or draftsman, are not controlling in the face of contrary indications in more authoritative portions of legislative history such as committee reports. However, those statements may be accepted in the absence of any other legislative history. B-114829, June 27, 1975.

Post-enactment comments are normally not given much weight. However, they may be relevant in the absence of other more authoritative material. See B-169491, June 16, 1980.

In construing appropriation acts, the Comptroller General has consistently applied traditional principles of statutory construction so as to give effect to the intent of Congress. In many cases, when the meaning of an appropriation act seemed clear, GAO has resolved questions concerning the propriety of expenditures without resort to legislative history. In other cases, the Comptroller General has referred to the legislative history of an appropriation act in order to properly interpret language in the act that purported to impose qualifications, requirements, or restrictions. See decisions cited at 55 Comp. Gen. 307, 317 (1975). For example, in 49 Comp. Gen. 679 (1970), the

legislative history of various Defense Department appropriation acts was examined to determine whether a provision in the 1969 Act precluded payment of certain tuition fees for ROTC students.

Retroactivity of statutes

Statutes and amendments to statutes are construed to apply prospectively only (that is, from their date of enactment or other effective date if one is specified). Statutes will not be construed to apply retroactively unless a retroactive construction is required by express language or by necessary implication or unless it is demonstrated that this is what Congress clearly intended. 38 Comp. Gen. 103 (1958); 34 Comp. Gen. 404 (1955); 28 Comp. Gen. 162 (1948); 16 Comp. Gen. 1051 (1937); 7 Comp. Gen. 266 (1927); 5 Comp. Gen. 381 (1925); 2 Comp. Gen. 267 (1922); 26 Comp. Dec. 40 (1919); B-205180, November 27, 1981; B-191190, February 13, 1980; B-162208, August 28, 1967.

Another line of cases has dealt with a different aspect of retroactivity. GAO is reluctant to construe a statute to retroactively abolish or diminish rights which had accrued before its enactment unless this was clearly the legislative intent. For example, the Tax Reduction Act of 1975 authorized $50 "special payments" to certain taxpayers. Legislation in 1977 ablolished the special payments as of its date of enactment. GAO held in B-190751, April 11, 1978, that payments could be made where payment vouchers were validly issued before the cutoff date but lost in the mail. Similarly, payments could be made to eligible claimants whose claims had been erroneously denied before the cutoff but were later found valid. B-190751, September 26, 1980. GAO has applied similar reasoning in a number of cases involving legislation which reduced entitlements to post-judgment interest, holding that the entitlement to interest should be governed by the law in effect when the judgment was rendered, not when it was submitted for payment. The cases are cited and discussed in the section on "Interest—District courts," Chapter 12, this Manual.

Restrictions on lump-sum appropriations

This topic is covered in more depth in Chapter 5 of this Manual. It is touched upon briefly here because it illustrates a principle of statutory construction unique to appropriations law.

When Congress enacts a lump-sum appropriation, it is impossible to tell from the face of the statute how the appropriation is to be applied among the items for which it is available. The intended application of the appropriation must be found by examining the budget justification and the alterations to it made in the legislative process and reflected in documents such as committee reports. It is frequently argued that legislative history should be used to define the uses of a lump-sum appropriation in the same manner as it is used to define ambiguous terms in general; that is, that agencies should be bound by restrictions contained in legislative history. However, although legislative history may go far in accomplishing this result as a practical matter, it does not have this effect as a matter of law.

The rule is that restrictions on the use of a lump-sum appropriation are not legally binding on the department or agency concerned unless they are incorporated, either expressly or by reference, in the appropriation act itself (or, of course, in some other statute). E.g., 55 Comp. Gen. 307 (1975); 55 Comp. Gen. 812 (1976); B-163922.42, October 3, 1975. The cited decisions will serve as illustrations:

A lump-sum appropriation included $20 million for a Navy combat fighter. The conference report indicated that adaptation of a particular Air Force combat fighter to be capable of carrier operations was the prerequisite for use of the funds. The condition in the conference report, while certainly an indication of congressional intent, was held not legally binding. 55 Comp. Gen. 307.

An appropriation was made for the construction of two Navy ships. Committee reports subdivided the appropriation between the two, but the statute itself was silent. The exercise of a contract option for one ship, which would obligate funds in excess of the subdivision for that ship as specified in the committee reports, did not violate the Antideficiency Act. 55 Comp. Gen. 812.

Instructions in committee reports provided that, out of $2.4 billion lump-sum Comprehensive Manpower Assistance appropriation to the Department of Labor, $15 million was to be earmarked for aid to the Opportunities Industrialization Centers. Although recognizing the practical constraints on the Department to use the funds in the manner indicated, the Comptroller General concluded that the earmarking in the committee reports was not legally binding on the Department. B-163922.42, supra.

This rule, which has been recognized by the Congress, was discussed in 55 Comp. Gen. 307, supra, as follows:

"[W]hen Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on Federal agencies.

* * * * *

"As observed above, this does not mean agencies are free to ignore clearly expressed legislative history applicable to the use of appropriated funds. They ignore such expressions of intent at the peril of strained relations with the Congress. The executive branch * * * has a practical duty to abide by such expressions. This duty, however, must be understood to fall short of a statutory requirement giving rise to a legal infraction where there is a failure to carry out that duty." 55 Comp. Gen. at 319, 325.

Stated succinctly: "[A]s a general proposition, there is a distinction to be made between utilizing legislative history for the purpose of illuminating the intent underlying language used in the statute and resorting to that history for the purpose of writing into the law that which is not there." Id. at 325.

D. LUMP-SUM APPROPRIATIONS

A lump-sum appropriation is one that is made to cover a number of specific projects or items. The term is used to contrast a line-item appropriation, which is available only for the specific object described.

Lump-sum appropriations come in many forms. Many smaller agencies receive only a single appropriation, usually termed "Salaries and Expenses" or "Operating Expenses." All of the agency's operations must be funded from this single appropriation. Cabinet-level departments and larger agencies receive several appropriations, often based on broad object categories such as "operations and maintenance" or "research and development." For purposes of this discussion, a lump-sum appropriation is simply one that is available for more than one specific object.

In earlier times when the Federal Government was much smaller and Federal programs were (or at least seemed) much simpler, very specific line-item appropriations were more common. In recent decades, however, as the Federal budget has grown in both size and complexity, a lump-sum approach has become a virtual necessity. For example, an appropriation act for an establishment the size of the Defense Department structured solely on a line-item basis would rival the telephone directory in bulk.

As discussed in Chapter 2 of this Manual, the amount of a lump-sum appropriation is not derived through guesswork. It is the result of a lengthy budget and appropriation process. The agency first submits its appropriation request to Congress through the Office of Management and Budget, supported by detailed budget justifications. Congress then reviews the request and enacts an appropriation which may be more, less, or the same as the amount requested. Variations from the amount requested are usually explained in the appropriation act's legislative history, most often in committee reports. (The process is explained in more detail in Chapter 2, Section E, this Manual.)

All of this leads logically to a question which can be phrased in various ways: How much flexibility does an agency have in spending a lump-sum appropriation? Is it legally bound by its original budget estimate or by expressions of intent in legislative history? How is the agency's legitimate need for administrative flexibility balanced against the Constitutional role of the Congress as controller of the public purse?

The answer to these questions is one of the most important principles of appropriations law. The rule, simply stated, is this: Restrictions on a lump-sum appropriation contained in the agency's budget request or in legislative history are not legally binding on the department or agency unless they are carried into (specified in) the appropriation act itself. The rule carries with it two unstated premises: The agency cannot exceed the total amount of the lump-sum appropriation and its spending must not violate other applicable statutory restrictions. The rule applies equally whether the legislative history is mere acquiescence in the agency's budget request or an affirmative expression of intent.

The rule recognized the agency's need for flexibility to meet changing or unforeseen circumstances yet preserves congressional control in several ways. First, the rule merely says that the restrictions are not legally binding. The practical wisdom of making the expenditure is an entirely separate question. An agency that disregards the wishes of its oversight or appropriations committees will most likely be called upon to answer for its digressions before those committees next year. An agency that fails to "keep faith" with the Congress may find its next appropriation reduced or limited by line-item restrictions. (That Congress is fully aware of this relationship is evidenced by a 1973 House Appropriations Committee report, quoted in Chapter 2, Section F(2) of this Manual, "Effect of Budget Estimates.") Second, reprogramming arrangements with the various committees (see Chapter 2, Section F(3), this Manual) provide another safeguard against abuse. Finally, Congress always holds the ultimate trump card. It has the power to make any restriction legally binding simply by including it in the appropriation act.

Perhaps the easiest case is the effect of the agency's own budget estimate. The rule

here was stated in 17 Comp. Gen. 147 (1937) as follows:

"The amounts of individual items in the estimates presented to the Congress on the basis of which a lump sum appropriation is enacted are not binding on administrative officers unless carried into the appropriation act itself." Id., at 150. See also B-55277, January 23, 1946; B-35335, July, 17, 1943.

It follows that the lack of a specific budget request will not preclude an expenditure from a lump-sum appropriation which is otherwise legally available for the item in question. To illustrate, the Administrative Office of the U.S. Courts asked for a supplemental appropriation of $11,000 in 1962 for necessary salaries and expenses of the Judicial Conference in revising and improving the Federal rules of practice and procedure. The House of Representatives did not allow the increase but the Senate included the full amount. The bill went to conference but the conference was delayed and the agency needed the money. The Administrative Office then asked whether it could take the $11,000 out of its regular 1962 appropriation even though it had not specifically included this item in its 1962 budget request. Citing 17 Comp. Gen. 147, supra, and noting that the study of the Federal Rules was a continuing statutory function of the Judicial Conference, the Comptroller General concluded as follows:

"Thus, in the absence of a specific limitation or prohibition in the appropriation under consideration as to the amount which may be expended for revising and improving the Federal Rules of practice and procedure, you would not be legally bound by your budget estimates or absence thereof.

"If the Congress desires to restrict the availability of a particular appropriation to the several items and amounts thereof submitted in the budget estimates, such control may be effected by limiting such items in the appropriation act itself. Or, by a general provision of law, the availability of appropriations could be limited to the items and the amounts contained in the budget estimates. In the absence of such limitations an agency's lump-sum appropriation is legally available to carry out the functions of the agency."

This decision is B-149163, June 27, 1962. See also 20 Comp. Gen. 631 (1941); B-198234, March 25, 1981.

The issue raised in most of the decisions results from changes to or restrictions on a lump-sum appropriation imposed during the legislative process. The "leading case" in this area is 55 Comp. Gen. 307 (1975), the so-called "LTV case." The Department of the Navy had selected the McDonnell Douglas Corporation to develop a new fighter aircraft. LTV Aerospace Corporation protested the selection, arguing that the aircraft McDonnell Douglas proposed violated the 1975 Defense Department Appropriation Act. The appropriation in question was a lump-sum appropriation of slightly over $3 billion under the heading "Research, Development, Test, and Evaluation, Navy." This appropriation covered a large number of projects, including the fighter aircraft in question. The conference report on the appropriation act had stated that $20 million was being provided for a Navy combat fighter, but that "Adaptation of the selected Air Force Air Combat Fighter to be capable of carrier operations is the prerequisite for use of the funds provided." It was conceded that the McDonnell Douglas aircraft was not a derivative of the Air Force fighter and that the Navy's selection was not in accord with the instructions in the conference report. The issue, therefore, was whether the conference report was legally binding on the Navy. In other words, did Navy act illegally in choosing not to follow the conference report?

The ensuing decision is GAO's most comprehensive statement on the legal availability of lump-sum appropriations. Pertinent excerpts are set forth below:

"[C]ongress has recognized that in most instances it is desirable to maintain executive flexibility to shift around funds within a particular lump-sum appropriation account so that agencies can make necessary adjustments for 'unforeseen developments, changing requirements, * * * and legislation enacted subsequent to appropriations.' [Citation omitted.] This is not to say that Congress does not expect that funds will be spent in accordance with budget estimates or in accordance with restrictions detailed in Committee reports. However, in order to preserve spending flexibility, it may choose not to impose these particular restrictions as a matter of law, but rather to leave it to the agencies to 'keep faith' with the Congress. * * *

"On the other hand, when Congress does not intend to permit agency flexibility, but intends to impose a legally binding restriction on an agency's use of funds, it does so by means of explicit statutory language. * * *

"Accordingly, it is our view that when Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on Federal agencies. * * *

"We further point out that Congress itself has often recognized the programming flexibility of executive agencies, and we think it is at least implicit in such [recognition] that Congress is well aware that agencies are not legally bound to follow what is expressed in Committee reports when those expressions are not explicitly carried over into the statutory language. * * *

"We think it follows from the above discussion that, as a general proposition, there is a distinction to be made between utilizing legislative history for the purpose of illuminating the intent underlying language used in a statute and resorting to that history for the purpose of writing into the law that which is not there." 55 Comp. Gen. at 318, 319, 321, 325.

Accordingly, GAO concluded that Navy's award did not violate the appropriation act and the contract therefore was not illegal.

The same volume of the Comptroller General's decisions contains another often-cited case, 55 Comp. Gen. 812 (1976), the "Newport News" case (sometimes called "son of LTV," especially by the authors of the LTV decision). This case also involved the Navy. This time, Navy wanted to exercise a contract option for construction of a nuclear powered guided missile frigate, designated DLGN 41. The contractor, Newport News Shipbuilding and Dry Dock Company, argued that exercising the contract option would violate the Antideficiency Act by obligating more money than Navy had in its appropriation.

The appropriation in question, Navy's "Shipbuilding and Conversion" appropriation, provided "for the DLGN nuclear powered guided missile frigate program $244,300,000, which shall be available only for construction of DLGN 41 and for advance procurement funding for DLGN 42 * * *." The committee reports on the appropriation act and the related authorization act indicated that, out of the $244 million appropriated, $152 million was for construction of the DLGN 41 and the remaining $92 million was for long lead time activity on the DLGN 42. It was clear that, if the $152 million specified in the committee reports for the DLGN 41 was legally binding, obligations resulting from exercise of the contract option would exceed the available appropriation.

The Comptroller General applied the "*LTV* principle" and held that the $152 million was not a legally binding limit on obligations for the DLGN 41. As a matter of law, the entire $244 million was legally available for the DLGN 41 because the appropriation act did not include any restriction. Therefore, in evaluating potential violations of the Antideficiency Act, the relevant appropriation amount is the total amount of the lump-sum appropriation minus sums already obligated, not the lower figure derived from the legislative history. As the decision recognized, Congress could have imposed a legally binding limit by the very simple device of appropriating a specific amount only for the DLGN 41, or by incorporating the committee reports in the appropriation language.

This decision illustrates another important point: the terms "lump-sum" and "line-item" are relative concepts. The $244 million appropriation in the *Newport News* case could be viewed as a line-item appropriation in relation to the broader "Shipbuilding and Conversion" category, but it was also a lump-sum appropriation in relation to the two specific vessels included. This factual distinction does not affect the applicable legal principle. As the decision explained:

"Contractor urges that *LTV* is inapplicable here since *LTV* involved a lump-sum appropriation whereas the DLGN appropriation is a more specific line item appropriation. While we recognize the factual distinction drawn by Contractor, we nevertheless believe that the principles set forth in *LTV* are equally applicable and controlling here. * * * [I]mplicit in our holding in *LTV* and in the other authorities cited is the view that dollar amounts in appropriation acts are to be interpreted differently from statutory words in general. This view, in our opinion, pertains whether the dollar amount is a lump-sum appropriation available for a large number of items, as in *LTV*, or, as here, a more specific appropriation available for only two items." 55 Comp. Gen. at 821-22.

A precursor of *LTV* and *Newport News* provides another interesting illustration. In 1974, controversy and funding uncertainties surrounded the Navy's "Project Sanguine," a communications system for sending command and control messages to submerged submarines from a single transmitting location in the United States. The Navy had requested $16.6 million for Project Sanguine for FY 1974. The House deleted the request, the Senate restored it, the conference committee compromised and approved $8.3 million. The Sanguine funds were included in a $2.6 billion lump-sum Research and Development appropriation. Navy spent more than $11 million for Project Sanguine in fiscal year 1974. The question was whether Navy violated the Antideficiency Act by spending more than the $8.3 million provid-

ed in the conference report. GAO found that it did not, because the conference committee's action was not specified in the appropriation act and was therefore not legally binding. Significantly, the appropriation act did include a proviso prohibiting use of the funds for "full scale development" of Project Sanquine (not involved in the $11 million expenditure), illustrating that Congress knows perfectly well how to impose a legally binding restriction when it desires to do so. "Legality of the Navy's Expenditures for Project Sanguine During Fiscal Year 1974," LCD-75-315, January 20, 1075; B-168482-O.M., August 15, 1974.

Similarly, the Department of Health, Education, and Welfare received a $12 billion lump-sum appropriation for public assistance in 1975. Committee reports indicated that $9.2 million of this amount was being provided for research and development activities of the Social and Rehabilitation Service. Since this "earmarking" of the $9.2 million was not carried into the appropriations act itself, it did not constitute a statutory limit on the amount available for the program. B-164031(3), April 16, 1975. The decision stated the principle this way:

"[I]n a strict legal sense, the total amount of a line item appropriation may be applied to any of the programs or activities for which it is available in any amount absent further restrictions provided by the appropriation act or another statute."

GAO has applied the rule of the *LTV* and *Newport News* decisions in a number of additional cases. Several of these applications, many of which involve variations on the basic theme, are summarized below:

The 1975 Labor Department appropriation included $2.4 billion for "Comprehensive Manpower Assistance." A committee report "directing" a specific minimum funding level out of this appropriation for the Opportunities Industrialization Centers—but not carried into the appropriation act itself—was not legally binding on the Labor Department. B-163922, October 3, 1975.

Agencies are required to pay "rent"—called Standard Level User Charges (SLUC)—to the General Services Administration for the public buildings they occupy. Agencies budget and receive appropriations for SLUC payments just as any other expenditures. Several appropriation acts for 1976 included provisions limiting SLUC payments to 90 percent of the amount charged by GSA. In addition, committee reports on the appropriations for the Department of Agriculture and the Food and Drug Administration specified further reductions in SLUC payments. Since the reductions in the committee reports were not carried into the appropriation acts themselves, the agencies were required to pay the full SLUC assessments, subject only to the 90 percent statutory limitation. B-177610, September 3, 1976; B-186818, September 22, 1976. Applying the rationale of these cases, GAO held in B-204270, October 13, 1981, that an agency was bound to observe a specific dollar limitation on its SLUC payments included in its appropriation act.

A fiscal year 1978 appropriation act appropriated $748 million for "Operating Expenses, Fossil Fuels" with no further statutory breakdowns. One of the programs funded from this appropriation was research and development under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. The Appropriations Committees had reduced the electric vehicle budget request from $47 million to $30 million. However, $30 million would not have been enough to carry out the statutorily mandated functions under the electric vehicle statute. Applying the general rule, GAO concluded that the lump-sum appropriation was available for obligation in excess of the $30 million specified in the committee reports for the required functions. B-159993, September 1, 1977. Of course, an agency cannot be expected to do the impossible. If appropriations are insufficient to carry out all programs, the agency must allocate its funds in some reasonable pattern of priorities. Mandatory programs take precedence over discretionary ones. Within the group of mandatory programs, more specific requirements should be funded first, such as those with specific time schedules, with remaining funds then applied to the more general requirements. Id.; see also B-177806, February 24, 1978 (non-decision letter).

The Department of Agriculture wanted to use its 1978 lump-sum Resource Conservation and Development appropriation to fund existing projects rather than starting any new ones. Instructions from the Appropriations Committees restoring funds for new projects were contained in committee reports but not in the appropriation act itself. The Department's action therefore was legally permissible. B-114833, July 21, 1978.

The Department of Health, Education, and Welfare wanted to make what it termed "cross-cutting" grants from its 1978 lump-sum Human Development appropriation. The various offices within HEW funded by the Human Development appropriation would contribute a portion of their allocated funds to form a pool to be used to fund projects benefiting more than one target population. Since there were no statutory restrictions on how the lump-sum appropriation could be allocated, the proposal was legally unobjectionable. B-157356, August 17, 1978.

The Nuclear Regulatory Commission could use its 1980 lump-sum appropriation to provide assistance to intervenors in certain NRC proceedings. (See Chapter 3, this Manual, section on Attorney's Fees.) Although committee reports on NRC's appropriation act expressed a desire that funds not be used for this purpose, the restriction was not written into the statute and the appropriation was otherwise available for the desired expenditure. 59 Comp. Gen. 228 (1980). The decisions stressed an important point made earlier in this section: The "legal availability" of funds for a given expenditure and the practical wisdom of making that expenditure in the face of contrary expressions from congressional committees are two very different questions.

The Department of Energy had used no-year appropriations to initiate the construction of an authorized facility but subsequently terminated the project for the convenience of the Government. The Department then wanted to use remaining unobligated funds from the no-year appropriation to establish a different facility, also within the scope of its organic authority. GAO found the expenditure legally permissible. Unobligated funds from a lump-sum appropriation may be used if otherwise proper—within the period of obligational availability or, if no-year funds are involved, without regard to fiscal year—for one project even though the funds were originally earmarked in the budget request or the legislative history for another project. B-202992, May 15, 1981.

Other cases in this "family" are B-44205, September 8, 1944, and B-204449, November 18, 1981.

Finally, the availability of a lump-sum appropriation may be restricted by provisions appearing in statutes other than appropriation acts, such as appropriations authorization acts. For example, if an agency receives a line-item authorization and a lump-sum appropriation to be spent "as authorized by law," the line-item restrictions in the authorization act will apply just as if they appeared in the appropriation act itself. The relationship between appropriation acts and authorization acts is covered in Chapter 2, this Manual.

S. 718—PROPOSED HIGH TECH COMMISSION

Mr. SPECTER. Mr. President, yesterday, October 31, 1983, a hearing was held in Pittsburgh, Pa., on S. 718, my proposal for a High Tech Commission, and on related issues to provide new job opportunities for men and women who have lost their jobs due to the decline of the smoke-stack industry.

The testimony was so significant that I believe it should be made available to all Members of Congress and the public. Accordingly, I ask unanimous consent that the following statement and biographies may be printed in the CONGRESSIONAL RECORD.

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

IMPACT OF TECHNOLOGY ON MANUFACTURING

(Richard M. Cyert)

Today the newspapers are filled with stories of layoffs and plant closings in the steel and automobile industries. Some of these events are due to the depressed economic conditions in America. Underlying the poor conditions of these two major industries, however, is the fear that foreign competitors can produce a better product at a lower cost.

Whether this fear is accurate or not, it is clear that there is a fundamental problem in each of these industries. That problem, unlike the common cold, is not likely to heal itself.

The problem can be stated fairly simply. America no longer has a technological advantage in the methods of production of automobiles or steel. Foreign countries can buy the latest technology off the shelf and probably have an American firm install it. Certainly, this situation exists in the steel industry. In addition, foreign countries have an advantage in the cost of labor. In other words, American manufacturers must compete with foreign producers who have a technological process of production that is equivalent to the American manufacturer and are able to produce with lower labor costs. The lower labor costs are the result of wage rates that are below ours and productivity that is as high as or higher than in America. Thus, one can generalize that all American manufacturing is in danger. To be dominant in international trade, a country must have a comparative advantage. Our advantage must be technological because we will always have higher labor costs.

Some people have concluded from this set of events that there is no future for manu-

facturing in the U.S. That conclusion is incorrect. The key to the future of manufacturing is the degree of automation that American manufacturers are able to install in their plants. The goal for all manufacturing must be the unmanned factory. We must substitute capital for labor if we are to survive as a manufacturing power. A comparative advantage must come from our ability to use intelligent robots that can see and think and have a highly developed sensing capacity. As the plants of America undergo a capital restructuring, American manufacturing will be able to survive. Professionals in the field have a slogan that should be heeded by all: "Automate or evaporate."

The immediate concern of someone reading this slogan would be for the people who would be unemployed. Clearly this concern is legitimate in the short-run. However, if we look to the longer run, we see that robotics in automation is necessary if America is to have a manufacturing industry at all.

From 1969 to 1979 the labor force in this country grew at a rate of 2.4 percent per year. This rate increased the labor force in absolute numbers to such an extent that the economy could not absorb the new entrants each year. Even though the economic system was generating new jobs at record rates, the number of new entrants was so large that unemployment was increasing. From 1979 to 1990, in contrast, it is estimated that the labor force will grow at a rate of 1.2 percent per year. Thus, we will have a smaller increase in the labor force over the next eleven years. With even small increases in the gross national product, we probably will be able to absorb the new entrants into the labor force, and with reasonable growth it is highly likely that our economy will be suffering from labor shortages by the end of this decade. Thus, automation will be necessary in order to provide the energy for the manufacturing process.

Our progress in this respect can be gauged by the Japanese experience. The Japanese had three years of high birth rates while we had sixteen years. The Japanese, therefore, have been through some of the experiences we are just beginning to have. The movement toward robotics in Japan was stimulated (as were quality circles) by the demographic pressures. Robotics in Japan, in other words, was a solution to a specific problem, not the result of some technological breakthrough. To the credit of the Japanese, however, their industry was quick to adopt the new technology and turn it into a trade advantage.

The Japanese, through their government and business consortia, have been spending between $200 and $300 million a year on research in robots. In the United States, there is no such concentration of research. In terms of public centers, I believe Carnegie-Mellon's is the largest with a budget of $4 million. There may well be industrial firms that are spending more on this particular area, but I am referring only to research institutes about which I have some knowledge. The Japanese are not ahead of us either technologically or scientifically. There is no secret knowledge that they have utilized in order to develop robots. The sad aspect is that the knowledge and, in many cases, the robots themselves are American. They have been adapted in so many ways by the Japanese, but more importantly they have been adopted by Japanese firms. Just as in the case of participatory management, the Japanese industrial leaders have listened to the speaking and writing of many American scholars and scientists and have been foresighted enough to move into this area.

However, these Japanese robots are basically simple and cannot see nor think. However, for the United States, it is the second generation of robots that is critical for our future. The Robotics Institute of Carnegie-Mellon University is developing that generation of robots. There are only three academic institutions with major computer science programs where a robotics institute can develop this type of robot: Carnegie-Mellon, Stanford, and MIT. Carnegie-Mellon, for a variety of reasons, is the only one of the three that has been able to develop a concentrated effort in the area. Outstanding departments of computer science, electrical engineering, and mechanical engineering, and to a lesser extent, a business school, are necessary for the development and exploitation of robots.

One of the most critical elements in robotry is the need to develop the capacity to think. In the robots of the future, this capacity will evolve from the work that has been done in the field of artificial intelligence, which has attempted to program computers so that they are capable of thinking like human beings. Again, this work has developed at the three leading schools that I have mentioned.

The Robotics Institute of Carnegie-Mellon University is a model of the way in which government, industry, and universities can become partners in a project that is vital for the long-run economic health of the country. The two major partners with Carnegie-Mellon are the Westinghouse Electric Corporation and the U.S. Navy through its Office of Naval Research. Thomas Murrin president of the Energy and Advanced Technology Group of Westinghouse, and Admiral Albert Baciocco, who until recently headed the Office of Naval Research, are the two individuals who were foresighted enough to move into the area and to give great encouragement to this area. Admiral Baciocco, for example, a few years ago launched a series of lectures at the Pentagon on artificial intelligence because he saw the importance of this field for the military.

It is critical in an effort of this kind to have major industrial partners. Studies by the National Science Foundation have shown that it takes between fourteen and eighteen years for an idea to go from the laboratory to a commercial market. America cannot afford to wait that long. If we are to remain the leading industrial power in the world, we must be able to utilize quickly a new generation of robots when it appears, and we must have them on the market as rapidly as possible. Because the Japanese developed the first generation of robots, they will have a major foothold in this industry. However, if the venture at Carnegie-Mellow with its partners can be successful, America can be in a position to make the second generation of robots American.

In our country there are still many businessmen and many industries that have not awakened to the challenge ahead. Many still believe that when the recession is over, all conditions will be the same as they were prior to the recession. As you can see from my brief analysis, that idea is incorrect. Each firm must begin to plan for increased automation. As a society, we must begin to analyze the effect of a highly automated manufacturing process in this country. Fortunately, with grants from General Electric, the Heinz Company, and Westinghouse, Carnegie-Mellon has launched a major project to determine the implications of robotics in American society. We hope to develop important policy recommendations as a result of this study. Each person, however, needs to think not only about his or her own business, but also about the way society may be modified as a result of this important and necessary movement to robotics. Only by planning and analyzing will we be able to capitalize on the new opportunities and contribute the most to our society. Carnegie-Mellon is prepared to play its part in helping the nation and Pennsylvania on the path of change and innovation.

RICHARD M. CYERT

Richard M. Cyert has a bachelor of science degree from the University of Minnesota and a doctor of philosophy degree from Columbia University. He became Carnegie-Mellon's sixth president in 1972, following 10 years as dean of the Graduate School of Industrial Administration. He joined the CMU faculty in 1948 as an instructor of economics. Dr. Cyert has earned international recognition for his work in economics, behavioral science, and management. Through his decade of leadership, CMU enjoys a growing national reputation, financial solvency, and expanding academic and research programs.

JOB CREATION THROUGH THE ADVANCEMENT OF TECHNOLOGY

(By Roger S. Ahlbrandt, Jr.)

INTRODUCTION

I have read a copy of Senate Bill S. 718 and applaud its objectives. I think, however, the Bill or perhaps a companion piece of legislation should examine issues related to the advancement of technology in our society because it is through the development of new technologies and the transfer of existing technologies that the jobs of the future will be created.

My testimony is in two parts. I will briefly summarize the Ben Franklin Partnership program of the Commonwealth of Pennsylvania which is designed to revitalize the manufacturing base of the state through the development and transfer of new technologies, and then I will make a few recommendations with respect to the appropriate role for the Federal government to advance technology development in our society.

REGIONAL PERSPECTIVE

The structure of the economic base of Southwestern Pennsylvania—an area comprised of ten counties and about three million people—has changed in recent decades. An economy which was heavily manufacturing-oriented has gradually shifted to one in which trade, services and finance predominate.

The changing structure of the region's economic base has had a significant effect on the tax base of municipalities heavily dependent upon steel and steel-related industries. Many of these municipalities have experienced declining per capita assessed values in real terms, increasing tax rates, and deteriorating public services and infrastructure.

The changing economic base has also directly affected the types of job opportunities available to the region's work force. Blue-collar employment has been on the decline for over 20 years, and it will certainly continue in the future. As a result, many individuals who are displaced from the declining manufacturing sector have found, or will find, that they lack the skills, and perhaps the education, to find employment

within the services sector and the emerging hi-tech industries.

The deteriorating tax base and the structural unemployment problem can be addressed on at least two fronts: by increasing job opportunities in the region through the creation of new industries and the revitalization of existing industries; and by assisting those who are unemployed to acquire whatever education and skills are necessary for the types of occupations which are growing. These are some of the goals of the Ben Franklin Partnership Program of the Commonwealth of Pennsylvania.

THE BEN FRANKLIN PARTNERSHIP

The primary objective of the Ben Franklin Partnership program is to create new jobs through the rebuilding of Pennsylvania's manufacturing base. This will be accomplished through the birth of new industry and the revitalization of existing industry. The program has adopted a strategy which focuses upon a limited number of advanced technology industries; and it hopes to achieve its objectives by forging effective partnerships between industry and institutions of higher education.

The Ben Franklin Partnership funded four advanced technology centers throughout Pennsylvania. These include Lehigh University; Penn State; a consortium of institutions led by the University of Pennsylvania; and the Western Pennsylvania Advanced Technology Center, co-sponsored by the University of Pittsburgh and Carnegie-Mellon University. Our Center is advised by a Consortium Council whose members include representatives from colleges and universities, industry, labor, local government, economic development agencies, and venture capitalists.

The Commonwealth of Pennsylvania, through the Ben Franklin Partnership, provided one million dollars in seed money to fund the start-up of the centers during the period March-August, 1983. A ten million dollar appropriation was committed by the state for the first full year of operation which commenced September 1, 1983. Our Center received $3.35 million from the state. The funds were matched by approximately $7 million from other sources—primarily industry—for a total program in excess of $10 million.

Strategy

Our Center has taken an integrative approach to job creation. This involves three distinct components:

Research and development.—This is carried out by sponsoring joint industry-university R&D projects in the advanced-technology areas of robotics; biological and biomedical engineering; high-technology materials; coal technology; and metals.

Assistance to entrepreneurs, small business and regional industries.—The objective of this component is to augment the ability of small businesses and entrepreneurs to start new businesses, raise venture capital, expand existing operations, or adapt their production facilities to new technologies.

Education, training and retraining.—The aim of this element is to ensure the availability of high-quality education, training, and retraining programs to meet the labor force needs of our region.

Although every activity of the Center will not involve all of these elements, the development of this infrastructure of management assistance, venture capital-raising, and training-retraining is critical. This support structure is necessary to ensure that once the technologies are developed, they will be successfully transferred to the manufacturing process, thereby creating jobs.

Why Ben Franklin?

The Ben Franklin Partnership is designed to create jobs. It will do this by intervening in the marketplace to make it function more efficiently. And by this I mean removing imperfections which impede the flow of capital into research and development, inhibit the transfer of advanced technologies and technical assistance to new and existing companies, and make it costly to obtain relevant occupational forecasts.

Will we be successful? Will the benefits exceed the costs? We believe the answers will be overwhelmingly "yes" on both accounts.

The objective of this program is jobs, and we hope to accomplish this by helping to create a critical mass of advanced technology firms in Western Pennsylvania in order to provide the technological base for the future of the region. We do not know what the magic number of firms is, but it exceeds the 200 or so which are currently located here. As the numbers grow, the spin-offs of new ideas, new technologies and new firms will accelerate. This self-perpetuating process, which draws upon itself for continued growth, is crucial if we are to capture more than our proportionate share of jobs in the high growth industries of the future.

This critical mass is essential to attract and retain creative professionals in advanced technology fields and to generate the excitement that will put our region on the map for venture capitalists, foreign investors, existing advanced technology firms and others who make the investment and locational decisions which will determine the future of our economic base.

The Ben Franklin Partnership promises to create jobs, not only by stimulating research and development, but also by providing the institutional structure to support the launching of new companies and the successful revitalization of existing companies in the region. The decisions of our Center will not countermand those of the private marketplace with respect to the merits of a particular product line or new technology. We see our role as helping to move new ideas into the marketplace that would otherwise be lost—and lost to our region—because of imperfections in the way in which the market operates.

The market is not an efficient vehicle for research and development. Research payoffs are far into the future, the risks are high, and those responsible for the innovations often do not have an established track record; therefore, entrepreneurs and small companies may not be able to secure sufficient funds to invest in an R&D program or to take a promising idea to the point at which its commercial potential is recognized and needed financing is available.

Our Center will stimulate R&D through the use of financial incentives. Center resources will be used to match the costs and/or in-kind R&D expenditures of private companies in our specified thematic areas. We will seek out innovative R&D ideas that appear to be promising from the standpoint of creating jobs by contacting advanced technology companies in the region, holding workshops on specific advanced technology topics, and bringing together faculty with research skills and companies having research interests. In short, we will act as a facilitator and promoter. In order to help us evaluate the merits of specific R&D proposals, we have an Advisory Committee of experts to review the proposals submitted to us for funding.

A second focus of our Center is technology transfer. The marketplace is not as effective as it could be with respect to the transfer of information and technology because those in need may not be aware of its existence, or how to go about acquiring it, or how to adapt it to their particualr situation. Our role in the transference of technology will be to supplement—and not replace—the flow of information through the marketplace by increasing its availability and lowering its acquisition costs. This will be accomplished by making information about advanced technologies available to companies, and by working directly with specific companies to help them incorporate technological advances into their operations.

This role is important because if companies do not keep abreast of innovations, they will not remain competitive. By working with regional companies, we will be helping them keep ahead of their competition, thereby enhancing the comparative advantages of our region.

Our third role—that of providing technical assistance to entrepreneurs, small companies, and regional industries—is also one that is designed to supplement the workings of the marketplace. Often, new ideas do not mature and companies go out of business because of management failures. Our Center is building a network of providers of various types of technical assistance—including marketing, financial planning, accounting, inventory control, venture capital-raising, incubator space, etc.—in order to help new companies come into being and to augment the ability of existing companies to cope with the exigencies of the marketplace. Our objective is to increase their chances of success by lowering the risks of failure.

Our fourth role is to provide much better information about occupational trends in the region. Without a well-trained work force—one that has the educational level and skills required for the types of jobs which are being created—our region will not be competitive in attracting new companies or retaining existing companies. Our efforts in this area are designed to provide better information about the training needs of the region to those institutions and agencies which provide education, training and retraining services. Our objective is to get the most bang for the training buck by making available relevant, up-to-date forecasts of occupational trends.

Our overall approach is designed to enable our region to participate more fully in the technological advances which are occurring. To the extent we are successful, our region will have a better-trained labor force, more efficient companies, and more of them. Those factors will work together to create an environment in which new growth is continuously occurring. Once we have reached a critical mass of high technology companies, we will have achieved a situation in which new ideas and new companies will germinate, be nurtured, and flourish. Our specific role in this process is to increase the flow of money into research and development, facilitate the flow of information about new technological developments and applications, help entrepreneurs and companies obtain the specific types of technical assistance they require, stimulate venture capital availability, and increase the reliability of occupational trend data.

Our Advanced Technology Center, by itself, cannot be expected in a short period

of time to significantly reverse the direction of the economic forces which have changed the structure of our region's economy over the past several decades and have created the displaced worker problem. However, the Center can be a major factor in helping to develop a climate that is conducive to the birth of new advanced technology industries and to strengthening existing industries. The stimulus provided by the Center is a necessary starting point for addressing the major problems of our region. These include the declining manufacturing sector, the loss of blue-collar jobs, the weakening tax base of many municipalities, and the retraining needed to better prepare the existing work force—particularly displaced workers and unemployed youth—for the jobs which require skills different from those for which many of the unemployed were previously trained.

During the current fiscal year, the Center is supporting 47 projects. The results projected for these projects for the period 1983-87 include 80 new companies created, 5,600 jobs created and 2,200 jobs saved. If the annual level of state funding increases, the results will grow commensurately.

FEDERAL GOVERNMENT ROLE

The Ben Franklin Partnership's re-industrialization strategy is premised on research and development and technolgy transfer. The Federal government can play a significant role in providing the basic support for research and development on the national level that programs such as ours can tap into, where appropriate, to accomplish our regional objectives.

The Federal government is the only level of government that has the resources to foster research and development. A national strategy for the advancement of technology is needed. Components of such a strategy should include higher levels of support for the National Science Foundation, National Institutes of Health, and the research and development programs in the Department of Defense and other relevant Federal departments and agencies.

A second aspect of such a national strategy is support for the building of the human capital necessary to propel us forward to the 21st Century. Aspects of such a strategy include higher levels of support at all education levels for mathematics and science teachers, additional funding for equipment for engineering schools, science laboratories, and the computerization of colleges and universities.

A national strategy for the advancement of technology should also have a specific sectoral orientation. The Federal government—in cooperation with industry—should determine the impediments to technology development in specific industries and to devise strategies to remove such impediments. For example, the steel industry has a number of particular problems which have reduced its competitiveness over the past several decades. Federal initiatives to help the industry become more efficient should include: Strict enforcement of anti-dumping legislation; removing anti-trust restrictions to industry-wide research and development projects; an industry-funded basic and applied research institute would enable steel companies to pool resources and to target large-scale R&D projects that will improve the productivity of the industry over the long term; and removing anti-trust restrictions to joint manufacturing ventures and the merger of existing companies.

A national strategy for the advancement of technology must consider capital formation issues as well. The provision of capital to industry through a mechanism such as a national development bank needs careful consideration. This proposal does not make sense, unless it is part of a sectoral strategy designed to raise the competitiveness of a specific industry. If such a strategy is adopted, loans should be predicated upon certain concessions from management and labor in the form of specific actions designed to further the long-term competitiveness of the industry.

Finally, in most cases, across-the-board approaches to the economic adjustment problems of urban areas do not make sense and may be extremely costly. The Reagan Administration's Enterprise Zone initiative is a case in point. There is no concrete evidence to suggest that the approach will be a net job creator on the national level. At best it would move existing jobs around within a region. The cost, however, would not be negligible. Studies have shown that the cost per job created would be several times that of a more targeted economic development approach such as the Urban Development Action Grant Program.

While the displaced worker problem is serious for some groups of people, and issues of retraining today's work force for the jobs of the future are important, the most critical employment problem in this county is the creation of new jobs. The cure for unemployment and dislocation is not retraining, but job generation. The key to ensuring that present and future workers have ample employment opportunities is to make sure that the technological base of this country is growing and advancing at rates in excess of those in other industrialized countries. This requires strong Federal government support of basic research and development on a broad level, supplemented by strategies tailored to technological advancement in specific industries.

BIOGRAPHY

Roger S. Ahlbrandt, Jr., Assistant Provost, University of Pittsburgh and Co-Director of the Western Pennsylvania Advanced Technology Center, co-sponsored by the University of Pittsburgh and Carnegie-Mellon University. Previously a Deputy Assistant Secretary for Urban and Community Studies, U.S. Department of Housing and Community Development (1981-82). Educated at Yale University (B.S.), Harvard Business School (M.B.A.), and University of Washington (Ph. D. in Economics). Published numerous articles and books on urban issues. Community activities: President, Board of Directors of ACTION-Housing, Inc.; Member, Board of Directors of the Allegheny County Housing Authority; Member, Private Industry Council; and Member of the Human Resources Task Force of the Allegheny Conference on Community Development.

TESTIMONY BY LARRY WHITWORTH ON SENATE BILL NO. 718

I am Larry Whitworth, vice president for educational services for the Community College of Allegheny County. I am here this morning in support of the establishment of a Commission on High Technology and Employment Potential. The community college along with other institutions of higher education that meet to share information and discuss common problems are each today recognizing the acceleration and expediential effect that technology is having on our society. The problem used to be restricted to the consumer and their ability to adapt to new products. But, today the technology is driving the way in which the productive elements produce the basic products and output of our economy.

As we each recognize, the micro-chip is significantly impacting our factories and offices with all types of robotic, word processing and other labor saving devices. Unfortunately, this has created a structural change in the employment sector resulting in a significant level of unemployment. Senate bill No. 718 is important in order that we: (1) Define the problem and determine the impact that high technology is having on our various employment sectors; (2) project the future in order to establish potential impact over time; and (3) analyze the capability of our educational institutions and their ability to assist individuals in adapting to the new skills required in order to be productive within this economy. Until this problem is analyzed thoroughly and some national strategies developed, in my opinion, this country will find it consistently more difficult to produce people with the necessary prerequisites to meet the demand of this highly technological society.

The Community College of Allegheny County again highly endorses the efforts of Senator Arlen Specter in his efforts to establish a Commission on High Technology and Employment Potential in order that we might more fully utilize the potential of our educational institutions to meet the need of business and industry.

BIBLIOGRAPHY OF LARRY L. WHITWORTH

Larry L. Whitworth graduated from Adrian College in 1962 with a bachelor of arts, graduated from Duquesne University in 1972 with a master's degree in business administration, and from the University of Pittsburgh in 1977 with a doctorate in education.

He has worked for the Community College of Allegheny County for the past 16 years beginning as a math faculty member and serving as director of the academic evening division for the Allegheny Campus; assistant dean for vocational technical education, dean of instruction and executive dean for the College Center-North; and is presently the vice president for educational services for the college.

TESTIMONY OF RON HOOVER, ROBOTICS TRAINEE, FORMER EMPLOYEE, UNITED STATES STEEL CORP.

Senator Specter, I am Ron Hoover, an unemployed steelworker from U.S. Steel's national works. I worked five years in the skilled classification of motor inspector. I am presently enrolled in the Community College of Allegheny County's robotic repair technician project. Mr. Belan and Mr. Sterner, fellow steelworkers and robotic trainees have accompanied me.

We are highly trained skilled workers using this period of unemployment to further improve our skills to work in the factories of the future.

We represent several thousands of highly trained workers in western Pennsylvania who are available to implement any technology American industry can give us.

We support your Senate bill 718 and would hope that you don't forget to emphasize the availability of the thousands of supercrafts person and our laid-off brothers and sisters in your bill. We can make high technology today's technology. We want our companies to modernize and become competitive and profitable.

We want to note several problems that need to be looked at:

(1) Problems with the concept of high technology and an industrial complex that isn't buying it. Sales of capital equipment haven't picked up;

(2) Problems with major employers who want to do business with foreign companies rather than accept new technology and become competitive using American labor; and

(3) Problems with the unemployment compensation system that prevents individuals from helping themselves.

We support the development of a Commission that looks at these and other problems related to high technology and American labor's ability to remain competitive and employed.

Thank you.

WESTINGHOUSE ELECTRIC CORP.,
Pittsburgh, Pa., October 27, 1983.

Hon. ARLEN SPECTER,
U.S. Senate,
Federal Building, Pittsburgh, Pa.

DEAR SENATOR SPECTER: We wholeheartedly support Bill No. S718 to establish a Commission on High Technology and Employment Potential. We commend your initiative in suggesting this study in your legislative proposal. Even a casual understanding of what is happening in America recognizes that we are going through a very substantial industrial transition. The question your legislative proposal addresses may be one of our most serious national problems—how we adjust to the changing industrial scene.

I would prefer that you read this letter into your record rather than testify. My reason for not testifying is that I lack the specific knowledge you are trying to seek in the study. After the study is completed, perhaps we will have a better understanding of how we should go about training those people who lose their jobs as we change our industrial structure.

I do have some concern with specifically identifying the industries which you see as growth industries. For example, you fail to mention the nuclear industry which we expect will continue to have substantial growth. As you know, outside of the United States, there are some 300 nuclear power stations, and the number will expand. Therefore, we suggest that rather than addressing yourself to specific industries, you leave the subject open, and the experts you will impanel will identify growth industries, such as nuclear.

We particularly commend addressing export financing. The inability of the Ex-Im Bank to finance some of our exports has been a serious problem to us and affects our ability to hire people.

We very much hope that your legislative proposal succeeds and when the Commission has a preliminary report, we would be most interested in their recommendations.

Sincerely,

DOUGLAS D. DANFORTH.

TESTIMONY BY RAYMOND CHRISTMAN, DIRECTOR, ECONOMIC DEVELOPMENT, ALLEGHENY CONFERENCE ON COMMUNITY DEVELOPMENT, ON S. 718, TO ESTABLISH A COMMISSION ON HIGH TECHNOLOGY AND EMPLOYMENT POTENTIAL

My name is Raymond Christman, I am Director of Economic Development for the Allegheny Conference on Community Development. The Conference is a private, nonprofit organization that has been in operation for approximately 40 years, working with government, labor, civic organizations, and others, in matters relating to community development, economic development, education, health care, and other public policy areas affecting the Pittsburgh region. The Conference is supported through contributions from Pittsburgh's corporate community.

I appreciate the opportunity to appear here today to offer comments on Senate Bill 718, which would establish a National Commission on High Technology and Employment Potential. The Allegheny Conference has been involved over the last year in an effort to formulate an economic development strategy for this region, and the issues raised in this bill are quite similar to many of the concerns we have been addressing in recent months in examining future prospects for this area.

We have particularly been investigating the economic benefits that advanced technology development may offer this area. And for good reason, for technological innovation has been a major source of growth in the United States in recent years. In the last decade, for example, advanced technology companies nationally grew nine times faster in employment, three times faster in output, and two times faster in productivity than the rest of the manufacturing sector. Growth cultivated by technology development has brought dramatic economic improvement to certain areas of the country, and it seems likely that technology will continue to be a major force driving the economy in the years ahead.

These facts, taken together with recent declines in many of our traditional manufacturing industries, have put the spotlight on high technology in nearly every region of the nation. The basic questions raised are important ones. Is a fundamental shift from basic manufacturing to advanced technology taking place in our economy? And what are the implications, if any, of this shift for training and education?

The Commission suggested under S. 718 would be asked to address these questions, and I believe this would be a worthwhile undertaking.

Indeed, our own effort has already begun to reach some conclusions on these points for the Pittsburgh region. Before I share these with you, though, I would like to point out several general considerations that you may wish to take into account in your deliberations:

Advanced technology fields will be among the fastest growing in the nation, but they will not be producing the most jobs. The growth in advanced technology fields has been both impressive and important for those areas which benefitted from it. Between 1955 and 1979, 75 percent of the employment growth in the nation's manufacturing base came from high technology companies. And various advanced technology fields, such as computer related professions, are expected to have high growth for the remainder of this decade and beyond.

But this increase is projected to represent a relatively small portion of total job growth during this period. Relatively low-skill occupations such as clerical workers, nurses and other health-related personnel, sales clerks, and the like, will grow most in terms of actual jobs.

More manufacturing jobs will be lost nationally than new employment created by advanced technology. It has been forecast that nationwide the number of jobs created in advanced technology fields over the next decade will be less than half of the two million jobs lost in manufacturing in the past three years. While advanced technology industries will grow, the base is still a small one. By one estimate, the entire output of the advanced technology sector is less than twice that of the auto industry.

The transition from traditional manufacturing to advanced technology industry will be an uneven and difficult one—Pittsburgh's long-term unemployment problem, for example, will not be fully solved by high tech. Increasingly, it is being recognized that the transferability of displaced blue and white collar workers from traditional industry to advanced technology industry is difficult, particularly when the shift must take place across industry lines, such as from steelworker to high tech. The experience in New England, as it shifted from a mill-based economy to one centered around the semiconductor industry, showed that workers had a difficult time bridging that gap and finding re-employment in the new technology-based industries.

A related problem is that of wage levels. Most production level jobs in advanced technology fields simply do not pay anywhere near the wages found in such basic manufacturing industries as steel and automobiles. The expectations of some workers may be out of line with the opportunities in the new industries that are emerging.

The competition for advanced technology industry is worldwide. Pittsburgh is competing not only with other U.S. cities, but with the cities of Western Europe, Japan, Taiwan, South Korea, Mexico, and Brazil, among other nations, for advanced technology growth. The impermanence of many advanced technology jobs was illustrated by the shift by Atari, Inc. of its assembly operations overseas.

Those areas with branch plants of advanced technology industries encounter the "assembly outpost" problem, where the facility may be moved to another location or, eventually, automated. Thus, a portion of the existing advanced technology industry in this nation may represent only an employment stop gap.

These broad considerations must be kept in mind. Advanced technology development will be only one element driving the growth of this nation's economy in the years ahead. But it will be an important part. Our own research suggests the following opportunities:

(1) Technological change and innovation can be the catalyst for the growth of a new generation of businesses. Work carried out by David Birch at MIT found that while the failure rate for businesses, and the accompanying rate of job loss, was approximately the same in all regions of the United States, the rates at which these jobs were replaced—i.e., new businesses were created—varied substantially. It is in this regard that southwestern Pennsylvania, as well as much of the industrialized Midwest, has trailed the rest of the nation. The region has traditionally not been a fertile ground for new business development. This is changing, as evidenced by the existence of an estimated 152 high technology manufacturing facilities, employing nearly 30,000 people in the Pittsburgh region.

The work of Birch and others has suggested that young, small firms are important creators of jobs. Technology can be the driving force spawning many of these new company start-ups in the region.

(2) Advanced technology can help make traditional manufacturing industries more competitive. The applications of new technologies are many and diverse, and the rate of technological breakthrough is accelerat-

ing. Every basic manufacturing industry—and most service industries—will be significantly impacted over the next decade by new technology. These advances may in part be labor saving, but they also may be the key factor enabling existing companies to grow, and ultimately employ additional numbers of people.

(3) Advanced technology can provide important "downstream" benefits to the region. Additional wealth and income are generated by technology-based companies and can help create jobs in unrelated industries, such as the health and leisure industry fields. Because many jobs in advanced technology companies are at the high end of the skill/pay ladder, these firms become major sources of new wealth and income in a community.

(4) Advanced technology can help diversify a region's economic base. The dependence of this region on heavy industry is less pronounced than even a decade ago. Increased diversification remains an important goal, which advanced technology development can help achieve through the kind of employment and growth it will create.

This is what our early findings suggest that high technology means in employment potential for this region. Let me turn now to the other issue raised in S. 718: the implications of these economic trends for education and training. Again, based on the work we have carried out in this area, and I can offer several observations:

(1) First, it is a mistake to think that the size and requirements of high technology employment will require a dramatic reorientation of our educational system. The skill levels demanded in most jobs are simply not going to rise that quickly. This is not to say that development of computer literacy programs, and improved math and science curricula are not needed. But not any more than is increased attention needed in improving analytic, expressive, and communicative skills.

(2) Second, training and education policy and programs at all levels would benefit from a better understanding of where the jobs are likely to be in the future, and what specific skills will be required to fill them. I believe this requires the kind of fine-grained, specific knowledge that can only be obtained at the local or regional level through surveys and ongoing discussions with employers. We are now exploring the feasibility of setting up in the Pittsburgh region a system to do just this—generate reliable, up-to-date forecasts of projected job openings (high tech or not), and the skills required to fill them. And most importantly, to determine a process for sharing this information in a timely fashion with educators and training institutions so that these organizations can respond to emerging needs. To our knowledge, no city in the nation has installed a capacity of this kind that is both comprehensive and job-specific.

(3) Finally, so that training programs can respond quickly to emerging needs, it is important that better ties with industry be forged. The gap between the private sector's expectations and the performance of training and educational institutions remains wide. Our hope is to look at greater use of customized job training and other similar programs that tailor public training dollars to a company's specific needs for employees.

In summary, I believe that it remains important to examine questions such as those raised in S. 718. If done carefully, this effort could identify important steps to be taken in a variety of areas to support our technology-based industries. But, at the same time, it is equally important to understand this question in the larger economic context. High tech employment is not likely to fully replace basic manufacturing, and, by itself, serve as the principal employment base for the nation's economy in the decades ahead. Indeed, its greatest value may be in the contribution it makes to keeping traditional industry competitive—and employing millions of Americans.

TESTIMONY BY WARREN H. ANDERSON, MANAGER—CORPORATE AND COMMUNITY COMMUNICATIONS

Good morning, Senator. I'm Warren H. Anderson, manager of Corporate and Community Communications at National Intergroup.

I am testifying this morning on behalf of Howard M. Love, chairman and chief executive officer of National Intergroup. Mr. Love is also the chairman of the Private Industry Council . . . or PIC as it is better known, of Pittsburgh and Allegheny County as well as the vice chair of the Pennsylvania Job Training Coordinating Council.

I have asked Mr. Irving R. Rubinstein, the executive director of the PIC to testify on the current operations of the PIC.

Since the objective of Senate bill 718 is to assemble a Presidential Commission on High Tech Employment, I would like to briefly comment on what I believe is the PIC's role in the furtherance and proliferation of high tech growth in this area.

I believe the PIC's effort to provide for the employment of dislocated workers in this area will center around five specific strategies:

First let's look at occupational forecasting. The mayor of Pittsburgh and the county commissioners will be looking to Mr. Love and to the PIC to coordinate and produce accurate occupational forecasts in order to predict the employment needs of this area.

These forecasts must then be translated into definitive job descriptions and skills for which training programs can be designed.

Second, the PIC is responsible, in coordination with the city and county, to establish and oversee a comprehensive and effective training program, taking advantage of both contract training programs and on-the-job training programs to prepare unemployed but experienced displaced workers to fill positions that the PIC forecasts have identified.

In addition we must provide transition training (hopefully after work hours) for those workers who are imminently faced with unemployment.

Third, the PIC working with Federal, State, and local officials, as well as labor leaders and heads of community-based organizations, must strive to provide an attractive financial environment; tax environment; educational and cultural environment; and productive labor environment to encourage the entrepreneurs of high tech, growth industries to locate in this area.

Fourth, the PIC, in concert with the private and public sectors, must design and support a sustained and effective: public relations, advertising, and word of mouth influence campaign to attract the targeted growth and high tech industries to southwestern Pennsylvania.

And finally, the PIC, working in concert with the city and county, must provide a truly effective and imaginative program to effect the smooth, and hopefully uninterrupted, transition of employment from industries that have declining labor needs to those with growing labor needs.

With these five strategies as a backdrop, I would like to introduce Mr. Rubinstein who will discuss the current funding and activities of the PIC with regard to displaced worker programs—Irv.

TESTIMONY BY IRVING RUBINSTEIN

Not many years ago this region stood for steel, coal, aluminum and glass. Today this region is known also for its corporate headquarters, its financial services industries, its medical center and cosmopolitan culture.

Manufacturing is, and will remain, a significant part of the local economy. However, it will employ fewer people with somewhat different skills than those required today. The character of the work place and the workers that operate it will be dictated by available technology and competition. If an electro-galvanized line in Japan can be operated with only four workers, its local competitor must achieve similar production capability in order to be price competitive.

The dislocated manufacturing industry worker is one by-product of the transition that is in process. There is an abundance of that unwelcome by-product in this region and it is a concern of the private industry council and its partners.

Title III of JTPA provides "employment and training assistance for dislocated workers." In fiscal year 1984 Pennsylvania will receive $10,147,397 under this title. To date, of that sum, $483,358 has been allocated to Pittsburgh and Allegheny County for the alternatives training program and the laid off worker retraining assistance program. Another $155,000 is in process at the Pennsylvania Department Of Labor industry to fund a light rail car assembly project to retrain laid-off Blaw Knox Company employees in the manufacturing of the light rail vehicles that the port authority will use in its subway system.

Utilizing the strategies outlined by Mr. Anderson, the private industry council and its partners intend to aggressively promote the concept of retraining for laid-off workers.

Success in achieving the goals of this effort require:

(1) Worker willingness to participate,

(2) Availability of employment opportunities that meet minimal worker aspirations and needs,

(3) Harnessing, by the private industry council and its partners, of local resources to provide quality education and training matched to employment opportunities, and

(4) Commitment of Federal and State resources to the funding of the overall effort.

TESTIMONY BY MR. DAVID MITCHELL

Good morning, Senator Specter and distinguished panel members hearing testimony relating to Bill S718. My name is David Mitchell. I am president of Tri-State Plastics, Inc., a small company specializing in vacuum forming and fabrication of plastic products. I am here this morning in my role as president of Smaller Manufacturers Council (SMC), an association of 1550 small businesses mostly located in the greater Pittsburgh area. SMC is influential at the state and national levels as well through coalitions with other small business groups. My remarks will be brief and serve two purposes: First to describe the role that SMC and other similar organizations serve in helping our members and the community at large; and second to introduce the presi-

dents of two SMC member firms who are very involved in high technology.

Small entrepreneurs continue to lead the way by providing most of the innovative product and process research and development. Small companies are created from this process. Big companies grow from small beginnings. According to a 1979 study by David Birch of MIT, small business generated all of the net new jobs in the Northeast during the period from 1969 through 1976. Our observations locally would indicate that is still true today. Emerging new small businesses and growth of our existing small businesses, largely as a result of applying new technology and high technology seems the best hope to absorb the large numbers of workers displaced from many of our basic industries such as steel making.

SMC is a benefits oriented association which provides direct benefits to its members in exchange for their dues. One of these benefits is educational meetings and seminars. SMC helps its members become aware of new technology which can help them improve their products and services or develop new ones. Government assistance programs and aid available from big businesses or universities are constantly exposed to our full membership to encourage their growth.

Another SMC benefit to its members is communication and problem solving opportunities which assist those small entrepreneurs with the new ideas to develop their new businesses in a sound way to maximize their chances of success. We provide guidance to help find answers to financial, legal, management, labor, and other problems facing the emerging and growing small business.

A new benefit program SMC is developing this year for its members is a computer network which will link small businesses together. It will use the computer as a modern communication tool to permit rapid exchange of information, great computation capability, and access to high technology data banks as well as purchasing and marketing opportunities.

Still another SMC member benefit program is our government relations activity. Our members learn of legislation proposed or enacted at local, state, and national levels. Our members are educated in the political process and encouraged to participate. The appearance here today of three members of SMC is a good example of this program in action.

I have observed that there are programs which train unemployed workers to become qualified for new jobs, only to find frustration and waste of the time and expense when enough of those new jobs are not available. It has been my experience that small businesses will find ways to train their new employees to fit if we can help our small businesses to emerge and grow to produce those jobs. Of course we need to insure that adequate formal education is provided as a base in our education system, but the demand for specific job training should come from the growing and changing businesses.

I would like to now introduce two presidents of SMC member firms to present their remarks. Dr. Thomas Maloney is president of Panelvision, Inc. He will speak next, and will be followed by Harold Hall, president of Hall Industries.

David Mitchell is President of Tri-State Plastics, Inc., a small plastic manufacturing company located in Glenwillard, Pennsylvania.

Mr. Mitchell is serving as the 1983-1984 President of the Smaller Manufacturers Council (SMC). SMC is an association of more than 1,500 small businesses in the Greater Pittsburgh area.

He also serves as Chairman of the Crescent Township Planning Commission, Vice Chairman of the Crescent-South Heights Municipal Authority, and as a Director of Junior Achievement of Southwestern Pennsylvania.

Mr. Mitchell is a graduate of the University of Pittsburgh and served in the U.S. Air Force.

TESTIMONY OF THOMAS C. MALONEY

I would like to thank you, Senator Specter, for the opportunity to testify on this proposed legislation. I have worked in a high-tech industry—the electron device industry—for my entire career, 32 years, and so I feel I have some insights that may be of value in considering both the specifics of this bill and the larger question which, I suspect, prompts this legislation, namely, the massive dislocation of workers from our so-called traditional manufacturing industries.

I want to start my testimony with the identification of what I see as a dangerous trend in America industry: a reluctance to invest in capital intensive product and process improvements.

I probably do not have to explain the reasons for this reluctance: Economic uncertainty; availability of higher rates of return on alternate investment opportunities; the one world view of many multi-national companies; the pressure of the need for short term results; labor unrest/contract problems; and lack of sheer guts.

It is this dangerous trend which is turning the United States from a manufacturing-intensive economy to a service oriented one that feeds on itself. I believe that this trend must be reversed if the United States is to maintain its technological and economic leadership of the world.

This trend has been most obvious in the auto and steel industries where the failure to embrace "high tech" solutions has resulted in a transfer of leadership in those industries to Japan and the developing countries. What makes it particularly ironic in the case of the developing countries is the fact that the financing of this technology transfer has been achieved primarily through United States banking institutions with the encouragement of our government. I am not questioning the wisdom of that policy; I approve it. What I am criticizing is the failure of the United States government and the banking industry to provide the same kind of encouragement to the "developing industries" here in this country.

While I am sure this reluctance to invest in capital intensive process and product improvements is true of many industries, I can only speak with authority with respect to the industry of which my company is a part—the display industry.

When I talk of display, I am referring to electronic display, to video, radar, computer, instrumentation, aircraft, dashboard and other types of displays which represent the single most important interface between man and machine. The most visible electronic display that is pervasive throughout our world and familiar to all of us, is the Cathode-Ray-Tube, the CRT, the display used in our TV receivers at home and our computer terminals at work.

I have seen the leadership in the CRT industry move inexorably to the Orient. This movement started initially, because of lower wage scales but as the manufacture of CRT's became more mechanized, Japanese companies have preserved their preeminence by large investments in automation. A few years ago, Zenith developed a new design for CRT's, a design that would result in substantially lower manufacturing cost but when they attempted to obtain the cooperation of other United States TV manufacturers in specifying this new standard and committing to its use, thereby justifying the capital spending needed to implement the concept, they met a brick wall and the concept was scrapped. I cannot judge the wisdom of their individual business decisions, but I do view that particular situation as typical of what occurs internally, in many U.S. companies.

About fifteen years ago, as digital logic became the basis for most electronic system design, it became evident that eventually, the CRT should be replaced by a digital type display. The CRT's bulk, weight and power dissipation were not appropriate to the miniaturized systems that were possible with the semiconductor technology being developed at that time. American companies initiated a broad range of investigations and flat panel display technology that resulted in significant breakthroughs. In the late 1960's and early 1970's, several new flat panel display technologies were demonstrated including plasma, liquid crystal, vacuum fluorescent and thin electroluminescence.

A number of major U.S. companies including Owens Illinois, IBM, Burroughs, Westinghouse, Hewlett Packard, Texas Instruments, NCR, General Electric and others, invested in those new technologies. Over the years, most of them have withdrawn from the display industry citing the capital investment necessary to make their specific technologies cost effective. They have left the field in the United States to smaller companies who have found small niches in the market place.

On the other hand, Japanese companies have taken these display innovations, developed primarily in the United States, and continued to invest product development and capital equipment funds in improving them and making them cost effective. The result has been that Japan has become the major supplier for electronic displays.

Panelvision is seeking to reverse that situation. The technology that we are commercializing; we call it large scale display integration; was pioneered at Westinghouse R&D Center in the early 1970's. When Westinghouse decided to get out of the color tube business, they also decided to discontinue research in display technology. Because of its extraordinary versatility and its potential for very low manufacturing cost, Peter Brody, who managed the program at Westinghouse, went out to the venture capital community, and with the cooperation of Westinghouse, started Panelvision. In the past three years, the venture capital community has invested over 9 million dollars in our company. With these funds we have developed a product and embarked on pilot production. Over the next eighteen months we expect the investment community to further support our program and permit us to move into large scale production.

In the meantime, we know that many Japanese companies, recognizing the power of our technology, have undertaken research in this field and have committed to its development. If Panelvision fails to secure the level of funds it needs to move into produc-

tion, this technology will also move to the Orient.

While I am confident that Panelvision will raise the necessary funds, I suspect it will not be with the assistance of the banking industry which finds it nearly impossible to invest funds in an untried technology.

What I believe we need is a semipublic institution that will support fledgling companies who are developing new technologies. I am not suggesting that this institution support the 256th microcomputer company which has relatively modest capital needs in any case. But a company which has been able to attract the support of an initial investor, which has a technology that can contribute to our continued U.S. technological leadership, that has the potential for generating new jobs, should be supported.

The actual mechanism for investing these funds could be one or more of several approaches; direct equity investment, direct loans or perhaps most preferred, guaranteed loans specifically to finance capital equipment.

I believe that if such an institution could be established, we will see, over the next 10 years, an enormous growth, not in new companies, but new industries that will recover for America, her technological leadership of the world.

THOMAS C. MALONEY

Mr. T.C. Maloney received a B.E.E. degree from Manhattan College in 1951 and did post-graduate study at Columbia University and Case Institute. From 1962 to 1982 he was employed by Burroughs Corporation where he held various management positions including Engineering Activity Manager for their Electronic Components Division. He has been issued 15 patents in the area of display technology. Mr. Maloney joined Panelvision in January 1982 and serves as President and Chief Operating Officer of the company.

TESTIMONY OF HAROLD HALL BEFORE THE HEARING ON SENATE BILL 718

Members of the Hearing: The last two years of severe readjustment of America's basic industrial economy has forced our attention on the problems that face us. Two, that I shall note, industrial America must learn to live with earnest world wide competition and that we can no longer simply pump out heavy production, neglecting advanced technology methods, quality consideration, and cost effectiveness. The market place, with a choice, will eliminate the unproductive sources by discriminate purchasing. The very effort to limit the importation of Japanese vehicles is a pitiful admission on America's part that we have failed to qualify our products for the competitive industrial economic race. We can not hide our inefficiencies behind a legislative protective screen for any extended time.

There must be a cooperative effort among the segments of our total society to arrive at balanced adjustments so that long term solutions can be accomplished. Management, capital sources, labour, the educational sector and all levels of government organizations must become aware of the problems and even more the absolute need of a cooperative effort in these matters.

Industrial America's experience has not been based on a successful cooperative relation between these segments; but rather on a very awkward adversary, unbending battle ground of distrust.

It is admirable that thought process has brought forth the possibility that the Congress would support a Commission to concern itself with High Technology and Employment.

(Quote from Press May 17, 1983):

"A business and higher education coalition has called on President Reagan to develop a national consensus that will make industrial competitiveness a priority.

"The 16-member task force which drew up the report was led by Wesley Posvar, chancellor of the University of Pittsburgh; Richard Cyert, president of Carnegie-Mellon University, and Robert Anderson, chairman of the board and chief executive officer of Rockwell International Corp.

"'Unless the United States improves its ability to compete, unless we develop a comprehensive, coherent, long-term approach, and unless we address our problems from a broad perspective, we fear that domestic economic revitalization will remain an elusive goal,' the panel wrote the president.

"'And unless we rebuild the American economy and strengthen our *educational system*, it will be increasingly difficult—if not impossible to maintain a just society, a high standard of living for all Americans and a strong national defense.'

"The task force fears the nation is losing its competitive edge and urged business, education, labor and government to work together on the problem."

(End of Quote).

This consensus could set the stage for the basis of the commission. There has been evidence that the labour sector is willing, when confident that they are included in the decision process to moderate immediate demands in turn for long term benefits, particularly if a way can be found to share in profitable results of a cooperative effort.

Our government has the responsibility to balance our industrial effort against the various international complexities of trade barriers, unrealistic financial support of what in many cases are foreign governments themselves operating as industrial activities. Our government must be careful not to burden industrial effort with heavy handed regulations that impede activity.

The educational community can be further encouraged to share their research with industry; and that their training programs at all levels from elementary to graduate college be in tune with the potential employment. I note that education needs to include basic thought development and wide horizons because with rapid changes in technology, positive to continue; there will be need for continuous education of our society. The educational system needs to adopt a commitment for excellence for its teaching and student population. This is where it starts; without society's attitudes changing it will continue to be difficult for industry to accomplish the required change in productive quality. Quality breeds productivity and as productivity improves, so does profitability. The Japanese, as reported have found that by "doing it right the first time" they don't waste resources fixing or doing it over.

The educational improvement must be included for management as well as the production workers. More important is the requirement for excellence in performance. Even more important is that future management have a broad understanding of human motivation and real human values and concerns.

The capital base must be expanded to encourage the industrial revitalization. Profitability must be obtained if capital is to be willing to be invested in ungrading existing or starting new technology ventures.

It is obvious that all efforts on a national basis can be aided by a centralized commission to coordinate and support individual initiative to improve our industrial contribution to a world wide commercial market place. For American employment to reach a satisfactory level of our people, we must not only compete; but with innovation offer to the world markets the materials and food stuffs that are in great need. It is a heavy responsibility that the Congress address these matters. It appears very logical that it will be very correct to have established a Commission on High (New or Innovative Old) Technology and Employment Potential as proposed Senate Bill S-718.

HAROLD HALL

Mr. Harold Hall is President of Hall Industries, a company with six facilities in Western Pennsylvania which involves electro-mechanics.

In addition to his busy professional life, Mr. Hall serves as a board member of Penn-Tap, the Smaller Manufacturers Council of the Pittsburgh region, and the St. Clair Memorial Hospital.

He also serves on the advisory council for robotics training for the Community College of Allegheny County.

Mr. Hall is a graduate of Carnegie-Mellon University and a former pilot in the U.S. Air Force, now in the Air Force Reserves.

TESTIMONY OF DAVID GLAVIN, VICE PRESIDENT OF ALLEGHENY COUNTY LABOR COUNCIL AT HEARING ON S. 718

My name is David Glavin, and I am the Vice President of the Allegheny County Labor Council. In going over your Bill, S. 718, there are several aspects which labor is very supportive of, in addition to supporting the entire bill. Being a Service Employee Union member, I would like to suggest that, because of the high number of people going into service as a result of the lack of jobs in the traditional manufacturing industries, you include the service industry in your bill. With the transfer of emphasis from traditional manufacturing to service oriented professions, I can foresee vast increases in the number of service employees nationwide. The number of people going into service because of the lack of jobs in other industries is the thing of the future, and because of high tech and retraining and reeducating, many of these employees will be funneled into the service industries.

TESTIMONY OF HOWARD J. MAGEE, JR., PRESIDENT, USWA No. 1138

As coordinator of the Steelworkers Unemployed Charitable Trust for the Alle-Kiski Valley, I have had two years of experience in working with the unemployed on a full-time basis. I have seen the worker and his family go from secure lifestyles to lives of uncertainty. For many of them, paychecks and grocery stores have been replaced by unemployment checks and food banks.

I am not here today to oppose Senate bill 718. The need for retraining of the majority of those employed in traditional manufacturing industries cannot and should not be disputed. A recent Valley News Dispatch article emphasizes the decline in employment by these industries in the Alle-Kiski Valley and the need for retraining.

In consideration of S. 718, I feel that there is one portion of the unemployed work force that should receive particular attention—namely the worker who is fifty-five years of age with thirty years of service and

who is not yet eligible for pension or social security benefits.

There is no doubt in my mind that today's younger workers are capable of and willing to retrain themselves in the field of high technology. Highly-trained skilled workers such as Mr. Hoover, who has used his period of unemployment to further improve his skills to work in the factories of the future, can offer many years of service to a potential employer.

The worker who is fifty-five years old is not on the same timetable. He does not have the luxury or time to complete a complex training program. Nor can he offer a potential employer a substantial number of years of service. He is a member of a hard-working group of people who should not be bypassed by the growth of the high technology industries. Something must be done to reemploy these workers as soon as possible so that the remaining years of service they have can be utilized most effectively.

Basically, we are faced with two distinct types of unemployed workers. There is the worker who it is feasible for all parties concerned to retrain in the area of high technology and there is the worker who is concerned with making a decent living for the remaining five to ten years of his working life.

It is my hope that when the issue of retraining is considered by you and your colleagues, that the proper consideration is given to the two district groups of workers which I have briefly described for you today.

RAYMOND DONOVAN

Mr. HATCH. Mr. President, more often than is otherwise the case, Congress sees more than a thousand nominations processed by the Committee on Labor and Human Resources. Usually our nomination and confirmation process runs smoothly, marked by cooperation on both sides of the aisle. The administration gets the woman or man the President nominates for a particular post, and the Senate assures itself and the American public that the nominated official holds the capability to perform valuable public service in an honorable manner. For the most part, this process of "advise and consent" has worn well since 1789.

The congressional nominations processes, and for that matter the workings of Congress as a whole, are periodically criticized for taking too much time. Ironically, to the degree the charge is accurate, that is its strength. It is the beauty of our system, as devised by the Founding Fathers, that the legislative branch institutionalize deliberation and the grace of time. It is meant to increase the likelihood that our legislative decisions be wise decisions. As all of this relates to our investigations process, haste is the perennial impediment to assuring that an investigation or nomination be conducted properly and concluded justly.

The history of the nomination of our current Secretary of Labor, Mr. Raymod Donovan, is a history with which all Senators should be familiar, for the things it teaches us about the pitfalls of the process. Much has been written about the possibility that the Senate might confirm a nominee who should not be confirmed, for any number of reasons we can all imagine. Less has been written about the possibility that the process itself can inadvertently go awry, to the detriment of the nominee in question.

The Bergen, N.J., Record, in a series of three articles published on the 23d, 24th, and 25th of October, put together a history of the nomination process of Secretary Donovan that I encourage my colleagues to read. Together with the unprecedented report our committee filed on the nomination prior to final Senate action, the report supplement, and the report filed just last April on the role of the Federal Bureau of Investigation in the consideration of this particular nomination, my colleagues will find much to suggest that we need to think collectively about ways to improve parts of the process. The three committee reports are already part of the public record. I offer for the public record now the series of articles written by Mr. John Kolesar for the Bergen Record.

Students of civics and political science are often told that one of the distinguishing features of our Government, of the Government of the United States, is that it is a Government of laws and not of men. Without taking issue with the textbooks, I think we can additionally say that our laws are administered by men and women, whom as public officials are charged with discretion broad enough that they have a very real impact on how our laws are administered. It is therefore essential that we strive for the best qualified men and women for these public offices. It is essential that we carefully fullfill our role of advising the President when consenting to the President's choice. It is my hope that few nominees in the future will need to undergo the intense scrutiny that the nomination of Mr. Donovan received, and it is my fervent hope that none need the post-confirmation scrutiny that Mr. Donovan received. Our careful deliberation should be to insure that no future cabinet official or any other ranking official will endure the stress and tribulation our current Secretary of Labor has endured while in office.

As I have personally related to Ray Donovan during earlier occasions, I believe that his courage, dignity, and good humor during the time he had to run through the investigations gauntlet are exemplary. To the degree that the popular American author, Tom Wolfe, knows Secretary Donovan, he might also write that Ray Donovan is one of those citizens in public life who has "the right stuff."

I ask unanimous consent for the full text of the Bergen Record articles to appear in the CONGRESSIONAL RECORD.

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

[From the Sunday (N.J.) Record, Oct. 23, 1983]

THE TALES OF TWO WITNESSES: BELABORING A SECRETARY OF LABOR

[Behind the Donovan Affair]

(By John Kolesar)

When Raymond J. Donovan of Short Hills was nominated to be U.S. secretary of labor, all that was generally known about him was that he was a self-made millionaire in the construction business, a devout, conservative Roman Catholic with a wife and three children, and one hell of a fund-raiser for Ronald Reagan.

Following the nomination, some three dozen people came forward with other information. They said that Donovan was a friend of gangsters; that the firm of which he was executive vice-president, the Schiavone Construction Company of Secaucus, was "mobbed up"; that he had made payoffs to buy labor peace, that he had rigged bids on public projects. They said other things, too.

Over a period of 20 months, these charges were investigated by agents of the Federal Bureau of Investigation and a special prosecutor's staff. Hundreds of witnesses were questioned—Mafia chieftains, labor officials, Schiavone Construction executives, paid informants, public officials, waiters, waitresses, and construction workers. Wiretaps transcripts were studied. FBI files were checked and rechecked. Government accountants went through several hundred thousand of Schiavone Construction's checks and bills.

The investigation established that Donovan was a self-made millionaire in the construction business, a devout, conservative Roman Catholic with a wife and three children, and one hell of fund-raiser for Ronald Reagan.

As the allegations of wrongdoing, there was, in the words of Special Prosecutor Leon Silverman, "insufficient credible evidence" to prove Donovan had done anything illegal.

Very strange. How could there be so much smoke and no fire?

There are two possible conclusions: 1. We have a secretary of labor who lied about mob associations and got away with it, or 2. A lot of other people lied about Donovan and Schiavone Construction, and by doing so, dragged their names through the mud.

What difference does it make now?

If Donovan lied and got away with it, it means our national labor programs are in the hands of a man who hid ties to organized crime and crooked labor union leaders. It means the FBI and the special prosecutor either engaged in a colossal cover-up or were colossally incompetent.

If the witnesses who testified against Donovan were lying, it means that some of them committed the crime of impeding a federal investigation and possibly perjured themselves. It means that persons affiliated with the Senate Labor Committee, and possibly the FBI, leaked unsupported, false allegations, which were then broadcast widely by the mass media. It means that Donovan and his friends and associates were given a public keelhauling for no good reason.

The Donovan affair still has many loose ends. Three criminal trials stemming from the investigation have yet to be held. Ronald Schiavone, the chairman of Donovan's old company, has filed seven libel and

slander suits against witnesses and several news organizations. The Senate Labor Committee is angry at the FBI and wants legislation enacted that will require the submission of more extensive information on presidential nominees. Donovan will probably have to testify in some of the court proceedings.

Legally, Donovan has been cleared. Neither the FBI nor Silverman could find enough evidence to file a single charge against him. But neither has used the word "cleared" when discussing Donovan.

"There is no such thing really as an FBI clearance, or a clean bill of health," Francis M. Mullen Jr., executive assistant FBI director, told the Senate Labor Committee at Donovan's confirmation hearing in January 1981. "We can only furnish the investigative results, which in this case were favorable to Mr. Donovan."

When Silverman issued his final report on Donovan on Sept. 13, 1982, he repeated a remark he had made before, that he was disturbed at the large number of allegations, "albeit unproved." The remark was ambiguous; it could have been meant as a criticism of either Donovan's accusers or the people who made him secretary of labor. Silverman declined The Record's request to clarify the remark or to be interviewed for this series of articles.

Silverman's comment has left some people with the impression that the investigations ended short of a complete answer.

For example, Edward J. Barnes, a freelance investigative reporter who helped unearth one of the witnesses who testified against Donovan, told a television interviewer 14 months ago that Silverman's investigation had been too narrow and had left leads unexplored.

Mario Montuoro, the witness whom Barnes helped to unearth, goes further. He is being sued for slander by Ronald Schiavone, and at a pretrial deposition hearing for that suit in July, Montuoro slipped in his opinion of the Silverman investigation: ". . . He did the job he was supposed to do. . . . Another guy that talked with two tongues." In other words, a cover-up.

How much validity is there to the notion that the allegations against Donovan were true, albeit unproved? Of the dozens of accusers, two, in particular, are central to the Donovan affair—Ralph Picardo and Mario Montuoro. Their accusations are worth a detailed look.

On Jan. 13, 1981, the day after Donovan had testified uneventfully at the Senate Labor Committee's first hearing on his nomination, Special Agent John Marshal Hersh of the Newark FBI office was sounding out some of his old informants in organized crime to see if they knew anything about Donovan. Ralph Picardo was one of those informants.

Once a minor Teamsters union official from Little Falls, Picardo had decided to talk to the FBI shortly after beginning a sentence for murder conspiracy in New Jersey State Prison in 1975. He became an informant on the doings in Teamsters Local 560 in Union City, then run by Anthony Provenzano. Among other things, Picardo said Provenzano was the man behind the killing of Jimmy Hoffa, the former Teamsters union president who disappeared in 1975.

That allegation was never proven, but, as a protected witness, Picardo helped to convict Provenzano and several colleagues of crimes ranging from murder to racketeering. In return, he was excused from most of his own sentence, which was to run from 17 to 23 years.

According to Senate hearing records and FBI memorandums, Hersh called Picardo on Jan. 13 and asked him what he knew about Schiavone Construction. Picardo said he had collected payoffs in 1967 or 1968 from a Schiavone executive he knew only as "Ray."

The payoffs were supposedly made to ensure labor peace and went to Salvatore Briguglio, a Local 560 business agent who was shot to death in Manhattan in 1978. Hersh asked Picardo to look at a picture of Donovan that was on the first page of that day's New York Times. Picardo did and said he recognized Donovan as "Ray."

According to Hersh's report, Picardo said he had been to the Schiavone Construction office in Secaucus on 15 or 20 occasions to collect payoffs from "Ray," who had an office of his own and appeared to be an executive. Picardo said he left copies of fake invoices in exchange for the checks.

He said he gave the checks to Al Checci, the man who ran the trucking company for which Picardo worked, and that Checci cashed them and gave the money to Briguglio. He said that Checci, too, had since died. Picardo and Donovan thus seemed to be the sole surviving principals in these transactions.

Picardo's story was hot stuff. Briguglio had been considered a very tough member of the mob. Picardo was rushed to Washington, D.C., and repeated his allegations at FBI headquarters and then again a year later to Silverman.

As Picardo told his story each time, it evolved and changed. In the last version, given to Silverman in March 1982, the payments were supposedly made in 1965. Checci now played no part in the payoff scheme—at most, he might have arranged one of Picardo's trips to the Schiavone Construction office. There was no longer any mention of Checci's cashing the checks.

It may be significant that, contrary to Picardo's original assertion to Hersh, Checci was not dead. He was alive and well in Oradell, and willing and able to contradict Picardo's story.

Even more significantly, Picardo now said he had made only three trips to the Schiavone Construction office, and that he saw Donovan on only one of those visits: "Ray" was waiting in the reception area, they exchanged envelopes, and he left, Picardo said. Yet Picardo, 16 years later, said he was able to recognize the newspaper photograph of a man he now admitted to having met in only one brief encounter.

Picardo's earlier descriptions of "Ray's" office had also come to sound peculiar; according to his final version, he had never gone beyond Schiavone Construction's reception area on any of his three trips.

Picardo said Briguglio had told him about other payoffs from Schiavone Construction that were purportedly made with checks in payment for phony bills. Presumably, this unusual payment method was used to create a legitimate-looking paper trail. But the FBI and Silverman said they could find no trace of such a trail, legitimate or illegitmate.

Picardo first made his allegations in secret to the FBI and then repeated them with two staff members of the Senate Labor Committee present. The committee postponed its vote on Donovan's nomination for two weeks. The allegations quickly leaked out in stories one newspaper attributed to "Democratic sources." Donovan denounced the accusations as "scurrilous and untrue."

The committee held a second hearing on Donovan's nomination on Jan. 27, 1981. Picardo was in Washington, D.C., that day, with Hersh acting as his bodyguard, but neither of them testified. Picardo declined, and Hersh was apparently never asked. Nevertheless, Picardo's allegations were the highlight of the proceedings.

"I believe that Mr. Picardo believes that what he is telling us is the truth," testified Anthony Adamski, chief of the FBI's special inquiry unit.

Committee Chairman Orrin Hatch, R-Utah, asked Mullen, the FBI's executive assistant director, ". . . Would you not agree that Picardo is probably sincerely mistaken?"

"There is the possibility that he is mistaken," Mullen replied.

Sen. Thomas Eagleton, D-Mo., would have none of that. "If we want to play this game, there is a possibility that he is not mistaken," he said.

Sen. Edward Kennedy, the committee's ranking minority member, asked Donovan if he could explain why people would make such serious accusations against him.

Donovan, shedding the somewhat unctuous tone he had employed in his first hearing, snapped, "I am in the construction business, senator. You people are in public life. You ask me about unfounded, scurrilous, groundless allegations, I ask you, gentlemen, before answering that question, Have any ever been made against you that were groundless, scurrilous, from a murdering slime? I will tell you why, or why I think so. And I think you know the reason, Senator Kennedy, because I think you used the term 'New Jersey Syndrome.' "

Donovan gave his definition of the syndrome. ". . . If you are in the contracting business, it seems in this country you are suspect. If you are in the contracting business in New Jersey, you are indictable. If you are in the contracting business in New Jersey and you are Italian, you are convicted."

Eagleton pressed Donovan harder. Donovan obviously getting angrier by the minute, said: ". . . I believe he [Picardo] is a pathological liar . . . In past cases where he has testified there were witnesses, I am assured by my attorney, who called him a wacko, off the wall, full of ——, okay?"

Donovan was confirmed by the Senate on Feb. 3, 1981. The vote was 80-17, with Kennedy leading a band of Democrats in opposition.

In March of this year, Ronald Schiavone and his construction company sued Picardo for slander. However, they had a problem serving Picardo with a copy of the suit. The federal protected witness program had given him a secret new identity and address.

Donovan's confirmation did not dispel the cloud hanging over him. Kennedy and other Democrats began to voice doubts about the thoroughness of the FBI investigation. The FBI had been given little time to investigate; it took shortcuts and made some mistakes. It overlooked some leads that lay waiting, like unexploded land mines, to be tripped by some investigator or reporter.

Only five days after Donovan was confirmed, the first mine was set off by investigative reporter Bruce Locklin of The Record. Without use of tips or leaks, Locklin, in checking Picardo's allegations, uncovered information that showed errors and omissions in the FBI's investigation. The new information didn't corroborate Picardo's main allegation, but it shook confidence

in the FBI's work. The Senate Labor Committee reopened its investigation.

The next land mine was tripped by Mario Montuoro. He had been secretary-treasurer of Local 29 of the Blasters union in New York until he was ousted by Louis Sanzo, president of the local, in 1978. Montuoro has fought Sanzo ever since, testifying against him in a trial in 1981 in which Sanzo was convicted of conspiracy and tax evasion. The judge in that case ruled that Sanzo was involved in organized crime.

As an outspoken whistle-blower, Montuoro was interviewed occasionally by Barnes, the free-lance reporter, who was writing magazine articles on labor racketeering. During one of those interviews, Barnes said later, Montuoro told him that Schiavone Construction had made a $2,000 payoff to Sanzo during a lunch at Prudenti's restaurant in Long Island City in 1977.

Montuoro said there were four Schiavone Construction executives at that lunch, including Donovan and Ronald Schiavone. According to Silverman's report, Barnes said he heard the allegation a few weeks after Reagan was elected president in November 1980, but before Donovan was nominated.

Barnes became an investigator for the New York State Commission of Investigation at the beginning of 1981, and the SCI embarked on an investigation of a $500-million New York City subway tunnel project. The chief contractor on the project was Schiavone Construction.

Barnes and SCI investigator Michael Moroney checked with James D. Harmon Jr., the assistant attorney-in-charge of the Brooklyn Organized Crime Strike Force, which had handled most of the Abacam prosecutions. Harmon was getting ready to prosecute Sanzo at the time. He told Barnes and Moroney that Montuoro, in 1979, had told him of the 1977 lunch at Prudenti's. He said he didn't need the allegation for his prosecution, and he asked both men to stay away from Montuoro until Sanzo's trial was over.

Barnes and Moroney held their peace for five months, until the chairman of the SCI was ousted. Barnes said this action made them fearful that the subway tunnel investigation would be aborted, and that as a result they went to the Senate Labor Committee and revealed Montuoro's allegation to Walter Sheridan, the Democrats' investigator on the committee staff. Sheridan was a former FBI man, a prize-winning investigative TV producer, and the head of Robert F. Kennedy's "Get-Hoffa Squad" in the early Sixties. Sheridan relayed the allegation to federal prosecutor Thomas Puccio, the head of the Brooklyn strike force.

When Puccio learned of the accusation in September 1981, he arranged for Montuoro to be questioned by Harmon. The questioning lasted 30 minutes. Harmon drafted a memorandum that Puccio signed and sent to the U.S. Attorney-General's office in Washington, D.C., two months later.

The memorandum outlined Montuoro's allegation, but it made a serious error. It said Montuoro had alleged that it was Donovan who had handed over the payoff envelope. The mistake was corrected; it was now alleged that another Schiavone Construction executive had handed over the envelope. The memorandum recommended that a special prosecutor's investigation be initiated under Harmon's direction.

Montuoro repeated his story to the FBI and to Justice Department lawyers. His allegation, having reached Washington, D.C., was quickly leaked. Montuoro repeated what he had to say to reporters for The New York Times and The Washington Post. The Donovan affair, which had lapsed into oblivion, took on new life.

On Dec. 29, 1981, not quite 11 months after Donovan took office, a special prosecutor was appointed under one of the laws growing out of the Watergate investigations. But Harmon was passed over for the assignment. It went instead to Silverman, a former assistant U.S. Attorney General who was now a partner in a large New York law firm.

Silverman investigated not only Montuoro's allegations, but some 80 others. He issued a three-volume report of more than 1,000 pages in June 1982 (only an abridged version was made public; some allegations and evidence were deleted, along with all grand jury testimony). Almost a third of the report dealt with Montuoro.

Silverman said he found "no evidence" (a stronger term than his usual "insufficient credible evidence" phrase) that the Prudenti's lunch described by Montuoro ever took place.

As might be expected, the five others who were supposed to have been at the lunch had issued denials. Donovan called Montuoro "a damnable and contemptible liar." He said he had never met Montuoro or been in Prudenti's.

Montuoro said two men he knew had spotted him in Prudenti's on the day of the alleged payoff, but both of them failed to support Montuoro's story. A bartender, waitresses, and three owners of the restaurant all provided no corroboration. No credit card charges or other documentary evidence could be found. Montuoro made various guesses as to the date of the luncheon, none of which checked out, and his description of the restaurant interior did not jibe with reality.

Montuoro made some other allegations about Schiavone Construction, but they did not involve Donovan. Silverman found substance to one of them—that there had been four no-show employees on Schiavone Construction's payroll on the subway project. Silverman referred that charge to the Brooklyn strike force, and Sanzo and another official of his union were indicted on perjury charges as a result. They are scheduled to go on trial shortly.

Montuoro struck it rich during the height of the Donovan affair. He won $2.5 million in the New York State Lottery in May 1982 and has moved from the Bronx to Fairfield, Conn. Ronald Schiavone and two of the other executives of his company are seeking precisely $2.5 million in a suit charging Montuoro and five John Does with conspiring to slander them.

Since filing his suit, Schiavone has identified two of the John Does—Thomas Puccio and James D. Harmon Jr. If the others are ever identified they are likely to be Sheridan, Barnes, and Moroney.

Montuoro still insists that the Prudenti's lunch happened as he described it. In questioning for a pretrial deposition in the slander suit in July, he repeated his allegation once more. But his testimony offered indications that his memory of events may be contradicted again. He said he was questioned by Puccio, Harmon, and FBI agents about Donovan at the end of the first Sanzo trial, in June 1981. That is three months before Puccio learned of the Prudenti's restaurant allegation, according to the Silverman report.

Montuoro seemed to be describing a Dec. 3, 1981 session, which occurred at the end of another trial. During the session, Montuoro said, an FBI agent asked him if it wasn't Donovan who handed over the envelope to Sanzo. "I said, no, it wasn't Donovan. I told him if that's what you want me to say, forget it."

On Dec. 4, Harmon sent his correction to Washington, D.C., stating that Montuoro had not said that Donovan handed over the envelope. If Montuoro is correct in his insistence that this session took place in June 1981, the entire account of how the Montuoro allegation surfaced, as told by Barnes, Sheridan, Puccio, and Harmon, is incorrect. If Montuoro is wrong, his memory is playing tricks on him, maybe not for the first time.

CAST OF CHARACTERS

Anthony Adamski—chief of the FBI's special inquiry unit, which checks the background of presidential appointees.

Edward J. Barnes—free-lance investigative reporter and former investigator for the New York State Commission of Investigation.

Salvatore Briguglio—business agent for Teamsters Local 560 who was murdered on a Manhattan street in 1978.

Al Checci—Oradell resident who owned a small trucking company in the 1960's and later went to jail for making bootleg audio tapes.

James D. Harmon Jr.—assistant attorney-in-charge of the Brooklyn Organized Crime Strike Force.

John Marshal Hersh—FBI agent in the Newark bureau who specialized in investigations of Teamsters Local 560 in Union City.

Mario Montuoro—former secretary-treasurer of Local 29 of the Blasters union in New York and a source of allegations against Donovan.

Michael Moroney—investigator for the New York State Commission of Investigation.

Francis M. Mullen Jr.—Executive assistant FBI director and the official in charge of the first Donovan investigation.

Ralph Picardo—former minor Teamsters official from Little Falls who became a government informant and a source of allegations against Donovan.

Thomas Puccio—federal prosecutor in charge of the Brooklyn Organized Crime Strike Force.

Louis Sanzo—president of Local 29 of the Blasters union in New York.

Ronald Schiavone—chairman of the Secaucus construction company in which Donovan was a major stockholder and executive vice-president.

Walter Sheridan—investigator for the Democratic minority of the U.S. Senate Labor Committee.

Leon Silverman—New York lawyer who was appointed special prosecutor to conduct the second investigation of the allegations against Donovan.

[From the Sunday (N.J.) Record, Oct. 24, 1983]

THE INFORMANT WHO LOST HIS CREDIBILITY

(By John Kolesar)

The most mysterious and, in some ways, the most sensational of Raymond J. Donovan's accusers was Michael Klepfer, who is due to stand trial shortly because of what he said about the man who is not the U.S. secretary of labor.

When Donovan was being considered for President Reagan's cabinet in January 1981, a stream of informants began to come forward with charges that the Short Hills resi-

dent was a friend of mobsters and that the firm of which he was executive vice president, the Schiavone Construction Company of Secaucus, had engaged in bid-rigging and labor union payoffs.

One of those informants was Michael Klepfer, a well-to-do 43-year-old trucking executive from Binghamton, N.Y., who had once served for two years as a New York State Police trooper. FBI records indicate he had a curious, and possibly dangerous involvement with organized crime.

Klepfer is the chairman of the Canny Trucking Company of Binghamton and Secaucus. A Justice Department report in 1979 said Canny Trucking was then run by Klepfer's father, Ellis, and that in 1976 it had made a payoff to Salvatore Briguglio, a business agent for Teamsters Union Local 560 in Union City.

The report said the payoff took the form of a no-show job for a man who was actually building a house for Briguglio in Connecticut.

Klepfer was also an undercover FBI informant, according to a memo written by Agent John Marshal Hersh of the Newark office of the FBI one day before Donovan was confirmed as secretary of labor. The memo said that Klepfer had "furnished reliable information to the FBI over a period of six years, all of which has always been found to be highly credible."

But in September 1982, when Special Prosecutor Leon Silverman issued his final report on his investigation of Donovan, he said all of the allegations Klepfer had made against the secretary of labor were admitted fabrications. Earlier this year, the Justice Department indicted its former "highly credible" informant on charges that he lied to FBI agents.

Klepfer first made his allegations on Jan. 21, 1981, about a week after another informant, Ralph Picardo, had made his sensational accusation that he had been Briguglio's bagman in collecting illegal payoffs from Donovan in the mid-Sixties.

According to FBI and Senate Labor Committee records, Klepfer gave the FBI information he had purportedly received from Fred Furino of Edgewater, an operator of a small trucking company and an old friend and onetime Teamsters colleague of Briguglio's.

Klepfer said Furino told him that he, Picardo, and Al Checci had all collected payoffs from Donovan, Checci, an Oradell resident who once owned a small trucking company, already had been questioned by the FBI and had denied the payoff story that had been related by Picardo. Furino was questioned the next day. He, too, denied it all. He offered to take a lie detector test, an offer that the FBI didn't pursue at the time.

A WOMAN NAMED "JEANNIE THE REBEL"

In two ensuing telephone conversations with Hersh over the next two weeks, Klepfer described a close relationship between Donovan and Briguglio, who had been murdered on a Manhattan street in 1978. He said they had grown up together and later had gone to restaurants and nightclubs on double dates. One particularly nasty allegation was that Donovan, a married man, had been accompanied on these dates by a woman named "Jeannie the Rebel."

Silverman, who had no evidence that this allegation was a fabrication, investigated it. He uncovered convincing proof that Donovan had never known the woman. "Jeannie the Rebel" was unavailable for comment; she had reportedly run off with a "heist man" in the late Sixties and had not been heard from since.

Klepfer said that Schiavone Construction had provided free building materials for houses built by Briguglio and Anthony Provenzano, who ran Local 560, and that Briguglio had helped Schiavone Construction submit low bids on municipal and state contracts passing on inside information he had received about bids from competing companies.

Very little of what Klepfer told Hersh reached the Senate Labor Committee when it was holding hearings on Donovan's appointment. There was a mix-up among FBI officials, and Hersh's memos on Klepfer were never sent from Newark to Washington, D.C. As a result, Klepfer's allegations were overshadowed by Picardo's during the hearings. But Hersh's memos remained in the Newark FBI files, ticking away like a time bomb.

Donovan was confirmed in February 1981. No evidence was found to support Picardo's allegations, which changed and dwindled each time he told his story. But a new wave of allegations in December 1981 resulted in the appointment of Silverman as a special prosecutor to conduct a new investigation of Donovan.

During their probe in early 1982, Silverman's investigators found Hersh's year-old memos describing the information supplied by Klepfer. The FBI, apparently embarrassed, asked its 59 field offices to check their files and send to headquarters everything they had on Donovan and Schiavone Construction. Five previously undiscovered allegations were submitted.

COMMITTEE PUBLISHES ALLEGATIONS

For some reason, the Senate Labor Committee decided to publish these unchecked allegations in May 1982 in a "supplemental report." Most of the allegations were old, trivial, or plain silly.

One was from a woman in California who saw Donovan on television and called the FBI to complain that she recognized him as the man who, some years back, had allegedly defrauded her in an aluminum siding deal. The FBI file noted, in straight-faced fashion, that the "investigation did not develop any information that Donovan had been employed in any aspect of the aluminum siding business."

But one set of allegations in the supplemental report made headlines—Klepfer's 15-month-old charges, attributed only to a secret informant. Donovan was again tied to Briguglio in allegations that seemed to corroborate Picardo's.

In retrospect, Klepfer's allegations contradicted Picardo's. They even contradicted themselves. If Donovan and Briguglio were such pals, why would they need go-betweens to make payoffs? Why would Schiavone Construction want to buy labor peace from a union local with which it had no contracts? Moreover, Briguglio was not an insider in either the construction business or government contracting.

But none of that was noted at the time. The Senate Committee's supplemental report ignited four months of media attention, stoked by a series of news leaks.

Klepfer repeated his allegations in March 1982 to FBI agents working for Silverman. A week later, Furino was questioned by Silverman. He again denied all of Klepfer's story and said that as far as he knew, Briguglio had never met Donovan. He again volunteered to take a lie detector test. This time he was given one, on April 27, 1982.

The report by the polygraph expert said that in his opinion "Furino has not been truthful in describing his relationship with Raymond Donovan." Furino couldn't understand the finding. In another session with Silverman, on May 5, he insisted he had never met Donovan. Silverman found no evidence that he had.

The FBI had thus far revealed Klepfer's identity to no one. But faced with Furino's denials, Silverman asked the FBI if they could produce the mysterious informant to be questioned by the grand jury. The FBI said the informant feared his name would leak out and that his life would be in danger.

FBI WAS ANGRY AT COMMITTEE

At the time, the FBI was angry that the Senate Labor Committee had published Klepfer's allegations in early May. The committee had withheld the statement that the informant had been working for the FBI for six years. That information became public, however, when a Jack Anderson column on May 11 disclosed the original text of the memorandum from Hersh, the FBI agent.

The information would have been disquieting to someone in the ranks of organized crime who had suspected Klepfer or Furino of being a source of allegations about Donovan, allegations that, to a mobster, may have seemed more amusing than serious. There was nothing amusing, however, about someone who had spied for the FBI for six years.

On June 3, the FBI gave Silverman some disquieting news—Furino had disappeared. Eight days later, his body was found in the trunk of his car in Manhattan. He had been shot in the head. Silverman ordered an investigation to determine if Furino's death was connected with the Donovan affair. Since then, no progress in solving Furino's murder has been made public.

A day or two after Furino's body was found, the FBI said, Klepfer supplied a motive for the killing. Members of organized crime, Klepfer said, were worried that Furino would disclose how Donovan had obtained $20 million from the national headquarters of the Teamsters union, laundered it, and funneled it into Reagan's 1980 presidential campaign.

In return for the money, said Klepfer, Donovan was to recommend pardons for Provenzano and the reputed head of a New York crime family, both of whom were serving long prison terms.

Silverman investigated this allegation, even though it seemed absured on the face of it: Reagan's campaign had received only $21 million in contributions from the entire nation. Dozens of people, including 17 secret FBI informants, were interviewed. Nothing they said made the allegation sound any more sensible.

Still, Klepfer's identity remained a secret known only to the FBI. When Silverman issued his first bulky report on June 28, 1982, it did not deal with the allegation of the laundered campaign money. It did contain 17 of Klepfer's earlier allegations. All had been investigated and given the stamp fo "insufficient credible evidence."

Silverman stayed in business after issuing his June report; more allegations about Donovan had surfaced, and he wanted to finish his probe into the alleged $20-million laundering. Klepfer was questioned again in late July and August by FBI agents working for Silverman. In his supplemental report on Sept. 13, Silverman told what happended:

A TEST IS TAKEN

". . . The informant who made the $20-million allegation retracted it. The informant stated that he was unwilling to undergo a polygraph examination concerning the allegation because it was untrue and a 'figment of [the source's] imagination.' "

But Klepfer did take a lie detector test on July 28, 1982. He contends he was tricked into it. He says the FBI told him it would question him only about the Furino killing, but then went into the Donovan allegations.

In his final report, Silverman said: ". . . The source of 17 of the allegations that I previously had investigated was interviewed and submitted to a polygraph examination. In the interview, the source admitted having deliberately lied about all of the allegations and stated that none of them was true.

"During the polygraph examination, the source stated that the source had deliberately fabricated the allegations and was now telling the truth in stating that the allegations had all been lies. In the opinion of the polygraph examiner, the source was truthful in so stating."

Silverman was still being careful to conceal the identity of the source, and in fact everyone assumed he was talking about two different people—one who had made 17 allegations and another who had made the allegation about the $20 million.

But the Brooklyn Organized Crime Strike Force tied it all together when it indicted Klepfer in March 1983. It revealed Klepfer's name and listed instances when he allegedly gave false information to the FBI. It detailed the allegations about Donovan and Briguglio and the laundered $20-million campaign contribution. The dates provided correlations with previously cryptic references in the reports by Silverman and the Senate Labor Committee.

Klepfer, who was now presumably revealed as a man who had squealed on people participating in organized crime, was offered protection but turned it down. He pleaded not guilty to the charges.

Klepfer contends that in pretrial proceedings he became the target of a vindictive prosecution because the FBI had botched the Donovan investigation and was looking for a scapegoat. He says his allegations were made "during casual conversations with persons who later turned out to be agents of the FBI."

But Douglas E. Grover, the strike force attorney prosecuting Klepfer, said: "Michael Klepfer's statements to FBI agents were knowing and intentional and purposefully directed at currying favor with FBI agents whom he had hoped would intercede with an open IRS [Internal Revenue Service] investigation. . . . Klepfer not only understands the implications of his actions, he created these fantasies to secure FBI assistance . . . ."

Klepfer was hit with another federal indictment in March 1983 in which his father was also named. They were charged in Pennsylvania with arranging a payoff to a bakery union official to call off a strike against another company.

Klepfer is also the likely target of one of the slander suits filed by Ronald Schiavone, the head of the construction company that bears his name.

Schiavone has filed suit against 10 of the unnamed people who made allegations during the Donovan affair. Because the names of the informants were not disclosed in the Silverman reports, Schiavone's lawyer used pseudonyms in order to file within the one-year legal time limit. The suit lists such defendants as Calvin Confidential, Sylvester Source, and Ike Informant. Two of them, Philip Fabricator and Ralph Recanter, sound like they may turn out to be Klepfer.

The allegations by Donovan's three chief accusers—Klepfer, Picardo, and Mario Montuoro—wilted considerably under close scrutiny. Klepfer has admitted his were fabricated, according to Silverman and the FBI. Most of Picardo's story evaporated, and there was no corroboration for the little that was left.

Of the three, Montuoro at least seems to believe his own accusation that Donovan was present when a Schiavone Construction executive allegedly made a $2,000 payoff to a New York union official in 1977. Yet Silverman could not find one piece of evidence to corroborate the allegation.

From the beginning, Montuoro's story had two inherent implausibilities: Montuoro had four of the top officers of a $150-million construction company gathering at lunchtime in the middle of a well-patronized restaurant to hand over a bribe. The matter on which they were supposedly seeking the union's help had been settled a year before.

But more than 30 other people made allegations about Donovan. What about their charges? They connected Donovan with more than 50 unsavory mobsters, union leaders, and politicians. Donovan maintained he had met only a few of the 50 and that each of the encounters was innocuous. His assertion has not been shaken by Silverman's investigation.

Taken in total, the accusations had a hollow center. Almost all of them concerned hearsay that Donovan and Schiavone Construction were "mobbed up." Ronald Schiavone, the head of the company, was mentioned only by Montuoro. Although Schiavone Construction was portrayed as a crooked contractor, not one of its contracts was ever specifically mentioned in the allegations. Nor did any competing contractor ever come forward with a charge that it had lost a bid to Schiavone because of some impropriety. The Silverman investigation showed that Schiavone often bid on contracts and lost.

Silverman's report implied that he thought Klepfer was not the only one of Donovan's accusers who had lied. Some of the allegations came from people who were apparently trying to curry favor with the government or take vengeance on Donovan or someone else.

Many of the allegations were obviously confused guesses and garbled gossip. According to one anonymous tip, Schiavone Construction had dealt with a mob-controlled electrical company in constructing the Federal Building in Newark. Schiavone does not construct buildings and had nothing to do with the electrical contractor.

As far as Silverman's investigation is concerned, the claim of Donovan and Schiavone that they ran a clean construction company withstood scrutiny.

THE REALITIES OF THE BUSINESS

However, the company was not immune from the realities of the construction business. A New York union leader was indicted of putting a "ghost" employee on the Schiavone payroll under the union's standard contract. Four no-show employees were allegedly found on Schiavone's New York payroll. In both of those cases, however, Schiavone Construction appeared to be the victim of the crime charged, not the perpetrator.

There is one unfinished investigation involving Schiavone Construction. It concerns William Masselli's JoPel Construction Company, which was a subcontractor on a $500-million New York City subway tunnel project, for which Schiavone Construction is the chief contractor. JoPel is coowned by Joseph Galiber, a New York state senator. Because Galiber is black, JoPel was certified as a minority business enterprise, helping to fulfill a federal requirement that 10 percent of Schiavone's subway construction work be channled to minority enterprises.

The man who originally held the subcontract told the FBI that JoPel was a sham minority business and that he was muscled out of the job by Masselli, a reputed member of the Mafia. But he subsequently recanted that charge and has since died of natural causes. A Justice Department spokesman said "some aspects" of this investigation are still open. But it is JoPel, not Schiavone Construction, that has been named as the target.

The net result of the investigations by Silverman and the FBI is that there is no evidence that Donovan was friendly with any mobster or that Schiavone Construction's success was dependent in any way on help from organized crime.

CAST OF CHARACTERS

Salvatore Briguglio—a business agent for Teamsters Union Local 560 who was gunned down on a Manhattan street in 1978.

Fred Furino—a longtime friend of Briguglio's who became a witness in the Donovan investigation and was murdered in 1982.

John Marshal Hersh—an FBI agent in the Newark bureau who took part in the Donovan investigation.

Ellis Klepfer—former operator of a Binghamton, N.Y., trucking firm which allegedly had ties to Briguglio.

Michael Klepfer—son of Ellis, present operator of the Binghamton trucking firm, and a key secret witness in the Donovan investigation.

Mario Montuoro—former secretary-treasurer of Local 29 of the Blasters union in New York and one of Donovan's chief accusers.

Ralph Picardo—a former minor Teamsters official from Little Falls who became an FBI informant and a chief accuser of Donovan.

Anthony Provenzano—former head of Teamster Local 560 and reputedly a high-ranking Mafioso now in prison.

Ronald Schiavone—board chairman of Schiavone Construction Co. of Secaucus.

Leon Silverman—the New York lawyer who was appointed special prosecutor to invetigate the allegations against Donovan.

[From the Sunday [N.J.] Record, Oct. 25, 1983]

VICTIM OF CIRCUMSTANCES

(By John Kolesar)

The investigation of Raymond J. Donovan as a nominee for U.S. secretary of labor was not one of the FBI's shining hours. The Senate Labor Committee was not a place to keep confidential information quiet. The American press was unable to ignore juicy allegations about an important official when they came from such authoritative sources as the FBI and a Senate committee.

That combination of circumstances resulted in 20 months of public scrutiny and suspicion that few other cabinet officials have experienced in the nation's history. When the investigations of Donovan were complet-

ed last year, the allegations that he had been friendly with mobsters and that his construction company had engaged in bid-rigging were shown to be unfounded.

Nevertheless, the sheer number of allegations threatened to force him from office at times, and even now he is a target for informants who can look forward to subjecting him to a few days of unpleasant notoriety.

Ronald Schiavone, board chairman of the Schiavone Construction Company of Secaucus, which Donovan coowned before he became secretary of labor, denounces the entire Donovan affair as a modern version of McCarthyism.

In the early 1950's, Sen. Joseph McCarthy, a Wisconsin Republican, destroyed the reputations of numerous individuals by accusing them of being Communists. In making his charges, McCarthy often leaked unchecked information from FBI informants.

Schiavone maintains the same process occurred in the Donovan affair, only this time it was the Mafia that was the subversive threat, and convicted criminals, not former Communists, made up the bulk of the informants.

The FBI first investigated Donovan in preparation for his confirmation hearings in January 1981. The investigation was a hurried job done on a short deadline. The FBI did not have the power to subpoena information, since it was not a criminal case. As a result, it took some shortcuts and made some mistakes.

Eleven months after Donovan took office, a new investigation was initiated by Leon Silverman, a New York lawyer who was appointed as a special prosecutor under a law growing out of the Watergate investigation.

As Silverman conducted his investigation in 1982, he unearthed neglected information from the FBI's earlier probe and attracted new allegations. Many of these leaked out—usually through the Senate Labor Committee—and were published widely.

In a report published in June 1982, and in a second report published three months later, Silverman stated that he had found no evidence to support any of the accusations against Donovan.

AN ABUNDANCE OF ANGER

It was a happy ending for Donovan, who nevertheless remained quite angry. He voiced his bitterness that he, his family, and his former colleagues at Schiavone Construction had been subjected to a long ordeal. Ronald Schiavone was angry, too, and filed seven libel and slander suits against witnesses and news organizations.

The Senate Labor Committee was angry at the FBI for its handling of the confirmation inquiry. It conducted a study of that probe and reached conclusions that were critical of the bureau. Sen. Orrin Hatch, R-Utah, said better work by the FBI could have spared Donovan his ordeal.

During the Silverman investigation, the FBI denied that it had botched its original assignment and grumbled about the committee's penchant for publishing confidential, unchecked allegations. After the Silverman investigation was completed, the FBI had one of its confidential informants indicted for fabricating allegations about Donovan.

One factor that seemed to be ever present in the Donovan affair was the "New Jersey syndrome"—a term coined by Donovan to describe a widespread assumption that any New Jersey construction company with an Italian name had to have dealings with organized crime. That "syndrome" was evident even before Donovan was nominated to be secretary of labor by President-elect Reagan in the middle of December 1980.

The FBI's first contact with the Donovan affair came in an informal meeting Dec. 5, 1980, between FBI Director William Webster and Reagan's chief campaign aide, Edwin Meese. Meese asked Webster to investigate Donovan for possible links to organized crime.

A year and a half later, Silverman asked Meese why he had been so quick to raise the issue of organized crime in connection with Donovan. Meese, who now serves as White House counsel to Reagan, said he did so because a newspaper columnist had suggested that there might be such a connection, although no supporting evidence was provided by the columnist.

A week after his meeting with Meese, Webster informed Reagan's transition office that Schiavone Construction had been mentioned a number of times in the FBI file on the disappearance of former Teamsters President Jimmy Hoffa in 1975.

Eighteen months later, Webster informed Silverman that his memorandum had been incorrect. Schiavone Construction was not mentioned in the Hoffa file. Webster apparently had been misinformed by one of his aides.

TIME MAGAZINE LEARNS OF MEMO

Webster's erroneous information had not been given to the Senate Labor Committee, so it played no part in the hearings on Donovan's confirmation. But Time magazine learned of the Webster memorandum in the middle of 1982 and printed an article about it, including the fact that it had been sent to Reagan's transition team but not to the committee.

Time story drew a libel suit from Ronald Schiavone. U.S. District Court Judge Herbert Stern dismissed the suit in August, but an appeal is underway.

It also turned out that FBI Executive Assistant Director Francis M. Mullen Jr. had compounded Donovan's problems and created some for himself when he testified at the confirmation hearings. Mullen testified that over a 12-year period the FBI in New Jersey had conducted hundreds of wiretaps on members of organized crime and that none contained any mention of Donovan or Schiavone Construction.

The committee was reassured. It did not notice that Mullen said "the FBI in New Jersey."

Six months later, reports leaked out that Donovan and Schiavone Construction had actually been mentioned a half dozen times in wiretaps on the phone of William Masselli, a reputed mobster who ran a Bronx company that did subcontracting work for Schiavone Construction. But the wiretaps were in New York, not New Jersey. Mullen's testimony was accurate but misleading. It sounded like a cover-up.

When Hatch, the committee chairman, and Sen. Edward Kennedy, D-Mass., the committee's ranking minority member, found out about the discrepancy, they put a hold on Mullen's nomination to become director of the U.S. Drug Enforcement Agency.

Mullen later admitted that he knew that Donovan had been mentioned on the Masselli tapes. He said that he didn't reveal that information at the hearings because there was nothing that incriminated Donovan on the tapes and because a secret investigation of Masselli was underway at the time.

A LAUNDERED FBI REPORT

During the hearings, Mullen had provided the committee with some laundered versions of FBI reports on Donovan. These, too, hurt Donovan a year later when they leaked out.

One of those reports involved a memorandum from the New York office of the FBI to the bureau's headquarters in Washington, D.C. Part of the memo read as follows:

"Two independent sources of the New York Division have advised that the Schiavone Construction Company, in which Mr. Donovan was an executive vice-president, is 'mobbed up.' One source indicates the upper management of the Schiavone Construction Company is closely aligned with the Vito Genovese family of the LCN [La Cosa Nostra, the FBI's designation for organized crime] through Schiavone Vice-President Albert Magrini and its contacts with Jopel Construction Company, headed by William Masselli, who is an alleged self-admitted 'solider' [soldier] in the Genovese family. This New York source alleges Mr. Donovan is acquainted with LCN members through Magrini and Masselli on a business and social basis and has in fact traveled from New York to Miami for the 1979 Super Bowl with Masselli and other LCN figures in the construction business."

The Senate Labor Committee was only given a generally worded version of this memorandum. The references to Magrini, the Genovese crime family, and the Super Bowl trip were deleted. In the Silverman investigation a year later, none of these allegations was corroborated. Silverman uncovered minimal routine business contacts between Masselli and Donovan and nothing more. A number of lower-ranking Schiavone Construction executives had had more contact with Masselli, Silverman said, but there was no indication they knew of his alleged mob connections.

The Super Bowl allegation was disproved by Silverman. The FBI had Masselli under surveillance in 1979. It had secretly photographed everybody who was on the commercial flight he had taken to Miami and apparently had an informer close to Masselli's party. There was no trace of Donovan in that group. The evidence indicated that Donovan was in New Jersey on the day of the Super Bowl.

The complete version of the FBI memorandum was leaked in June 1982 and portions of it were used in a Washington Post News Service story and in a Jack Anderson column. The Record published the Post's story, and The Star-Ledger in Newark published the Anderson column. Magrini filed libel suits against The Record and The Star-Ledger early this year. Both suits are pending.

In May 1982, the Senate Labor Committee touched off a renewed wave of public suspicion about Donovan after it learned that allegations by a secret informant had been buried in the files of the Newark FBI office for more than a year.

It published the allegations in a supplemental report that made news around the nation. The allegations were later found by Silverman to be fabrications, but at the time, they were accepted at face value. The press reacted as if another Watergate cover-up were about to unravel. Bits and pieces of previously neglected accusations leaked out and were published widely.

THE SNOWBALL EFFECT

Sometimes, one set of allegations had a way of generating new ones, causing a snow-

ball effect. Fortune magazine printed an article in May 1982 on the Donovan affair, accompanied by an artist's drawing that graphically depicted an allegation by Mario Montuoro, a former New York labor union official.

The drawing showed Donovan sitting at lunch at a restaurant table and looking the other way as another Schiavone Construction executive handed a bribe to a likeness of a union local president. (Four months later, Silverman found no evidence that the luncheon ever took place.)

Jack Napoli, an underworld informant who had been bounced from the federal witness-protection program for engaging in unspecified criminal activity, saw the Fortune article and called an ABC television producer. Napoli had some allegations of his own. The producer referred Napoli to Silverman. Napoli's accusations were duly investigated by Silverman and found even less plausible than most. Silverman noted that Napoli might have been currying favor to get back into the witness-protection program.

Ronald Schiavone later sued Fortune, Napoli, and the unidentified producer (listed as "Peter Producer" in the complaint) for libel and slander.

In the midst of this commotion, two witnesses in the Silverman investigation were murdered. Fred Furino, an Edgewater resident who operated a trucking company, was found shot to death in the trunk of his car in June 1982. Two months later, Nat Masselli was murdered the night before his father, William, was scheduled to go before Silverman's grand jury.

In addition, an aide to Hatch reported that he had received telephoned threats warning him to discontinue the Donovan investigation.

The billows of suspicion around Donovan convinced many that there must have been a sizable fire in his vicinity. Forty-six Democrats in the Senate called for him to step aside until Silverman finished his investigation. Editorials called for his resignation or dismissal. Editorial cartoons poked fun at him, and the Doonesbury comic strip managed to get in some shots at Donovan and organized crime's alleged fondness for New Jersey.

There were only a few who wanted to wait for the evidence before ousting Donovan. One was Lane Kirkland, the president of the AFL-CIO, who resisted the opportunity to take a shot at a man whose policies he opposed. At the height of the furor over Donovan, Kirkland commented to reporters, "I don't believe in the Napoleonic Code . . . which presumes that a man is guilty until he's proven innocent."

RELENTLESS AND COWARDLY ATTACKS

Donovan eventually felt compelled to call a news conference in August 1982 to announce that he was not resigning.

At the news conference, Donovan protested against "the cavalier manner in which raw and unsubstantiated data has been leaked in total disregard for the rights of American citizens."

"When I came to Washington, I was quickly made aware of the old bromide that 'politics ain't beanbag.' I would, however, be less than honest—and human—if I did not state publicly my disgust with the relentless and cowardly attacks that have been made on me and my company by an alliance of individuals who have a total disregard for the truth."

Even after Silverman's final report was issued a month later, Donovan remained under a cloud. Many newspapers published editorials stating that he was a liability for the Reagan administration and that the president should fire him if he did not resign. Four months after Silverman's final report, James Baker, Reagan's chief of staff, told a reporter that Donovan should go. "What's he thinking about?" said Baker. "He's got his good name now. He's vindicated. Now he ought to do what's right for the president."

Baker apologized a few days later, probably with prompting from Reagan, who has never flinched in his support of Donovan.

Donovan read an angry statement at a news conference after Silverman's second report was issued. He acknowledged that it was common in such circumstances to express gratitude, but then went on to say:

"I am angry—angry that I have had to endure months and months of relentless press coverage of groundless charges made by nameless accusers; angry that my wife and children have suffered as only a family can suffer; angry that my former business associates have been unfairly maligned."

He then walked out of the news conference without answering questions.

Since then, Donovan, who is 53, has said little about the affair. He did tell one interviewer that his family had received obscene phone calls and that his children were taunted by schoolmates with such shouts as "Your father's a Mafia bum."

He declined to be interviewed for this article, but he did furnish some previous public comments, which included the following statement:

"Frankly, because I was a contractor from New Jersey with an Italian partner, I feel some political partisans presumed my 'guilt' from the first and used Senate confirmation proceedings and other forums for a carnival of smears that have been proven untrue. . . ."

Donovan, on occasion, has managed to joke about his experience. A month after Silverman's final report, 900 people attended a $50-a-head testimonial dinner for Donovan in Washington, D.C. The dinner was sponsored by the conservative Young Americans for Freedom. "I always believed, and I still believe, that there has only been one resurrection in the past 2,000 years," he told the crowd. "But some people tell me I've had four."

SCHIAVONE DETECTS A CONSPIRACY

Ronald Schiavone has demonstrated his anger in other ways. During the height of the Donovan affair, he hired a private detective in Washington to investigate the sources of the allegations and leaks that he said were slandering him and his company. The move backfired.

It was greeted with outrage from some of the members of the Senate Labor Committee. The detective was able to uncover only an old police charge involving the Hatch aide who had received threats over the telephone. For a few days, Schiavone and his attorneys were in the position of resurrecting a minor conviction to cast suspicion on one of their adversaries.

But Schiavone, who is not a passive person, has taken more serious actions as well. His blizzard of slander suits has raised some novel legal questions, particularly in regard to protected government witnesses and secret informants. For instance, Montuoro's lawyer has said he might have to call Donovan, Attorney-General William French Smith, and other high-ranking officials as witnesses. Just how far the slander suits will get in court remains to be seen, however.

Schiavone, almost from the start, has maintained that his company and Donovan have been the targets of an orchestrated campaign, a conspiracy involving liberal senators and a liberal press. (Schiavone, like Donovan, is a conservative on economic and social issues, and most of the nation's institutions appear liberal from his perspective.)

His attorney, Theordore Geiser, told a panel of journalists last year that a concerted campaign against Donovan was "clearly coming from Capitol Hill." It was an obvious reference to Senator Kennedy and some of his Democratic colleagues.

Schiavone castigates the press as "pusillanimous" for spreading the allegations about Donovan and Schiavone Construction and then falling silent after Silverman's reports. He says the press is afraid criticism of criminal investigating agencies would dry up sources of information and result in an embarrassing admission that it had been used. He has written long letters to newspapers expressing the hope that "those who bore false witness or have knowledge of any threats or promises made to them" will contact him and help repair the damage.

Geiser concedes that the media had to print and broadcast most of the stories that arose in connection with the Donovan affair. But he argues that news organizations should have dug behind the allegations to determine their points of origin. While Donovan's opponents saw a conspiracy to cover up connections with organized crime Donovan's allies saw, and still see, a conspiracy that was designed to smear him.

Geiser and Schiavone put a great deal of blame on the Senate Labor Committee for disseminating so many unchecked allegations. But in a speech in June, Hatch said:

"I had to look into these allegations that were made against him [Donovan]—made by convicted hoods and sleaze and slime. . . . They kept coming out of the woodwork—and through it all, I can tell you, he was very upset . . . he went through a lot of pain. . . . He took them on and he won."

The committee, after conducting an investigation of the FBI's handling of the inquiry, issued a report in which it criticized the FBI for supplying information that was "inaccurate, unclear, and too late. . . ."

"The FBI presumed too much when it decided what information the committee could or could not have," the report said.

Top FBI officials told the committee that they consider the White House, and not the Senate, to be their client when they are investigating a presidential nominee. The committee's report recommended that a law be passed requiring the FBI to pass on to the appropriate Senate committee all the information it obtains on a presidential nominee. Hatch said he would sponsor such legislation.

Geiser does not think much of such a law. He says it would allow any person or group that opposes a nominee of flood the public record, and hence the media, with anonymous allegations. He says that if all the allegations against Donovan had surfaced during the committee hearings, Donovan might not have won confirmation, even though the allegations were not true.

Hatch said that if the FBI had given the Senate a complete set of allegations in time for the committee hearings in January 1981, "I believe he [Donovan] would have been able to answer them, and thus, the disservice of having a year and a half of constant badgering in the media never would have occurred."

The FBI was unhappy with the way things went, not only because of its own mistakes but because so much of its uncorroborated material was made public by the committee. In one instance, it refused to give the committee a transcript of a telephone wiretap on grounds that it might endanger an informant.

"There's no reason to believe that anything given to Senator Hatch can remain confidential. The last batch of [confidential] stuff we sent up there wound up coming out in a Senate report," an FBI spokesman said last year.

FBI Director Webster held a news conference at the height of the Donovan affair to defend his agency's performance. "I don't consider this a bungled investigation," he said. "Sure we made some mistakes in handling paper, but I've taken steps to correct that."

One of those mistakes involved memorandums written by Newark FBI Agent John Marshal Hersh describing information provided by two informants. The memorandums were written in early February 1981 but were never sent to FBI headquarters. They were found in the Newark bureau's files more than a year later.

The FBI's Office of Professional Responsibility conducted an internal investigation to find out what had occurred. It told the Senate that a complex series of misunderstandings had led to the misplacement of the memos.

During the FBI's internal investigation, Hersh was given a lie-detector test. One of his superiors testified later that "there was some deception indicated . . . as to whether or not he [Hersh] provided some information to the [Labor] Committee staff."

Hersh was transfered from Newark in the spring of 1981, but he denied that the shift had anything to do with the Donovan affair. He refused to make any other comment when contacted by The Record. An FBI spokesman said shortly after the transfer that Hersh "is a damn good agent." Like Hersh, he maintained that the transfer was not connected with the agent's role in the Donovan investigations.

Schiavone feels his company received even more mistreatment than Donovan did. Some allegations that did not involve Donovan but impugned others in Schiavone Construction were investigated only perfunctorily by Silverman. "I am not an ombudsman for the construction industry—or for any company in the construction industry, or for organized crime," Silverman said at his final press conference. "My mandate was to investigate the Secretary."

Some of those who still harbor suspicions about Schiavone Construction make a similar criticism of Silverman's investigation. They say that he cleared Donovan but did not pursue leads that implicated the construction company.

A curtain of silence has fallen around the Donovan affair ever since the final Silverman report was issued over a year ago. Few of the principals want to talk about it. Among those who did not want to be interviewed for this series were Donovan, Silverman, Hatch, and Kennedy.

"The investigations seem light years behind me now, and time has healed most of the scars," Donovan has stated.

But he may have spoken too soon. Donovan is scheduled to testify in at least three pending trials. Earlier this month, at the trial of Salvatore Odierno, there was testimony that Odierno had participated in the murder of Nat Masselli to stop him from cooperating with the Silverman investigation and hurting Donovan.

At the time of the murder, Silverman denied reports that Nat Masselli was a federal informant wearing a body microphone. He said Masselli's role in the investigation had ended months before.

But Silverman was contradicted at the trial by a convict and informant who had shared a cell with Odierno.

Odierno, a reputed Mafia loan shark operating in the Bronx, allegedly unburdened himself to his cell mate, telling him: "Donovan was just another construction operator who was looking to buy contracts. . . . If it wasn't for the favors you could get in return, I would never deal with punks like this."

According to the informant, Odierno maintained that Masselli had been wearing a body microphone when he was shot.

The purported conversation did not fit with other known facts or allegations. Schiavone Construction did no work in the Bronx, needed no help from Odierno, and was never even accused of buying contracts. Odierno was not one of the 50 unsavory types mentioned in previous allegations against Donovan.

The informant was serving a sentence for grand larceny and had been treated for psychiatric problems at the jail (he thought he had become a woman). Odierno was convicted of manslaughter, but one juror told reporters that the jury did not believe the testimony linking Donovan to Odierno.

Donovan's office wearily issued still one more denial: Donovan, it said, had never heard of Odierno.

CAST OF CHARACTERS

Theodore Geiser.—Newark attorney who represents Ronald Schiavone.

Orrin Hatch.—Republican senator from Utah and chairman of the Senate Labor Committee.

William Masselli.—coowner of JoPel Construction Company of the Bronx, a firm that was a subcontractor for the Schiavone Construction Company.

Nat Masselli.—son of William Masselli and a witness in the Silverman investigation. Murdered in August 1982.

Mario Montuoro.—former secretary-treasurer of Local 29 of the Blasters union in New York and one of Donovan's chief accusers.

Francis M. Mullen Jr.—executive assistant director of the FBI and the official who supervised first Donovan investigation.

Ronald Schiavone.—chairman of Schiavone Construction Company of Secaucus.

Leon Silverman.—New York lawyer who was appointed special prosecutor to investigate the allegations against Donovan.

William Webster.—director of the FBI.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:31 a.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 joint resolution:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983 through November 9, 1983, as "National Drug Abuse Education Week".

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:55 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House insist upon its amendment to the amendment of the Senate to the bill (H.R. 3103) entitled "An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HOWARD, Mr. ANDERSON, Mr. ROE, Mr. BREAUX, Mr. SNYDER, Mr. SHUSTER, and Mr. HAMMERSCHMIDT as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 684) "to authorize an ongoing program of water resources research" passed with amendments in which it requests the concurrence of the Senate.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 1761. An act to amend title I of the Marine Protection Research, and Sanctuaries Act of 1972; and

H.R. 2395. An act to extend the Wetlands Loan Act.

HOUSE MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 1761. An act to amend title I of the Marine Protection Research, and Sanctuaries Act of 1972; to the Committee on Environment and Public Works.

H.R. 2395. An act to extend the Wetlands Loan Act; to the Committee on Environment and Public Works.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, November 1, 1983, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983, through November 9, 1983, as "National Drug Abuse Education Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 178. Resolution authorizing the printing of the report entitled, "Fourth Annual Report to Congress—Highway Bridge Replacement and Rehabilitation Program" as a Senate document (Rept. No. 98-290).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 259: An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document (Rept. No. 98-291).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2039: An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-292).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 260: An original resolution authorizing the revision and printing of the Senate Manual for use during the Ninety-eighth Congress.

S. Res. 261: An original resolution to pay a gratuity to Deborah T. Ambers.

S. Res. 262: An original resolution to pay a gratuity to John D. Blacker.

S. Res. 263: An original resolution to pay a gratuity to Rachel J. Miles.

S. Res. 264: An original resolution to pay a gratuity to Sol E. Newman and Beatrice Newman.

S. Res. 265: An original resolution to pay a gratuity to Adele C. Ostrander.

S. Res. 266: An original resolution to pay a gratuity to Suzanne Renee Weintraub.

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. PERCY (by request):

S. 2033. A bill to amend the act of August 1, 1956 (22 U.S.C. 2691); to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. 2034. A bill to require the Secretary of the Treasury to study and report to the Congress on the unitary method of taxation; to the Committee on Finance.

By Mrs. KASSEBAUM:

S. 2035. A bill to provide for a demonstration program for the provision of child care services in public housing projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARN (for himself and Mr. HATCH):

S. 2036. A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2037. A bill to amend the Internal Revenue Code of 1954 to remove the maximum limitation on the deduction for nonbusiness casualty losses; to the Committee on Finance.

By Mr. PACKWOOD:

S. 2038. A bill to amend various provisions of title 49, United States Code, to provide for a more competitive trucking industry, to reduce regulatory burdens on the industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS from the Committee on Appropriations:

S. 2039. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS:

S. Res. 259. An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 260. An original resolution authorizing the revision and printing of the Senate manual for use during the 98th Congress; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 261. An original resolution to pay a gratuity to Deborah T. Ambers; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 262. An original resolution to pay a gratuity to John D. Blacker; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 263. An original resolution to pay a gratuity to Rachel J. Miles; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 264. An original resolution to pay a gratuity to Sol E. Newman and Beatrice Newman; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 265. An original resolution to pay a gratuity to Adele C. Ostrander; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 266. An original resolution to pay a gratuity to Suzanne Renee Weintraub; from the Committee on Rules and Administration; placed on the calendar.

By Mr. GOLDWATER (for himself, Mr. MOYNIHAN, Mr. GARN, Mr. CHAFEE, Mr. LUGAR, Mr. WALLOP, Mr. DURENBERGER, Mr. ROTH, Mr. COHEN, Mr. HUDDLESTON, Mr. BIDEN, Mr. INOUYE, Mr. LEAHY, Mr. BENTSEN, and Mr. NUNN):

S. Res. 267. A resolution to support the establishment of a National Historical Intelligence Museum; to the Select Committee on Intelligence.

By Mr. BAKER (for Mr. MURKOWSKI (for himself, Mr. PERCY, Mr. PELL, and Mr. GLENN)):

S. Con. Res. 82. Concurrent resolution expressing sympathy and condolences on the tragic killing of Koreans in Burma; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2033. A bill to amend the act of August 1, 1956 (22 U.S.C. 2691); to the Committee on Foreign Relations.

TEMPORARY ADMISSION OF CERTAIN ALIENS

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the act of August 1, 1956 (22 U.S.C. 2691).

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the bill and the letter from the Acting Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated October 18, 1983.

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

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Section 21(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, (22 U.S.C. 2691), as added by section 112 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 848) and amended by section 119 of the Foreign Relations Authorizations Act, Fiscal Year 1979, (92 Stat. 970) and by section 109 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 (93 Stat. 397), is amended to read as follows:

"SEC. 21(a) For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludable from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security or foreign policy interests of the United States and so certifies to the Speaker of the House of Representatives and the Chairman of the Committee

on Foreign Relations of the Senate. Nothing in this section may be construed as authorizing or requiring the admission to the United States of any alien who is excludable for reasons other than membership in or affiliation with a proscribed oranization."

DEPARTMENT OF STATE,
Washington, D.C., October 18, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I have the honor to submit for the consideration of the Congress a bill which would amend section 21 of the Act of August 1, 1956, the "McGovern Amendment," to restore to the Secretary of State the authority to take into account, and act upon, foreign policy factors and considerations in the administration of certain provisions of the Immigration and Nationality Act.

Under the Immigration and Nationality Act, a consular officer or the Secretary of State has discretionary authority to recommend to the Attorney General that an alien's ineligibility to receive a visa be waived to permit the alien to make a temporary trip to the United States. The Attorney General has the discretionary authority to grant the waiver. Only if the recommendation is made and the waiver granted can the alien's temporary admission be authorized.

In their reports on the Immigration and Nationality Act in 1952 the Senate and House Judiciary Committees stated that "(t)he committee recognizes that cases will continue to arise where there are extenuating circumstances which justify the temporary admission of othewise inadmissible aliens, both for humane reasons and for reasons of public interest." For a number of years following 1952, this provision was interpreted so that waivers of ineligibility were recommended and granted only if an affirmative reason for doing so existed. Beginning in the early 1960's, there was a change in interpretation and, as a general rule, such waivers are recommended and granted unless there is an affirmative reason for not doing so.

This change of interpretation was based upon, and continues to be supported by, the principle that greater freedom of international travel is a desirable objective. This principle is, of course, reflected specifically in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland, in 1975.

In 1977 the "McGovern Amendment" modified the previous situation by radically restricting the Secretary of State's discretionary authority in this area in certain situations. Specifically, this amendment provided that, if an alien ineligible to receive a visa solely by reason of a membership in or affiliation with a proscribed organization, applies for a nonimmigrant visa (a visa for temporary entry), the Secretary should either recommend to the Attorney General that the waiver be granted or certify to both houses of Congress that the alien's admission would be contrary to United States security interests. While the text of the McGovern Amendment does not, on its face, exclude from the term "security interests" foreign policy interests and considerations, the legislative history of the amendment makes it clear that this was the intent.

The result has been that the Secretary of State is effectively precluded from acting in such cases on the basis of legitimate foreign policy factors and considerations. The Attorney General, whose discretionary authority has not been affected by the "McGovern Amendment," is not in a position to evaluate or act upon foreign policy factors. Accordingly, for all practical purposes, foreign policy factors are no longer considered in such cases.

This Administration supports the principle of promoting freedom of international travel, just as have its predecessors. On the other hand, the Department of State strongly believes that it is legitimate, and at times necessary, to take foreign policy factors, such as reciprocity of access, into account in deciding whether the discretionary authority to grant temporary admission to an alien inadmissible for this reason should be exercised. The Department rejects what appears to be the concept underlying the "McGovern Amendment" that any exercise of such discretion is an abuse of that discretion.

It is not the Department's desire or intention that the "McGovern Amendment" be repealed or rendered nugatory. Rather, the Department proposes that the existing provision for certification to the Congress by the Secretary that an alien's admission would be contrary to United States security interests be broadened to permit certification that an alien's admission would be contrary to United States foreign policy interest as well. Such an amendment would preserve the basic purpose of the "McGovern Amendment"—to demonstrate this country's commitment to the principle of greater freedom of international travel—while restoring to the Secretary of State a necessary and appropriate mechanism for carrying out his foreign policy responsibilities.

I urge that the Congress give this proposal its early and favorable consideration.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection of the presentation of this proposal to the Congress.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

ANALYSIS

This proposal would amend the "McGovern Amendment",—section 21 of the Act of August 1, 1956, to broaden the Secretary of State's authority to decline to recommend waivers of visa ineligibility in cases of aliens seeking temporary entry who are ineligible to receive a visa solely by reason of membership in or affiliation with a proscribed organization.

At present, if the McGovern Amendment applies in an individual case, the Secretary can decline to recommend a waiver only if he can certify to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee that the alien's admission would be contrary to United States security interests. This restriction has the effect of depriving the Secretary of the ability to take into account foreign policy considerations, no matter how compelling.

Under this proposed amendment, the Secretary of State would be granted authority to decline to make the recommendation and to certify to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee on the ground that the alien's admission would be contrary to this country's security or foreign policy interests.

By Mrs. HAWKINS:

S. 2034. A bill to require the Secretary of the Treasury to study and report to the Congress on the unitary method of taxation; to the Committee on Finance.

UNITARY METHOD OF TAXATION

Mrs. HAWKINS. Mr. President, today I am introducing legislation requiring the Treasury Department to report in 90 days to Congress the findings of a special commission. The commission was appointed by Treasury Secretary Regan to address the economic and foreign policy problems arising from the Supreme Court decision in Container Corporation of America against Franchise Tax Board case. That decision upheld the right of States to implement unitary tax systems when taxing corporations doing business inside their borders. Delay in resolving the unitary-tax issue will likely result in the loss of American jobs.

Under the unitary-tax method, the tax base, for State corporate income tax purposes, is worldwide income. A State using the unitary method first calculates what percent of worldwide income is attributable to each multinational corporation that operates inside its jurisdiction. Then, a tax rate is applied to the attributed amounts to determine the tax payments due from the multinationals. The way the percentage of worldwide income is established is to average the percentage of worldwide sales, fixed assets, and payroll found inside a State. Thus, if 10 percent of worldwide payroll, 5 percent of worldwide sales, and 21 percent of worldwide fixed investment takes place in a given State, then the average of these figures is 12 percent. That is the percent of worldwide income assumed to be produced in a jurisdiction using the unitary tax system.

Companies that must comply complain that the administrative burden is enormous. To get worldwide figures on sales, payroll, and fixed assets, firms must aggregate data in all countries they do business with, and they all use different accounting conventions to determine sales, payroll, and fixed assets. Affected firms also believe that this method results in taxing income they generate outside the United States twice, once in the host country and again in the United States. On the other hand, States using this method maintain that the system fairly reflects profits attributable to activities within the State.

The need for a prompt resolution of this controversy was brought home by the Supreme Court in the Container Corporation of America case which was decided by a divided Court on June 27, 1983. In the case, the Court upheld the right of California to apply a unitary business standard in taxing the income from a foreign subsidiary of a Delaware corporation doing busi-

ness in California. The Container opinion recognized the complexity of the issue and emphasized the need for congressional action to sort out the competing foreign and domestic interests and a specific standard for fair apportionment.

There is considerable concern that the Container decision is being viewed by many States as a green light to adopt worldwide unitary taxation systems, which will increase the likelihood of foreign retaliation. Only one month after the Container case was decided, Florida became the 12th State to adopt such a system.

The rapid spread of the unitary tax threatens foreign corporations located in the United States and it has not gone unnoticed. Prime Minister Thatcher has warned that if the States do not revise unitary-tax systems, European countries will consider retaliatory measures that undermine the attractiveness of investing in the United States.

This is a serious threat since British firms have invested $108 billion in the United States, more than any other nation. A similar warning was given by Japan. Such retaliation must cost some Americans their jobs.

There are a number of approaches Congress can take to address the administrative burden of compliance. Limitations could be put on the scope of the unitary method. Under this approach, the unitary method would not be applied either to foreign subsidiaries of the U.S. corporations, to foreign parents of U.S. subsidiaries, or to other affiliated foreign corporations.

Alternatively, Congress could restrict what States could tax. At one extreme, States could not tax income through the unitary method, but they also could not tax dividends from foreign subsidiaries of U.S. corporations, foreign source interest or royalties, or branch earnings of U.S. corporations. Of course, less extreme limitations could also be placed on State options to tax these items. Still another variation precludes States from taking into account, under the unitary method or any other method, foreign income until such time as the income is subject to Federal tax.

As those who follow this issue know, Senator MATHIAS has taken the lead in this and the past two Congresses in introducing legislation to rationalize the tax treatment of foreign source income by the States. Whether Congress adopts the Mathias plan or another plan, prompt Federal action is necessary to determine the approach that is in the best interest of the States, the Federal Government, and citizens threatened with job losses. Passage of the legislation I am introducing today will pursuade our foreign trading partners' that the Federal Government act in a timely way on this issue. This should forestall retaliatory actions.

Mr. President, I request unanimous consent that the bill be printed in the RECORD at this point.

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

S. 2034

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

SEC. 1. REPORT ON UNITARY METHOD OF TAXATION.

Not later than three months after the date of the enactment of this Act, the Secretary of the Treasury or his delegate shall analyze the unitary method of taxation, as applied to worldwide income, and shall report the findings and recommendations to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

By Mrs. KASSEBAUM:

S. 2035. A bill to provide for a demonstration project program for the provision of child care services in public housing projects; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC HOUSING CHILD CARE DEMONSTRATION PROGRAM ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing the Public Housing Child Care Demonstration program. This measure is virtually identical to language sponsored by Representative MARCY KAPTUR which has been incorporated as part of H.R. 1, the House and Community Development Authorization for fiscal year 1984.

This measure is designed to determine the extent to which the availability of child care services can enhance the employment opportunities for low-income residents of public housing projects. This demonstration program would provide financial assistance for the development of child care services in public housing projects where such services are not currently available. Grant awards would be made on the basis of a national competition, and $3 million is authorized for this purpose. Appropriate facilities would be provided by participating projects, with demonstration grant funds available for operating expenses and minor renovations.

Consistent with the emphasis on removing one of the major obstacles to the employment of single heads of households, child care programs must be designed to serve preschoolers during the day and/or elementary students after school. Priority for funding will be given to those projects housing the highest numbers of preschoolers and elementary students.

Public housing projects in the program are directed, to the extent possible, to make employment opportunities with the program available to elderly residents of the project and to parents of participating children. Moreover, parental participation in all aspects of the program is strongly encouraged. I believe these provisions are particularly important, not only for their emphasis on strengthening resident involvement with the program but also for the opportunities for employment and skill development afforded to low-income parents and the elderly.

This bill also makes provision for an evaluation of the effectiveness of the program in promoting employability of low-income parents and of the possible need for expansion of services in housing projects which now have limited child care facilities. Because it is anticipated that a mix of urban and rural, large, and small projects will be included in the demonstration program, this evaluation should offer a valuable perspective on the effectiveness of child care as a means to combat unemployment among single parents.

I feel confident that this evaluation will bear out the advantages which this type of program can offer. It would provide a dependable source of quality care for low-income children. It is estimated that only 7.7 million day care slots are available for the approximately 13 million children under age 13 whose parents work. Yet, serious as this problem is, availability of services is only part of the story. Affordability must be considered as well.

The inability to pay for the child care services which do exist severely restricts the capacity of single parents—most of whom are women—to obtain work or to participate in job training programs. The choices available in such situations are unappealing. A parent may choose to work, leaving children in inadequate care arrangements or without care at all. In fact, millions of American children do remain without supervision during substantial parts of each day while their parents work. Alternatively, a parent may conclude she literally cannot afford to work and will remain at home with young children—thereby perpetuating a cycle of poverty and welfare dependency. An estimated 1 in 5 unemployed women is not able to work due to her inability to find adequate care for her children.

Moreover, locating child care services in the housing project itself permits children to remain in a familiar setting. At the same time, it limits the anxieties involved when children receive care at a site which may be far from both the home and the parent's workplace.

The problems I have described are not simple ones, and they will require a multifaceted response. Growing numbers of American mothers are entering the labor force out of economic necessity. Moreover, 1 of every 5 chil-

dren in this country are in families headed by a single parent—90 percent of whom are women. Fully one-third of these single-parent families are living in poverty. Thus, the need for suitable child care arrangements, already pressing, will be even greater in the future. It is essential that we develop innovative means of addressing this need, with particular emphasis on programs serving low-income families. The proposal I am making is admittedly modest, but I believe it offers an excellent starting point for targeting our resources in a way which will enhance the productive capacity of low-income parents and offer a better chance in life for their children. I urge the support of my colleagues for this effort.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD at this point.

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

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Housing Child Care Demonstration Program Act".

SEC. 2. (a) The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out a demonstration program of making grants to public housing agencies to assist such agencies in providing child care services for lower income families who reside in public housing and are headed by eligible persons. The Secretary shall design such program to determine the extent to which the availability of child care services in lower income housing projects facilitates the employability of eligible persons who head such families.

(b) The Secretary may make a grant to any public housing agency under this section only if—

(1) such public housing agency does not have a child care services program in operation prior to receipt of assistance under this section;

(2) such public housing agency agrees to provide suitable facilities for the provision of child care services;

(3) the child care services program of such public housing agency will serve preschool children during the day, elementary school children after school, or both, in order to permit eligible persons who head the families of such children to obtain, retain, or train for employment;

(4) the child care services program of such public housing agency is designed, to the extent practicable, to involve the participation of the parents of children benefiting from such program, with such participation including, but not limited to, employment with the child care program;

(5) the child care services program of such public housing agency is designed, to the extent practicable, to employ in part-time positions elderly individuals who reside in the lower income housing project involved; and

(6) the child care services program of such public housing agency complies with all applicable State and local laws, regulations, and ordinances.

(c) In providing grants under this section, the Secretary shall—

(1) give priority to lower income housing projects in which reside the largest number of preschool and elementary school children of lower income families headed by eligible persons;

(2) seek to ensure a reasonable distribution of such grants between urban and rural areas and among lower income housing projects of varying sizes; and

(3) seek to provide such grants to the largest number of lower income housing projects practicable, considering the amount of funds available under this section and the financial requirements of the particular child care services programs to be developed by the applicant public housing agencies.

(d)(1) Applications for grants under this section shall be made by public housing agencies in such form, and according to such procedures as the Secretary may prescribe.

(2) Any public housing agency receiving a grant under this section may use such grant only for operating expenses and minor renovations of facilities necessary to the provision of child care services under this section.

(e)(1) The Secretary shall conduct periodic evaluations of each child care services program assisted under this section for purposes of—

(A) determining the effectiveness of such program in providing child care services and permitting eligible persons who head lower income families residing in public housing to obtain, retain, or train for employment; and

(B) ensuring compliance with the provisions of this section.

(2) Nothing in this section may be construed as authorizing the Secretary to establish any health, safety, educational, or other standards with respect to child care services or facilities assisted with grants received under this section.

(f) For the purposes of this section:

(1) The term "eligible person" means an individual who is the head of a household and (A) is unmarried; (B) is legally separated from his or her spouse under a decree of divorce or separate maintenance; (C) maintains a separate place of residence from his or her spouse and such spouse is not a member of such household; or (D) whose spouse is a person described in section 3(b)(3)(A) of the United States Housing Act of 1937.

(2) The term "lower income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

(3) The terms "lower income housing project" and "public housing" have the meanings given such terms in section 3(b)(1) of the United States Housing Act of 1937.

(4) The term "public housing agency" has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

(5) The term "Secretary" means the Secretary of Housing and Urban Development.

(g) Not later than the expiration of the 2-year period following the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a detailed report setting forth the findings and conclusions of the Secretary as a result of carrying out the demonstration program established in this section. Such report shall include any recommendations of the Secretary with respect to the establishment of a permanent program of assisting child care services in lower income housing projects.

(h) There is authorized to be appropriated to carry out the provisions of this section not to exceed $3,000,000 for fiscal year 1984. Any amount appropriated under this subsection shall remain available until expended.

By Mr. GARN (for himself and Mr. HATCH):

S. 2036. A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

CONVEYANCE OF CERTAIN LAND IN BRIGHAM CITY, UTAH

● Mr. GARN. Mr. President, today, I am introducing for myself and Senator HATCH, legislation which directs the Secretary of the Interior to convey, by quitclaim deed and without compensation, all rights, title, and interest of the United States to certain lands now used by the Bureau of Indian Affairs (BIA) to Brigham City, Utah. Currently, the BIA is using this land to operate the Intermountain Inter-Tribal School located in Brigham City. The conveyance would occur after the BIA no longer has a use or need for the land to operate an Indian school.

The reason for this legislation is the impending closure of the Intermountain School. After a careful analysis of many factors by myself, Senator HATCH, and the rest of the Utah delegation, we have decided to support the BIA's plans to close the school after the 1983-84 school year, having received assurances from the BIA that the student's needs could be properly met at other BIA off reservation boarding schools. Since the BIA has no intention of using the land and buildings which constitute Intermountain for some other purpose in the future, we are concerned that once the school's doors close the site will go unattended and be left to deteriorate. We are also concerned that the local community may have little or no input as to any future use of the facility. By transferring ownership of the land to the city, we will insure that the citizens of Brigham City have a say in what happens to the site and can support any eventual use of the land, just as they have supported the Intermountain School for more than two decades.

This land, encompassing approximately 170 acres, should be conveyed to Brigham City without any compensation to the Federal Government because, in essence, the city has already paid for the land and the buildings on the site that have been used by the Government since 1942. It was in that year that the city persuaded the Government to construct an Army hospital within its city limits, agreeing to comply with certain requirements of the War Department. To receive the hospital, the city agreed to furnish the Government with fee simple title, or the equivalent cost, to any lands

chosen by the Government for a hospital site. The city had to set up a trust of $60,000 to purchase outright, and take title in the name of the United States, the land for the proposed site. These funds were raised through gifts, donations, and grants. The land selected for the site now houses the Intermountain School.

In addition, the city agreed to remove all buildings or improvements which existed on the site chosen by the Government at no cost to the Government; to furnish power, water, and sewer lines to the proposed site; to pave access roads from an existing highway to the boundary of the site; to furnish, without cost, gravel and sand from its municipal pits for the erection of any buildings on the site; to appropriate $50,000 as a war emergency fund, as required by the Federal Government; and to pay the salaries of all employees needed to fulfill all the Government's requirements prior to approval being granted to construct the hospital. After formation of the Intermountain School, the city supplied and continues to supply the facility with 25 percent of its security force needs, with no remuneration to the city; to provide counseling to students through church organizations; and to encourage student employment with local businesses. To say the least, the city has had a long-standing interest in the successful utilization of this property.

Mr. President, it is our hope that Congress will return this land, purchased and donated to the Government many years ago, to its original owner. We feel that Brigham City should be able to develop the land as it sees fit and in a way that would be in the best interest of the community and its people. The closure of the Intermountain School will have an adverse financial impact on the community, and therefore make it impossible for the city to purchase the land outright. Besides, it does not seem logical to require the city to pay for something they once owned. The Secretary of the Interior, Brigham City officials, and the entire Utah delegation are supportive of this legislation, which accompanies H.R. 4142, a bill already introduced in the House. I urge prompt action by Congress on this bill so that its adoption coincides with the closure of the Intermountain School next year.●

By Mr. HATCH:

S. 2037. A bill to amend the Internal Revenue Code of 1954 to remove the maximum limitation on the deduction for nonbusiness casualty losses; to the Committee on Finance.

MAXIMUM LIMITATION REMOVED ON DEDUCTION FOR NONBUSINESS CASUALTY LOSSES

● Mr. HATCH. Mr. President, today I am introducing legislation to reverse a provision of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

Mr. President, it is widely known that hundreds of citizens in Arizona, Arkansas, California, Illinois, Louisiania, Mississippi, Oklahoma, Utah, and Washington suffered severe property damage because of storms and floods this year.

But not so widely known is the fact that these hundreds of taxpaying citizens, due to a 1982 change in the Internal Revenue Code, will not be able to take a casualty loss deduction for Federal income tax purposes.

This makes for a double tragedy because, I am told, many Utahans—and, I think it is safe to say, a large number of the citizens in the other declared disaster areas—do not have Federal flood insurance. Also, the standard homeowner's policy does not provide for flood coverage.

Mr. President, the change in the Internal Revenue Code was effective on January 1, 1983, but most individuals residing in the above-mentioned States will not be aware of the change until they file their individual income tax returns under an election for filing in the year of loss or in 1984 prior to the due date.

Under the prior law, individuals who itemized deductions could deduct unreimbursed losses of nonbusiness property resulting from fire, storm, shipwreck, or other casualty, or from theft. For tax purposes, the amount of the loss was considered to be the lower of, first, the fair market value of the property immediately before the casualty, reduced by the fair market value of the property immediately after the casualty, zero in the case of a theft; or, second, the property's adjusted basis.

For any one casualty, the deduction was allowed only to the extent that the amount of the loss exceeded $100.

Reacting to complaints that the itemized deduction for personal casualty losses created significant administrative problems for the Internal Revenue Service, however, Congress changed this law in 1982.

The Internal Revenue Service claimed that the itemized deduction for personal casualty losses created complex administrative problems for both individuals and the Internal Revenue Service; recordkeeping and auditing to name but two. They further stated that arbitrary lines had to be drawn between deductible expenditures for sudden casualty losses and nondeductible expenses for losses caused by gradual deterioration. In addition, taxpayers had to be prepared to document and defend estimates of fair market value of lost and damaged property for purposes of the deduction. As a result, a very high percentage, about 35 percent, according to Internal Revenue Service estimates, of amounts claimed as deductions were not properly deductible.

Based largely on these administration difficulties, the 1982 tax bill now provides that the deduction for casualty and theft losses will be allowed only to the extent that the total amount of such losses sustained during the taxable year exceeds 10 percent of the taxpayer's adjusted gross income.

The 1982 law, while providing a remedy for administrative problems, created a substantive inequity. As I stated at the start, I am told that many residents in the flood disaster areas are not covered by insurance. To make matters worse, the 1982 changes will virtually eliminate a casualty loss deduction for certain taxpayers and allow others an arbitrary deduction based on their tax bracket.

I repeat: It would be a double tragedy if the taxpayers of Utah and other federally named disaster areas, discovered next spring that they could not even avail themselves of a casualty loss deduction for income tax purposes.

Mr. President, the bill I am introducing is not complex. It merely reverses the 1982 law and continues the law as in existence prior to TEFRA. While the casualty loss deduction section was a minor provision of TEFRA and raised relatively little revenue, it will become a major issue with those that suffered severe property damage.

Mr. President, I ask unanimous consent that the bill be printed following my remarks.

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

S. 2037

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

SECTION 1. MAXIMUM LIMITATION REMOVED ON DEDUCTION FOR NONBUSINESS CASUALTY LOSSES.

(a) GENERAL RULE.—Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(1) by striking out subsection (h) and (i),

(2) by redesignating subsection (j) as subsection (i), and

(3) by inserting after subsection (g) the following new subsection:

"(h) DISASTER LOSSES.—Notwithstanding the provisions of subsection (a), any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred, based on the facts existing at the date the taxpayer claims the loss. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 165 (c) of such Code (relating

to limitation on losses of individuals) is amended—

(1) by striking out "except as provided in subsection (h),", and

(2) by adding at the end thereof the following new sentences: "A loss described in this paragraph shall be allowed only to the extent that the amount of the loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.●

By Mr. PACKWOOD:

S. 2038. A bill to amend various provisions of title 49, United States Code, to provide for a more competitive trucking industry, to reduce regulatory burdens on the industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TRUCKING COMPETITION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I am introducing the Trucking Competition Act of 1983. This bill would complete the work which Congress initiated 3 years ago with passage of the Motor Carrier Act of 1980. That legislation brought significant reform into the trucking industry, including eased entry, removal of operating restrictions, rate bureau reforms, and increased pricing flexibility. The act is working well; service remains good—to large and small communities alike—and we are seeing more and more price competition between carriers. The competition which the 1980 act has encouraged is benefiting shippers and consumers.

On September 21 of this year, the Commerce Committee held a hearing on oversight of the Motor Carrier Act of 1980. At that hearing, the committee received very favorable assessments of the effects of trucking deregulation from many of the witnesses who presented testimony. In addition, administration, shipping community, and consumer representatives expressed support for further regulatory reform of the trucking industry.

For example, Secretary Dole summarized her views by stating:

> We view the first phase of motor carrier regulatory reform as in place and working as intended. We believe the public has benefited from the reforms already implemented and will benefit even further from more deregulation.

Assistant Attorney General Baxter declared in his prepared statement:

> Congress * * * reached a conclusion in 1980 that was soundly based, and it has not changed, that the structure of this industry is that of a competitive industry. There is no justification whatsoever for regulation in an industry that has the structure of the trucking industry.

Interstate Commerce Commission Chairman Taylor's views on further trucking deregulation were even more to the point:

> The fact of the matter is that right now any kind of a cost-benefit analysis, what we are doing and what it is costing the taxpayers for us to do it is absolutely ridiculous. We are engaged in the absolute sham of regulation for regulation's sake. It is nothing more than a monumental paper shuffling operation, and the sooner it ends, the better. There is no redeeming public benefit involved. It is absolute nonsense.

Mr. President, my longstanding interest in trucking deregulation is well known. At the Commerce Committee's oversight hearing on the Motor Carrier Act of 1980, I expressed interest in developing a legislative proposal which would extend the date for abolition of antitrust immunity for single-line ratemaking—now scheduled for July 1, 1984—to sometime in 1986 or 1987 in exchange for eliminating all economic regulation of the trucking industry. I subsequently have been attempting to work in a good faith effort with the trucking industry to develop some sort of legislative compromise in this area. Unfortunately, the American Trucking Associations, Inc., never got back to me on this matter.

Mr. President, introduction of this bill has become especially critical in view of action being taken today by my colleagues in the House. During floor action today on H.R. 3103, an emergency highway funding measure, the House included an amendment to the bill to delay the date on which antitrust immunity for single-line ratemaking is removed until 1986. This represents a serious blow to motor carrier regulatory reform and if enacted into law, would weaken the reforms of the 1980 act.

Mr. President, now is not the time to take a giant step backward on trucking regulatory reform. Instead, it is crucial that we make every effort to move forward and eliminate economic regulation of the trucking industry. My bill would achieve this important goal. Briefly, my bill would do the following:

First, abolish entry regulation based on economic factors;

Second, abolish Interstate Commerce Commission (ICC) rate regulation and tariff filing requirements;

Third, abolish all collective ratemaking antitrust immunity;

Fourth, authorize the ICC to exempt carriers from any remaining regulatory requirements;

Fifth, require the ICC to submit a report to Congress on January 1, 1986, as to the need to retain any regulation over the trucking industry; and

Sixth, "sunset" the trucking functions of the ICC on January 1, 1987, and transfer safety functions to the Department of Transportation.

I want to emphasize that this bill would eliminate economic regulation of the trucking industry. My bill would not reduce safety regulation. I believe it is crucial that current safety and insurance requirements be maintained. Safety and insurance currently are the joint responsibility of the ICC and DOT. My bill would transfer the ICC's safety and insurance functions to DOT.

Mr. President, the Motor Carrier Act of 1980 took many positive steps, but it is not deregulation. The time is right to address this important issue.●

ADDITIONAL COSPONSORS

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 772

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. DOLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1200

At the request of Mr. TRIBLE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1200, a bill entitled the "National Right to Work Bill."

S. 1273

At the request of Mr. SYMMS, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 1273, a bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes.

S. 1495

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. BYRD), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. RIEGLE), the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mr. CRANSTON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1495, a bill to provide for a National Summit Conference on Education.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs and for other purposes.

S. 1749

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1749, a bill to grant the consent of the Congress to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 1785

At the request of Mr. SASSER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1870

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1870, a bill to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud.

S. 1896

At the request of Mr. TSONGAS, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 1896, a bill to establish a select commission to examine the issues associated with voluntary service.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1941

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a consponsor of S. 1941, a bill to establish the crime victim's assistance fund to provide Federal assistance to State and local programs to aid juvenile and adult victims of crime.

S. 1978

At the request of Mr. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Rhode Island (Mr. CHAFEE) 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 Theatre Week."

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the names of the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from Florida (Mrs. HAWKINS), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Alabama (Mr. HEFLIN), the Senator from Tennessee (Mr. SASSER) the Senator from New Jersey (Mr. BRADLEY), the Senator from Ohio (Mr. GLENN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 190

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to amend the Multilateral Force in Lebanon Resolution and provide for periodic review and, if appropriate, reauthorization by Congress for continued deployment of U.S. Armed Forces in Lebanon.

SENATE CONCURRENCE RESOLUTION 10

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution calling upon the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Idaho (Mr. SYMMS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. HEINZ, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. DENTON), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Concurrent Resolution 79, a concurrent resolution to request the President to urge the Government of Japan to import U.S. coal.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. QUAYLE, the names of the Senator from Oklahoma (Mr. BOREN) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000 vehicles, to foster recovery and reduce high unemployment in the American automobile industry.

SENATE RESOLUTION 259—ADDITIONAL PRINTING OF SENATE ELECTION LAW GUIDEBOOK

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 259

Resolved, That a revised edition of Senate document numbered 97-22, entitled "Senate Election Law Guidebook", be printed as a Senate document, and that there be printed eight hundred additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 260—REVISION AND PRINTING OF SENATE MANUAL

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 260

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-eighth Congress, that said rules and manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

SENATE RESOLUTION 261—GRATUITY TO DEBORAH T. AMBERS

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 261

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Deborah T. Ambers, daughter of LeRoy Ambers, an employee of the Senate at the time of his death, a sum equal to elevan month;s compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 262—GRATUITY TO JOHN D. BLACKER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 262

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John D. Blacker, widower of Gwendolyn A. Blacker, an employee of the Senate at the time of her death, a sum equal to ten months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 263—GRATUTITY TO RACHEL J. MILES

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 263

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rachel J. Miles, widow of Willie T. Miles, an employee of the Senate at the time of his death, a sum equal to eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 264—GRATUTITY TO SOL E. NEWMAN AND BEATRICE NEWMAN

Mr. MATHIAS, from the Committee on Rules and Adminsitration, reported the following original resolution; which was placed on the calendar:

S. RES. 264

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Sol E. Newman and Beatrice Newman, parents of Stefanie J. Newman, an employee of the Senate at the time of her death, a sum to each equal to one-half of 2 month's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 265—GRATUITY TO ADELE C. OSTRANDER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 265

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Adele C. Ostrander, widow of Harry R. Ostrander, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 266—GRATUITY TO SUZANNE RENEE WEINTRAUB

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 266

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne Renee Weintraub, widow of Robert E. Weintraub, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 267—ESTABLISHMENT OF A NATIONAL HISTORICAL INTELLIGENCE MUSEUM

Mr. GOLDWATER (for himself, Mr. MOYNIHAN, Mr. GARN, Mr. CHAFEE, Mr. LUGAR, Mr. WALLOP, Mr. DURENBERGER, Mr. ROTH, Mr. COHEN, Mr. HUDDLESTON, Mr. BIDEN, Mr. INOUYE, Mr. LEAHY, Mr. BENTSEN, and Mr. NUNN), submitted the following resolution; which was referred to the Select Committee on Intelligence.

S. RES. 267

Whereas intelligence activities have played a crucial role in the history of the United States;

Whereas intelligence activities were employed by George Washington at the outset of the American Revolution;

Whereas it is important that the citizens of the United States understand the role of intelligence in not only military achievement in wartime, but also in maintaining stability in peacetime;

Whereas the sacrifices and contributions to intelligence by thousands of men and women should be commemorated; and

Whereas the understanding of the importance which intelligence activities have played in the history of the United States and the acknowledgement of the people who have contributed to such activities can best be achieved by the collection, preservation, and exhibition of intelligence objects of historical significance:

Resolved, That the Senate supports the establishment of a National Historical Intelligence Museum.

● Mr. GOLDWATER. Mr. President, I rise to introduce a Senate resolution to support the establishment of a National Historical Intelligence Museum.

I am happy to say that this resolution already has the support of all the members of the Senate Select Committee on Intelligence, including our vice chairman, the senior Senator from New York, DANIEL PATRICK MOYNIHAN.

THE ROLE OF INTELLIGENCE IN HISTORY

Mr. President, intelligence has long played an important role in the history of nations. Four centuries before the birth of Christ, Sun Su, a Chinese military theorist, counseled that:

> The reason the enlightened prince or the wise general conquers the enemy whenever they move, and their achievements surpass those of ordinary men, is foreknowledge . . . What is called "foreknowledge" cannot be elicited from spirits, nor from the gods, nor by analogy with past events, nor from calculations. It must be obtained from men who know the enemy situation.

This observation contains the essence of what modern civilization refers to as "intelligence." As defined by the Commission on the Organization of the Executive Branch, chaired by former President Herbert C. Hoover:

> Intelligence deals with all the things which should be known in advance of initiating a course of action.

Intelligence activities were a developed art among the ancients. Practice, experience and technology contributed to the sophistication of this pursuit. Today, it may be assumed that every nation, regardless of their form of government or guiding political philosophy, engages in some type of intelligence activity. At the very least, the intelligence function contributes to the preservation and security of the state. Without it, the state, the mili-

tary forces and other departments or agencies of Government cannot function wisely.

In a book titled "3,000 Years of Espionage" by Kurt Singer, there is a chapter which relates to the 12 spies of Moses. In part, this chapter states:

One of the most stirring of spy stories in history is drawn from the Old Testament, which contains at least nine spy cases. We refer to the story of Moses and the twelve spies he dispatched into the Promised Land of Canaan around 1480 B.C. Moses selected one man from every tribe of the Children of Israel, which made a band of twelve who were ordered to do reconnaissance work in Canaan. They were led by Osee ben Nun, who is also known by the name of Joshua. Their mission occupied forty days. When they returned, they reported what they had seen in the "land of milk and honey."

THE HISTORY OF AMERICAN INTELLIGENCE

Just as intelligence played a crucial role in the history of nations since ancient times, it has also been a vital force in the history of the United States. Gen. George Washington relied very heavily on good intelligence in fighting our Revolutionary War, and intelligence has played an important role in every war which we have fought, including the Civil War. To the extent these wars were fought to keep us free, intelligence has played a vital role in our freedom.

Mr. President, I mentioned that intelligence has long played a significant role in the history of the United States. I am sure my colleagues will recall that Nathan Hale, who was one of the first great heroes of the Revolutionary War, was hung by the British as a spy. His famous last words—"I only regret that I have but one life to lose for my country"—have been an inspiration to Americans ever since, and have earned him a permanent place in our Nation's history.

Hale's untimely death in 1776 led General Washington to organize a more professional secret intelligence bureau. He chose as its chief Maj. Benjamin Tallmadge, who had been a classmate of Hale's at Yale. Washington's financial accountings show that he spent about $17,000 on secret intelligence during the years of the Revolutionaly War, a good deal of money in those days.

When Benjamin Franklin was dispatched to Paris as this fledgling Nation's Ambassador to France, espionage played a major role in his success as an envoy. In fact, one of the first great counterintelligence cases involved Benjamin Franklin's private secretary who, at the time, was passing secret messages on Franklin's activities to the British by means of a bottle hidden in the hollow root of a tree in the Tuileries Gardens in Paris. Historians today still debate whether Franklin was fully aware of the complicity of his private secretary, whose name was Dr. Edward Bancroft.

During the Civil War, President Lincoln relied heavily on secret agents located in the South who reported on a variety of topics relating to the strength, organization, and disposition of Confederate forces. Among the more famous private detectives in this period was Allan Pinkerton, who served as an intelligence organizer and coordinator from April 1861, until the fall of the following year. Pinkerton's field operations were conducted in the service of Gen. George B. McClellan during his command of the Ohio forces in the Army of the Potomac. They played an important role in the success of the Union forces. Ironically, Pinkerton's inability as an intelligence analyst, as opposed to a collector of intelligence, led to one of our first "intelligence failures" which contributed to his downfall as head of the Washington Spy Corps in 1862.

I am sure my colleagues are more familiar with some of the successes of American intelligence during the First and Second World Wars. By this time, the ability of American intelligence to read foreign codes played a major role in determining what German and Japanese forces planned to do in these conflicts. This information resulted in saving hundreds of thousands of American lives. Of course, with the establishment of the Central Intelligence Agency in 1947, American intelligence moved into its modern phase.

Mr. President, my purpose in reviewing these facts is to give my colleagues a feel for the long and distinguished history of American intelligence. These facts should also give my colleagues a picture of the sorts of historical events that a National Historical Intelligence Museum could dispaly for the American people.

Mr. President, the establishment of a National Historical Intelligence Museum is endorsed by the National Historical Intelligence Museum Association. This nonprofit organization was established in close cooperation with the Donovan Memorial Foundation, which itself is organized as a public foundation to honor the name and memory of General Donovan.

General Donovan was an unusually brave and courageous man who holds the unique honor of having been awarded the Medal of Honor, Distinguished Service Cross, and the Distinguished Service Medal for his activities as a soldier during World War I and as the head of the Office of Strategic Services during World War II. The foundation was established in his name and awards medals to outstanding men and women of the free world in recognization of their service to their countries and to the cause of freedom.

The directors of the Donovan Memorial Foundation support the establishment of a National Historical Intelligence Museum in order to provide a visual presentation of the history of American intelligence. Such a museum could contain a variety of artifacts which would give the American people a better feeling for the role, nature and importance of intelligence to our Nation's history. Obviously, none of these artifacts or displays would reveal current sensitive sources or methods of the intelligence business. The purpose is to show a historical perspective.

I believe that this museum could be an interesting place for the public to visit. It should give them a better understanding of what intelligence is all about and why it is needed. There are all kinds of interesting things that could go in it without ever compromising sources and methods of today's intelligence activities. After all, the use of intelligence goes back thousands of years prior to the birth of Christ.

THE FUNDING OF THE MUSEUM

Mr. President, I think it is important for my colleagues to understand that this resolution does not provide any funds for this museum. What we are trying to do here is to provide congressional support for the establishment of an historical intelligence museum. We want to encourage private donors to assist in its construction and its displays. In other words, passage of this resolution will not cost the U.S. Government any money.

In closing, Mr. President, I ask unanimous consent that a list of the officers and board of the National Historical Intelligence Museum be printed in the RECORD following my statement.

Finally, I urge my colleagues to cosponsor and support this resolution.

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

NATIONAL HISTORICAL INTELLIGENCE MUSEUM

Officers: Martin G. Cramer, President; Maj. Gen. J. Milnor Roberts, AUS (ret.), Vice President; Charles T. Lloyd, Secretary; and Walter E. Beach, Treasurer.

Initial advisory board: Richard K. Betts, Hon. William E. Colby, Brig. Gen. James Lawton Collins, Jr., USA (ret.), Hon. Michael Collins, Frank L. Dennis, Richard Dunlop, Lawrence Houston, David Kahn, Lyman B. Kirkpatrick, Maurice Matloff, Hon. John F. Maury, Kenneth Y. Millian, Capt. W. T. Packard, USN (ret.), Joseph E. Persico, Lt. Gen. William W. Quinn, USA (ret.), Lt. Gen. Eugene F. Tighe, Jr., USAF (ret.), and Russell F. Weigley.

Board: Roger S. Abbott, Walter E. Beach, Martin G. Cramer, Jules Davids, Nancy Fogarty, Cynthia Grabo, Samuel Halpern, Charles T. Lloyd, Lawrence McWilliams, Capt. Roger Pineau, USNR (ret.), Maj. Gen. J. Milnor Roberts, AUS (ret.), Arden Ruttenberg, Thaxter Swan, and Edward O. Welles.●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget has

rescheduled its meeting for Tuesday, November 1 at 2 p.m. to Wednesday, November 2 at 10 a.m. to package and report the reconciliation bill of 1984. The meeting will be held in 608 of the Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

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, November 2, to hold a hearing on S. 803 a bill to establish the Commission on the Centennial Review of the Civil Service.

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

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, November 2, to hold a hearing on purchasing of spare parts and support equipment in the DOD.

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

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 2, in order to receive testimony concerning the following nominations:

Mr. Thomas G. Hull, of Tennessee, to the U.S. District Judge for the eastern district of Tennessee

Mr. Daniel J. Horan, of Florida, to the U.S. Marshal for the southern district of Florida.

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, November 2, at 2 p.m., to hold a hearing to receive testimony on the organization of the military departments and their relationship with other Department of Defense and executive branch agencies.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, November 2, to hold a hearing on education excellence, and to consider the following Legal Services nominees: Leaanne Bernstein, Claude Galbreath Swafford, Robert A. Valois, William Clark Durant III, Robert Francis Kane, and Michael B. Wallace.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session during the session of the Senate on Wednesday, November 2, to receive a briefing on intelligence matters.

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

ADDITIONAL STATEMENTS

ADMIRAL RICKOVER

● Mr. NUNN. Mr. President, I rise to pay tribute to one of our Nation's greatest military leaders, Adm. Hyman G. Rickover. Admiral Rickover today received a gold medal authorized by the Congress for his 63 years of service to the United States as a naval officer.

Admiral Rickover richly deserves this honor. His career as a guardian of our national security is unparalleled, and his selfless devotion to the Nation above all else provides a unique example for Americans to emulate.

Admiral Rickover is the father of the modern nuclear navy. He pioneered in the development of nuclear reactor technology for the propulsion of naval vessels and directed the application of that technology in the production of the *Nautilus,* the Navy's first atomic powered submarine. More than 30 years ago, former Secretary of the Navy Dan Kimball said that Rickover,

> more than any other individual is responsible for the rapid development of the nuclear ship program. . . . He has accomplished the most important piece of development in the history of the Navy.

During the 30 years since then, Admiral Rickover has built steadily on that achievement. Under this leadership, the Navy's nuclear program has maintained an unequaled record of safety since its inception.

Moreover, the construction and deployment of the world's premier nuclear naval deterrent has been accomplished with both eyes on the taxpayers' pocketbook. Admiral Rickover has been a great friend of the American taxpayer. He has summed up his own attitude toward managing public funds: "I treat the Government's money as if it were my own."

Admiral Rickover's influence reached across the length and breadth of the Navy, from the education of the freshman NROTC cadet to the highest counsels of the Pentagon. Perhaps his greatest legacy, however, is his personal example of individual dedication and service.

Admiral Rickover did not avoid or postpone problems—he solved them. He did not make excuses or cast blame; instead, he took personal responsibility for getting the job done—and getting it done right. Every assignment he ever undertook bore his personal stamp.

That personal stamp was also imprinted on the people he led. Admiral Rickover's leadership helped to produce a corps of naval officers whose dedication, resourcefulness, ability, and constant pursuit of excellence are unmatched.

Mr. President, Adm. Hyman G. Rickover was truly a man of vision. Every American citizen owes him a large debt of gratitude for his role in assuring us a Nation strong enough to protect the peace and safeguard our freedoms.

Admiral Rickover once stated his personal philosophy in one short sentence by saying, "the more you sweat in peace, the less you bleed in war." We can all learn from that advice.

Mr. President, I am delighted that the Congress has honored Admiral Rickover with this gold medal today, and I am confident that his example will inspire future American leaders.●

PROS AND CONS OF EXPORTING ALASKAN NORTH SLOPE OIL

● Mr. RIEGLE. Mr. President, the Senate may soon consider the Export Administration Act, which contains a renewal of the limitations on the export of Alaskan crude oil. This issue has been under consideration by the last two administrations, despite repeated votes in the Congress opposing these shipments.

This opposition is founded on the belief that the export of our domestic oil supplies, especially from the Alaskan North Slope would be unwise and imprudent, as the 1979 oil supply interruption graphically illustrated. The support for the limitations has been drawn from all segments of the economy, from the maritime interests to labor unions, to consumer groups, to farm organizations. The overwhelming nature of the votes in the Congress, first in 1977 and again in 1979, indicates the breadth of this support.

The most persistent questions have centered on the economic benefits that may arise from the export of Alaskan oil to Japan. Various analyses have projected a decrease in our trade deficit with Japan, a lowering of oil prices in this country, and an increase in our energy security.

The General Accounting Office has recently issued a report which addresses all of these points. I would like to place in the RECORD at this point a copy of an article from Oil Daily dated October 11, 1983, entitled "GAO Sees Little Impact from Sales of Alaskan Crude." In addition, Mr. President, I

would like to insert a copy of the Digest from the GAO report.

I hope that the Members of the Senate will read this summary, since it addresses many of the economic concerns that have been raised in conjunction with this issue. One of the basic findings of this report is that there will be no net improvement in our balance-of-payments with Japan, due to the increase in oil imports to offset the shipments to Japan.

Mr. President, this is an important matter which concerns the energy security of our Nation. I feel strongly that our domestic oil supplies should not be available for export to Japan or any other nation, except under very limited circumstances, and the following documents provide additional evidence in support of that position.

GAO SEES LITTLE IMPACT FROM SALES OF ALASKAN CRUDE

WASHINGTON.—Exporting Alaskan oil to Japan would do little to change the overall balance of payments deficit, the General Accounting Office said.

The GAO said in a study of the arguments for and against exports that the exports would reduce the U.S. trade deficit with Japan, about $17 billion in 1982, by $1 billion a year for every 100,000 barrels per day exported.

But the oil would no longer be available to the U.S. Gulf Coast and would have to be replaced, the report said, and since the U.S. is a net importer of oil, the replacement oil would have to be imported.

"Thus, to the extent the United States offsets exported Alaskan oil with imports, the overall U.S. balance of payment deficit (about $31 billion in 1982) would remain essentially unchanged," the GAO said.

The report also discounted arguments from export proponents that the sales of North Slope oil to foreign countries would increase exploration incentives, noting that Alaskan producers reportedly earned about $5 billion in 1982 "and already have sufficient inducement to explore and produce more oil."

Since the amount of oil being considered for export represents only about 2 percent of the 53 million b/d in the world market, the report noted, such exports could not exert much pressure on the general price of oil.

The exports would also be unlikely to reduce the quality and quantity of oil available to the United States, the GAO said. It noted that comparable foreign crudes possibly from Mexico, Venezuela and Saudi Arabia, would be available to replace the exports.

The report said consumer prices would not decline immediately as the result of the exports, and West Coast prices for some products might increase in the near term.

In terms of national security considerations, the report said Alaskan exports would make Japan less vulnerable to supply disruptions.

"However, to the extent imported oil would be needed to replace Alaskan oil exports, the United States would become more dependent on foreign oil," the GAO said.

"Further, the loss of small tankers now used in the Alaskan oil trade could put the Defense Department in the position of relying on foreign shipping to supply petroleum products to the U.S. armed forces overseas should a future emergency situation require a military mobilization," the report said.

PROS AND CONS OF EXPORTING ALASKAN NORTH SLOPE OIL

Alaska presently produces about 1.7 million barrels of crude oil a day (b/d) from the North Slope, which, pursuant to legal export restrictions, remains in the United States. The West Coast uses about 900,000 b/d of that oil. The remaining 800,000 b/d are shipped primarily through the Panama Canal or Trans-Panama Pipeline to Gulf Coast and Caribbean refineries and ultimately consumed in the eastern half of the United States. A debate revolves around whether the oil currently shipped to the Gulf and East Coasts should be permitted to be sold on world markets.

The key perceived advantages in supporting Alaskan oil exports include: (1) increased revenue for Alaska and the Federal Government; (2) improved efficiency in the oil distribution system; and (3) enhanced U.S. relations with Japan from selling them Alaskan oil which would reduce Japanese vulnerability to supply disruptions.

The key perceived disadvantages to exporting Alaskan oil include: (1) harm to national security by increasing U.S. reliance on foreign oil and foreign shipping; (2) harm to the U.S. maritime industry, with its resulting domestic economic consequences; and (3) adverse effect on U.S. relations with Panama.

Economic implications of exporting Alaskan North Slope Oil.—Proponents and opponents agree exports will create transportation cost savings, increase Federal and State revenues, and Alaskan oil producers' profits. They also generally agree exports will harm the maritime industry and that the Federal Government would incur losses if, as expected, shipowners default on Maritime Administration ship loan guarantees. Tax revenues from the maritime industry and wages of seamen would go down.

Export proponents and opponents disagree, however, on the amount of the transportation cost savings and the economic effect on the maritime industry. The volume of exports that would take place and the freight rates applicable to the exports are the major factors for the differing projections of savings. Nevertheless, it is generally agreed that U.S. domestic consumers would receive no immediate benefit from exports.

Effect of exports on U.S. national security and foreign relations.—Alaskan oil exports would make Japan less vulnerable to oil supply disruptions. However, to the extent imported oil would be needed to replace Alaskan oil exports, the United States would become more dependent on foreign oil. Further, the loss of small tankers now used in the Alaskan oil trade could put the Defense Department in the position of relying on foreign shipping to supply petroleum products to the U.S. armed forces overseas should a future emergency situation require a military mobilization.

From a foreign relations viewpoint, Alaskan oil exports would create mixed results in relations with Japan and Panama and possibly Mexico.

JAPAN

Japan would welcome Alaskan oil, but Japanese officials commented that they would probably only purchase about 100,000 b/d now, with larger purchases possible in the future. Alaskan oil could increase long-term energy ties between the U.S. and Japan. However, the restrictions on Alaskan oil exports have had relatively little, if any, impact on overall U.S.-Japanese relations, according to Japanese Government and U.S. Embassy officials. A State Department official commented, however, that the export of Alaskan oil could have a positive impact on U.S.-Japanese bilateral relations.

Exporting Alaskan oil will reduce the U.S. trade deficit with Japan but the United States, a net oil importer, would have to replace Alaskan oil with imports, therefore, the overall balance of payments deficit would remain essentially unchanged. Moreover, reducing the U.S. trade deficit with Japan through Alaskan oil exports will not resolve the underlying cause of trade friction. Lifting the Alaskan oil export restriction may be viewed as eliminating a U.S. barrier to free trade, but even with Alaskan oil exports there would be continued pressure for greater U.S. access to Japanese markets.

MEXICO

Export proponents have suggested a swap arrangement which would send Alaskan oil to Japan in exchange for a similar quantity of Mexican oil now committed to Japan being shipped to the U.S. Gulf Coast. However, export opponents point out that additional exports of oil to the United States would be contrary to the stated Mexican policy of limiting its dependence on any single buyer (namely the United States) to 50 percent.

An official of the Mexican Embassy in Washington has indicated that Mexico regards Japan as a very important trading partner and wants to preserve that relationship.

PANAMA

Panama receives revenues that are expected to grow to about $100 million a year from income, tariffs and taxes generated by the transit of Alaskan North Slope crude across the Isthmus via the Panama Canal and/or the Trans-Panama Pipeline. The Panama Government notified the State Department in March 1983 that a change in U.S. policy which would result in the loss of these revenues would lead to serious implications and unexpected changes in the economic and political situation. However, the notification did not specifically state what these implications and changes would be.

AGENCY COMMENTS

GAO did not seek formal agency comments, but officials of the Departments of Energy, Defense, and State, and the Maritime Administration reviewed a draft of this report and they generally agreed with its contents.●

AMERICAN ACTION IN GRENADA

● Mr. BOREN. Mr. President, two articles have appeared recently in the New York Times of October 30, which I believe are well worth reading. I ask that the text of both be printed in the RECORD in full, following my remarks. One reports the comments of a very respected Grenadian journalist, Alister Hughes, in regard to the recent American action in Grenada.

Mr. Hughes stated:

Thank God they came. If someone had not come in and done something, I hesitate to say what the situation in Grenada would be now.

He continued:

I don't regard it as an invasion but a rescue operation. I haven't met any Grenadian who had expressed any other view.

The other article is a column by Norman Podhoretz entitled "Proper Uses of Power." One paragraph in the column is especially instructive. In it Podhoretz says:

We have, in short, approached Grenada with a clarity of political and moral purpose that we have been utterly unable to achieve in Lebanon. Armed with this clarity of purpose, the Reagan Administration has moved decisively and effectively—which is another way of saying that it has managed to brush aside pre-emptive rationalizations of the kind that were invoked to justify our impotence over the hostages in Iran and the newer rationalizations that have now appeared to explain why we can do nothing in Lebanon.

Podhoretz is right. Those who are criticizing the President now for his decisive action in Grenada would have been the first to condemn him had he failed to act and if our medical students had been taken hostage in an Iranian-type situation.

Those who decry our action now as an attack on a sovereign nation, ignoring the fact that practical political and military power had passed into the hands of an occupying Cuban force, would have been among the first to wring their hands in bewilderment once it became clear that the governments of neighboring small democratic and peace-loving nations were being attacked and subverted from a new strong Soviet and Cuban base in Grenada. Who, they would then ask, was asleep at the switch when the Cubans took over? Why did we let them entrench themselves in a base where it is now so hard to dislodge them?

Some of the critics have indulged in completely hysterical and irrational criticisms which reflect no credit on those who have advanced them. They have even compared American actions in Grenada to those of the Soviets in Poland and Afghanistan. It is incredible to me that any American would make such an outrageous assertion. Which neighbors of Poland or Afghanistan asked the Soviets to intervene? When did the Soviets ever say that their aim was to allow free elections and the return of control to the citizens themselves in Poland and Afghanistan? The American citizens who were in danger in Grenada were medical students. If any Soviets were in danger in Poland, it was because they were viewed as an occupying force sent to crush the nationalistic yearnings of the Polish people for self-government.

Whatever the President did, he would inevitably have been criticized. Far better that he act decisively as he did and now be criticized for the wrong reasons than to remain hesitant and paralyzed, and be justly held accountable later for failing to protect our citizens, failing to heed the cries of help from our friends, and failing to adequately look after our national interest. On the other hand, the President has not yet adequately defined our mission in Lebanon. Without a clearly defined mission, it is impossible to develop an efficient plan to accomplish it or a timetable by which we can extricate ourselves from a conflict of many generations in duration. The President is justifiably subject to questions about his failure to develop a coherent policy in Lebanon.

At the same time, if the facts prove to substantiate what the President has reported to the American people about the situation in Grenada, he will deserve the appreciation of the American people of both political parties for his decisive action.

This does not mean that we should have a "trigger happy" foreign policy. Of course, we should always exercise great prudence in using force. The human cost is terribly high. As one journalist wrote recently: "When we use force to exert control, we often find that we lose control." Certainly, in many situations, the use of military force is not the correct answer to the problem. However, it is just as wrong to say that there is never any circumstance which justifies the use of force. If done carefully, it can be a clear and valuable statement to the rest of the world. In this case, it sent a message that the United States will protect the safety of its own citizens and that we will not look the other way when the stability and security of our own hemisphere is threatened.

The articles follow:

[From the New York Times, Oct. 30, 1983]

PROPER USES OF POWER

(By Norman Podhoretz)

Suddenly, within a single week, and for the first time in years, the United States has been engaged in military actions of two different kinds and in two widely distant countries. Is this, then, the resurgence of American power that some of us have been hoping for since the election of Ronald Reagan?

If we ask that question in connection with Lebanon, the answer has to be an emphatic no. Far from suggesting a resurgence of American power, our policy in Lebanon is redolent of the sickly inhibitions against the use of military force that prevented the Carter Administration from doing anything about the seizure of the American Embassy in Teheran by Iranian "students" in 1979. The day our hostages were finally released, the newly inaugurated President Reagan declared that never again would terrorists be permitted to act against the United States with impunity. Nevertheless, impunity is precisely what has thus far been enjoyed by those responsible for the terrorist attack in Beirut last week, which resulted in the loss of at least 225 American Marines.

Why is this so? The reason is not that we do not know against whom to retaliate. On the contrary, we have very good reason to believe that this attack, like the one on our embassy in Beirut last April (to which we also failed to respond), was launched by a pro-Iranian Shiite group based in the Syrian-dominated sector of Lebanon. Since the Syrians are fully capable of preventing any organization located in territory they control from carrying out terrorist operations (or, for that matter, doing anything else), we have to assume that they either ordered or approved of these attacks on the United States.

It is the Syrians, therefore, who are responsible, and it is against their military installations in Lebanon that we should retaliate. That we have failed to do so means that even under Ronald Reagan there is no penalty for slaughtering American troops.

No wonder, then, that we hear so many calls from conservatives as well as liberals, hawks no less than doves, to pull the Marines out of Lebanon, at least after a decent interval, on the grounds that they have no clear mission to perform and are only "sitting ducks." But the reason the Marines have no clear mission to perform is that we have been unwilling to work with the Israelis in trying to reestablish a pro-Western democratic regime such as existed in Lebanon before 1975, when the Palestine Liberation Organization and then the Syrians moved in.

Instead, from the moment the Israelis invaded Lebanon in 1982, we have behaved as though they were somehow damaging American interests by inflicting a defeat on the Soviet-backed forces there. Indeed, American Marines were sent into Lebanon in the first place not to cooperate with the Israelis in clearing the P.L.O. out of Beirut but to prevent the Israelis from doing the job themselves. Then, having safely escorted the P.L.O. out, the Marines were withdrawn.

Since being brought back as a "peacekeeping force" after the Sabra and Shatila massacres, the Marines have as a matter of policy been conspicuously dissociated from the Israelis. There have been ugly incidents of confrontation with Israeli soldiers in the area. The United States has rejected Israeli cooperation in putting military pressure on the Syrians to withdraw from Lebanon and even in hitting back at the Syrians for the terrorist attack on the Marine compound itself.

Thus we have refused to work with a democratic ally (in this case, Israel) to strengthen democratic processes in a country (in this case Lebanon) where they have been severely damaged by radical elements (in this case, the P.L.O. and the Syrians) in league with the Soviet Union. The result has inevitably been an incoherent political strategy, and it is this incoherence that is reflected in the confusion surrounding the mission of the Marines in Lebanon.

Looking at Lebanon alone, then, one would have to conclude that we are still very far from anything resembling a resurgence of American power. But Grenada tells a different story, and the contrast is both, instructive and inspiring.

The United States has sent troops into Grenada at the behest of, and in unambiguous collaboration with, the tiny democratic states of the eastern Caribbean that lack the military power to defend themselves against Marxist revolutionaries backed by and linked to the Soviet Union and Cuba. Our political objective in invading Grenada is, as the President has put it, "to restore order and democracy." We are, in other words, openly using military power to protect our democratic friends in the region generally and to further the cause of democracy in Grenada in particular. We are also taking action against the strategic threat that has been posed to us by the

gradual transformation of Grenada into a base for Soviet and Cuban military operations.

We have, in short, approached Grenada with a clarity of political and moral purpose that we have been utterly unable to achieve in Lebanon. Armed with this clarity of purpose, the Reagan Administration has moved decisively and effectively—which is another way of saying that it has managed to brush aside pre-emptive rationalizations of the kind that were invoked to justify our impotence over the hostages in Iran and the newer rationalizations that have now appeared to explain why we can do nothing in Lebanon.

Grenada by itself cannot be taken to signify a resurgence of American power, especially given the demoralization evident in our response to the attack on our Marines in Beirut. But if Lebanon shows us a United States still suffering from the shell-shocked condition that has muddled our minds and paralyzed our national will since Vietnam, Grenada points the way back to recovery and health.

"BACK IN JUNGLE": EX-PRISONER DESCRIBES EVENTS BEFORE INVASION

(By James Feron)

BRIDGETOWN, BARBADOS, October 29.—A Grenadian journalist who had been interned on Grenada until the American-led invasion said today that "we need some authority to maintain order," but said he hoped it would include Caribbean forces only.

The journalist, Alister Hughes, said that Grenadian soldiers had shed their uniforms and were hiding weapons, and that Cubans may have retreated to the hills to fight a guerrilla war.

The 64-year-old Mr. Hughes, generally regarded as the most respected journalist on the island, was arrested Oct. 19, the day that Prime Minister Maurice Bishop was freed from house arrest but then killed, reportedly during a rally by soldiers loyal to the military, which had ousted his Government.

Mr. Hughes, who was freed by fellow prisoners from the Richmond Hill Jail near St. George's, the Grenadian capital, said of the American-led incursion: "Thank God they came." Speaking to reporters here, he said, "If someone had not come in and done something, I hesitate to say what the situation in Grenada would be now."

The crucial moment, he said, came after Mr. Bishop had been freed by a crowd he estimated at 10,000. "They had been denied the opportunity to choose between Bishop and Coard," he said, referring to Bernard Coard, the Deputy Prime Minister and leader of the coup.

"So 10,000 and maybe more were saying that morning they wanted Bishop," he said. "But they were fired on by the army—defenseless prople—and at that stage we were back in the jungle." As for the action by the United States and Caribbean forces, he said, "I don't regard it as an invasion, but a rescue operation. I haven't met any Grenadian who had expressed any other view."

Mr. Hughes' account of the events that led to the invasion also included a dramatic version of some of the fighting, in one case as witnessed by his brother, Leonard, who had also been detained.

"He said he saw a helicopter shot down on an open playing field," Mr. Hughes said. Two American servicemen got out, one of them wounded. "The other one dragged him free, then ran, but was hit by sniper fire and killed," he said. The wounded soldier used the radio he pulled from his pocket to call for help and "another helicopter arrived within 20 minutes to take him away," Mr. Hughes said.

"They didn't take the body, though, which was rifled of a watch, papers, service revolver and other items," Mr. Hughes said. An hour later a man in the uniform of the Grenadian People's Revolutionary Army arrived, took it to a sea wall and threw it in, he said, then stood over it "raking the body with automatic fire."

Mr. Hughes, who arrived here Friday and is to return to Grenada Sunday described widespread looting, especially of the capital's major supermarkets. "There is no authority in Grenada now," he said, and stores are being broken into. "In addition to food they are taking suitcases, cameras, radios—and it's mostly young people."

He thought the hiding of weapons might be widespread. A friend told him that some young girls had seen men hiding arms in a pasture and asked him what to do. The friend told the children to tell the United States Marines, which they did, and "quite a lot of arms were found," Mr. Hughes said. The journalist added that "if people are hiding weapons there, they must be hiding them elsewhere."

Mr. Hughes, a former businessman who is a reporter for the Caribbean News Agency and for The Associated Press, said he doubted that elections would be possible within six months, which has been suggested by leaders of Caribbean nations participating in the seizure of the island.

"FEELING OF FREE SPEECH"

"The sooner some authority is created in Grenada," he said, "the sooner we'll get an answer" through elections, "but six months is far too short a time." He said Grenadians had "lost the feeling of free speech."

He said he hoped that members of the 13-member Caribbean Community would be represented on an interim force, but added that the United States forces "can't finish in a week and leave."

He said that it had become clear before the recent coup that "Bishop had the charisma and popularity, and Coard didn't." He recalled that Gen. Hudson Austin, the leader of the military, delivered a speech the night Mr. Bishop was killed. The speech said that "there had been a suggestion in the party that Maurice continue his work with the people and that Coard continue with the political direction," Mr. Hughes said.

"That sounded to me like Coard was more or less intending to take the leadership," Mr. Hughes said. He also said General Austin described Mr. Bishop as having become "dictatorial—that he would not take advice."

General Austin also sought during that speech to explain Mr. Bishop's death by saying that soldiers in a military vehicle had come under fire from the crowd, suffering two fatalities. That was followed by what sounded like rifle fire, General Austin said.

That night, Mr. Hughes said, he was taken from his home, placed in a holding facility called the goat pen, once part of a prison farm, and later switched to a cell. He said he was treated well by the regular guards and prison officials and became worried only when the guards fled, locking the warden outside and the prisoners inside.

When the first jets flew over Tuesday morning, the armed militia outside shouted with glee. "They're MIG's! We've got two MIG's!" Mr. Hughes quoted the militia as shouting, mistaking the American jets for Soviet-made fighters.

Mr. Hughes and others were eventually released by other detainees and prisoners who had broken out of their cells.●

THE FAIRMOUNT THEATER FOR THE DEAF

● Mr. GLENN. Mr. President, I am proud to report that Cleveland's Fairmont Theater for the Deaf has been selected to represent the United States at the VIII International Pantomime Festival of the Deaf in Brno, Czechoslovakia. The many people who have watched these magicians of communication in action will testify that the honor is much deserved.

In making the selection, the Union of Invalids and the Czechoslovakian Ministry of Culture were impressed by the group's Circus of Signs performance, which has delighted Cleveland audiences for some time. In one polished sequence, deaf entertainers perform a Keystone-Kops-like chase on tricycles. In another act, the Ariel Atoms, three pairs of hands wearing illuminated gloves in the darkened auditorium, take on the role of acrobats.

By relying so heavily on movement and visual techniques, rather than sound, the performance instructs in the art of signing while richly entertaining at the same time. The combination makes for high quality theater that will distinguish our country as well as the individual performers, who have painstakingly perfected their acts. The competition will be challenging as the Fairmont group entertains during the week of November 15-20 for an international jury of specialists in the field of pantomime, but I am confident that the thrill of the big-top circus that they convey will captivate foreign audiences the way it has Cleveland-area theatergoers.

I wish our team well as the members compete for the Jean Kaspar Duburéau grand prize as American Ambassadors abroad, using visual vocabulary to remind us of the joys of sight and the powers of the deaf to make a full contribution of national and international life. The Czechoslovakians should look forward with much anticipation to the appearance of the Fairmount Theater of the Deaf because the Circus of the Deaf may be the greatest show on Earth.●

MARTIN S. BLINDER

● Mr. ZORINSKY. Mr. President, in less than a decade, Martin Blinder, through his Martin Lawrence Limited Editions, has emerged as one of the leading art publishers in the world. A significant feat considering that many of his competitors, primarily based in New York and Paris, have been involved in the publishing of fine art for 25 to 50 years or more.

Blinder, 36, credits his ascent to a sense of finding the right artist at the right time and working with them closely on all facets of the concept through printing and framing of each oil or limited edition graphic. All elements are covering with painstaking care keyed toward the quality of the work meshed with the marketing and sales effort at Martin Lawrence's own galleries or one of the nearly 1,000 galleries around the world which obtain art from the San Fernando Valley-based enterprise.

Over the years, the artists who have selected Blinder's company to publish their art reads, literally, like a who's who of the master of contemporary painting. They include Salvador Dali, Joan Miro, Victor Vasarely, Yaacov Agam, Peter Max, Yankel Ginzburg, and his newest discovery, Hiro Yamagata, who is quickly developing an international reputation with his serigraphs often selling out within a few months of being offered to the public.

A graduate of Adelphi University in 1968, Blinder was one of the youngest stockbrokers on Wall Street at the age of 21. After giving up the bulls and bears of the Dow Jones for the canvas and paint brushes of modern art, the Los Angeles, Calif., resident became actively involved in southern California activities.

He is a patron and frequent charitable contributor to museums throughout the country including the Los Angeles County Museum of Art; the Hirshorn Museum in Washington, D.C., and the Guggenheim Museum in New York City.

Blinder also serves as president of the Research Foundation for Crohns disease based at UCLA and is actively involved in many local charities.

As a leading spokesperson on art, Blinder has participated in numerous television, radio, and newspaper interviews throughout the country,

His contributions on a professional and charitable basis have been honored by a Los Angeles City Council resolution in May 1983. He is also listed in "Who's Who in Business and Finance," "Who's Who in the West," "Who's Who in California," and "Who's Who in American Art."

This year, Mr. Blinder has devoted himself to a new cause, the "Air and Space Bicentennial." He has instigated artists of national acclaim to join him and the honorary chairman of the bicentennial, President Ronald Reagan to create posters that will glorify 200 years of the space adventure that started in a little village in France with the first balloon flight.

And now, 1 short month later, thousands of wonderful posters by 10 famous artists are distributed worldwide through his efforts to promote this significant event. Marty Blinder is living proof that American enterprise is alive and well. Hard work generates success and success breeds charity.

THE CONSCIENCE POINT WILDLIFE REFUGE IN SOUTHAMPTON, N.Y.

● Mr. MOYNIHAN. Mr. President, I wish to alert my colleagues to a problem that has surfaced in my State. I believe the problem will surface elsewhere. The U.S. Fish and Wildlife Service plans to exchange part of the Conscience Point Wildlife Refuge in Southampton, N.Y. for property owned by a local resident. The Fish and Wildlife Service hopes to receive 226 acres of wetlands and 106 acres of upland ridge property in exchange for 44.7 of the 60 federally owned acres that comprise Conscience Point.

This transaction would seem to be quite a deal for the Fish and Wildlife Service, but it is not. The land offered by the local resident is protected from development by existing State environmental statutes; Conscience Point, once privately owned, would not enjoy similar protection.

Mr. Stanley Howard deeded Conscience Point to the Fish and Wildlife Service nearly 18 years ago, precisely to protect it from commercial development. If the Fish and Wildlife Service trades Conscience Point for expediency's sake, its action will constitute a breach of faith.

The point I wish to make is a simple one: Over the past several years, the Fish and Wildlife Service has received 374,105 acres through devise or gift. Trust has been an essential element of the willingness of private citizens to donate land to the Service. We must not allow that trust to be undermined.

There are many who are actively opposing the Conscience Point land exchange; among these are Max Lerner and Edna Albers Lerner. Edna Albers Lerner expressed her deep concern in a recent letter to the editor of the Southampton Press. The letter, though it deals with an issue of local interest, has a poignancy and persuasiveness that ought not be ignored by Members of Congress.

Mr. President, I ask that Edna Albers Lerner's eloquent letter, previously published in the Southampton Press, be printed in the RECORD in its entirety.

The letter follows:

[From the Southampton Press, Aug. 4, 1983]

MOVING LETTER

To the Editor: I am moved by Mrs. Havemeyer's letter in the Press about Stanley Howard, whose North Sea legacy to the United States government is coveted by Peter Salm, to add a word to hers. My husband, Max Lerner, our three sons, and I were Stanley Howard's tenants for 25 years. We came to know him quite well, although he was a reserved, private, old country kind of man, not given to unnecessary conversations.

Our sons admired him greatly and trailed him about, in the process learning a great deal of country lore, as well as how to mow, shingle a roof, take care of horses, and the like. We loved his place, where the children had grown up, and tried several times to buy it without success, although he did offer to let us buy it from his estate after he died.

But his obsessive preoccupation was with his beautiful land, and he thought constantly about how to preserve it. Riding with him one day on top of the dunes, we paused to look back over the woods, inlet, and pasture and he told me happily that he had concluded arrangements to give it to the government: "No one can come onto it. It gives me great satisfaction to know it will stay like this forever."

I was glad for him, but not sure about excluding everyone and suggested a park as an alternative so that people could continue to enjoy it.

"No, said Stanley, "Look at Elliston Park—all bottles and chewing gum wrappers. I want it just this way. No people, just the deer and birds."

When he died and we had to move, the sadness of losing both our old friend and the house was mitigated by the thought that the land was safe forever. This was not achieved without difficulty. Ironically we joined with Peter Salm and others who knew Stanley's wishes to expose a fraudulent will drawn up by some of his relatives. When I hear now that the same Peter Salm is offering to barter his wetlands for Stanley's lovely acres, I wonder what we were fighting for.

Stanley Howard was not interested in enriching the United States government. He gave it the land he loved as a trust as the one sure way he knew to preserve it forever. If this contract is broken the government will forfeit future bequests. If it cannot promise to safeguard the very land that is offered on the terms it is offered, let it refuse, and let owners make other, safer arrangements.

Trust in government is eroded less by dramatic large scandals than by the disgust engendered by watching, powerless, these petty, ignoble deals.

Yours,

EDNA ALBERS LERNER,
Southampton.

S. 1580, THE EXCELLENCE IN EDUCATION ACT

● Mr. CHAFEE. Mr. President, recently I joined with Senator HEINZ in sponsoring S. 1580, the Excellence in Education Act. This legislation establishes a program of awards to local education agencies to carry out plans for improvement of elementary and secondary schools. It is my strong hope that the Senate will approve this measure before adjourning.

Since 1983 has been the Year of Education in the United States, few subjects have occupied more attention. The administration, Congress, State, and local governments, business and industry, labor and civic groups throughout the Nation have examined education more closely—and more critically—than in any other period in the last two decades.

The catalyst for this discussion was the report of the National Commission on Excellence in Education. In assessing the shortcomings of American education and recommending steps for improvement, the report helped to catapult education to the forefront of our national consciousness. It provided a sobering analysis of our problems in education as well as a positive blueprint for change.

The report has contributed to a greater public awareness about the critical connection between educational quality and our Nation's economic competitiveness. It has been the basis for new and constructive discussions among teachers, students, school administrators, school board members, State officials, and others in American communities about how well schools are meeting our national needs and what should be done to improve them. Other studies and reports have followed, urging steps to bolster instruction and reverse the decline.

While education is the primary responsibility of State and local governments, Federal leadership remains a key component. This leadership has been particularly significant this year in galvanizing citizens across the country in the drive for quality education.

There are encouraging signs that they are responding. In State after State we have seen efforts to adopt tougher curriculum and graduation requirements, extend the schoolday, improve attendance, and bolster the level of instruction by providing increased salaries for teachers and performance-based salary plans to provide incentives and reward superior teachers. Perhaps the most encouraging signal—and the one which best points out the positive impact of the National Commission report—is that a recent Gallup polll indicates a majority of Americans who are familiar with the report's conclusions say they will be willing to pay more taxes in order to improve education.

The Excellence in Education Act complements the National Commission report by providing an incentive for local school districts to set concrete goals for improvements in their schools. It encourages school administrators to look ahead, to determine where they want to go and what must be done to get there. They must bring together those whose cooperation is crucial—students, parents, teachers, principals, the community—and give them something to shoot for. The goal itself need not be grand, rewards for improved attendance, for example. But a common aim can help establish motivation and momentum.

Maintaining this momentum is important not only in order to restore quality education, but to assure taxpayers that education continues to be the best investment they can make in assuring a prosperous and productive future for communities throughout the United States. This assurance can only be provided if local education leaders identify the strengths and weaknesses in their schools and demonstrate resolve in addressing the problems. We can help. Not only by doing studies. Not only by maintaining the many fine education programs already in place. We can help by making strides to encourage local efforts to bolster the level of achievement in schools, according to local priorities.

This legislation does not purport to be a sweeping solution to the problems we face in education. But it can help to reinforce the Federal Government's role in the partnership for improving schools.

The bill will establish a modest program of grants to local schools where plans for reform are underway. It authorizes the Secretary of Education to award grants of up to $40,000 to 1,500 schools across the United States over the next 3 years. The schools will be selected on a competitive basis by local school districts, State education officials, and the Secretary of Education. Awards will be made to schools which demonstrate a commitment to pursue goals of improvement, by setting forth plans to implement recommendations of the recent reports for improving educational standards and instruction.

Among the eligible activities are:

Modernization and enhancement of curriculums;

Increasing of graduation requirements in basic subjects;

Implementation of attendance policies with clear sanctions to reduce absenteeism and tardiness;

Experimentation with a longer schoolday or longer school year;

Providing incentives to teachers for outstanding performance, including financial awards and administrative relief, such as the removal of paperwork and extracurricular duties, and;

Demonstration of new and promising models of school-community relationships and business-education partnerships, including the use of nonschool personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

To encourage such public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

This legislation is designed to permit local educators to assess their needs, develop plans, and pursue activities to improve the total school environment. It is thus a unique approach which does not prescribe a single solution but encourages local educators to concentrate on those strategies best suited to their schools.

Last month, representatives of 144 schools were honored here in Washington for outstanding achievements in the Secretary of Education's secondary school recognition program. We are all proud of the magnificent accomplishments of these schools. Their recognition helps to heighten public awareness about the many wonderful contributions being made in our public schools today. This legislation will encourage continued strides toward excellence by rewarding schools which are determined to attain the highest possible level of achievement.

Enactment of the Excellence in Education Act will signify that Congress remains deeply committed to improving American education. I hope my colleagues will join me in working for its passage.●

OPPOSITION TO LIFTING OF THE SANCTIONS IMPOSED ON THE POLISH GOVERNMENT

● Mr. DODD. Mr. President, I find today's press reports on the intention of our Government to start to lift the sanctions imposed on the Polish regime greatly disturbing. Nothing can justify such a move at present, it is very premature. The President specified quite clearly, at the time, martial law was forced on the Polish people, what are the conditions of lifting the sanctions. None of those conditions have been fulfilled. Martial law was lifted only formally last July, most of its restrictions were transferred into the regular body of public laws in Poland. A number of political prisoners were released but many remained jailed. Moreover, the Government indicated that it is preparing a criminal trial for the leaders of Solidarity and the intellectual dissident group KOR, and even hinted that the death penalty may be considered for some of these defendants. Finally, the Government failed totally to open a dialog with the real representatives of the workers, the leaders of Solidarity, and its talks with the Catholic Church were also largely fruitless, due to the rigidity of the Government's position.

The only measure that may be justified as a gesture toward the Polish Government is the rescheduling of the debt owed to Western governments. Such a move would impose an obligation on them to start to repay what they owe us and to come current on the interest payments to official Western creditors including the U.S. Government. Such a move would not give them a free ride. They are already paying private creditors while our Government did not get a penny since late 1981. A rescheduling would correct this inequity and is in our interest.

With respect to the other sanctions, however, I see no reason at all to start to lift them. It would send the wrong

signal to the Polish people indicating our readiness to abandon them quietly. We have to insist on the conditions originally set, a genuine easing of the oppression, the release of all political prisoners and the start of the dialog.

I find the President's intention to start to lift the sanctions particularly surprising in light of his tough anti-Communist rhetoric. Maybe those of us who suspected him of having no concern for human rights except vis-a-vis leftist dictatorships were unfair to him. It seems that beyond considerations of temporary political expediency he does not care about human rights under any kind of regime.

Mr. President, we cannot let the Polish people believe that we can hardly wait the moment when we can unload our concern for their courageous and inspiring movement as just so much deadweight. I urge my colleagues to oppose this ill-advised move.●

LAWYERS INVADE GRENADA

● Mr. JEPSEN. Mr. President, from the very start of the operations in Grenada, there have been those who have strongly criticized the operation purely on the basis of perceptions of improperly followed legal procedures.

These criticisms ignore the reality of the events in Grenada immediately preceding the American action. An editorial in today's Wall Street Journal discusses this phenomenon and puts this inordinate focus on "proceduralism" in the proper perspective. I ask that this editoral be placed in the RECORD.

The editorial follows:

LAWYERS INVADE GRENADA

We attended a dinner the other night at which the subject of Grenada inevitably came up. One guest, however, tried to set one ground rule for the discussion. "We are only going to be able to talk sensibly about Grenada," he said, "if anyone here who is an international lawyer agrees to keep his mouth shut." You can't have everything.

We have before us in the U.S. invasion of Grenada a certifiably good thing. A group of Cuban-Grenadian Marxist thugs was kicked out by several thousand U.S. Marines to a) rescue U.S. citizens, b) make Grenada safe for democracy, c) make the rest of the region safe from similar Cuban-Soviet subversion and oppression. Now, it's likely that the only kind of nation in which such a clear and clean victory would not be met with approval is a nation whose court system is jammed to bursting with lawsuits created by its gerbil-like law schools. As luck would have it, the U.S. is that very nation. And so our news-interview programs, opinion columns and editorial columns are filled these days with people screaming, "Point of order! Point of order!"

The Hon. Sol Linowitz in the Washington Post: "If there was evidence of a real threat to security and stability in the region, should it not have been put before the OAS for action pursuant to the provisions of the Rio Treaty?" Unhappily, one of the key parties to the "dispute," Maurice Bishop, was in his grave and beyond the reach of OAS mediation.

At the far end of Pennsylvania Avenue, members of Congress are running through the halls waving their well-worn copies of the War Powers Act. Many of them demand that the president, regardless of that commander-in-chief nonsense in Article II of the Constitution, ask Congress to authorize the Marines' presence in Grenada beyond 60 days, thereby putting Grenada's future in the hands of several hundred U.S. politicans. These are the same men and women who under another piece of landmark lawmaking—the Budget Control Act—can't pass an annual budget for their own country.

Then there's the rules-of-evidence faction currently holding forth in the editorial columns of the New York Times. It wants to know: "What is the evidence" of Soviet-Cuban destabilization in Grenada? Reading further on in the Times editorial we encountered: "To much of the world, the invasion appears no different than the Soviet invasion of Afghanistan." The Afghanistan analogy reminded us that somewhere along the line we had had our own experience with this very same fastidiousness regarding evidence.

Oh, now we remember: The Times and Alex Cockburn are the only ones left who don't believe in "yellow rain." So let's see, to get evidence that the Cubans are up to subversion you need control samples: some islands where the Cubans are building jetports and the Marines intervene, and some islands where the Cubans are building jetports and the Marines don't intervene. Then when you have enough islands for a Chi-Square test, you can inquire whether the evidence has been collected in compliance with the Miranda rule.

Finally, the Times argues, "the cost is loss of the moral high ground: a reverberating demonstration to the world that America has no more respect for laws and borders, for the codes of civilization, than the Soviet Union." If that sentence reflects the beliefs and values that animate life on the moral high ground, we aren't so certain that it is a place worth occupying.

It suggests that the idea of democracy or self-determination has become a kind of legal abstraction in the minds of Western political elites. The thing has become so taken for granted in Western Europe and the U.S. that its establishment and preservation hardly seem to warrant any action more aggressive than citing Article II of the Rio Treaty. And we're afraid that what this suggests in turn is that one very big problem facing such emerging or fragile democracies as that in Grenada is that the dark and unfamiliar people who live in these places are not quite worth, say, the 16 Americans who died on their behalf. We have quoted before and will quote again the New York Times comment on yellow rain: "Reports that the Russians used toxic agents in Afghanistan and Indochina have not been fully confirmed. Besides, they describe small-scale use against unprotected people in remote areas."

If the proceduralism now serving as the substantive criticism of our Grenada action should succeed, the democrats living in the East Caribbean won't be the only free people with serious cause to worry about their future.●

GUY W. NICHOLS—NEW ENGLANDER OF THE YEAR

● Mr. TSONGAS. Mr. President, I would like to bring to the Senate's attention that Guy W. Nichols, chairman of the New England Electric System, has been named New Englander of the Year by the New England Council, Inc., the region's leading business and industry association.

Mr. Nichols, whose company provides electric power to more than 1 million customers in Massachusetts, Rhode Island, and New Hampshire, received the award this year in recognition of his many contributions to the New England economy.

I would like to cite a few of those contributions.

Mr. Nichols has been a leader in New England and the Nation in voluntary efforts to covert oil-burning generating units to domestic coal in an economical and environmentally sound manner. Six of his company's generating units have been converted to coal. This has reduced New England's dependence on foreign oil by approximately 14 million barrels per year. By making use of state-of-the-art environmental protection equipment, this conversion to coal has resulted in an improvement in air quality.

Mr. Nichols has helped create more than 1,000 jobs for New England by initiating the construction of New England Electric's own coal-fired, coal-carrying ship to deliver coal supplies to its powerplants. This U.S.-flag vessel, which is now operational, is helping assure a reliable, embargo-proof supply of domestic fuel for the company's coal-fired generating units.

Mr. Nichols was one of the first utility leaders in the Nation to embrace renewable energy sources such as small hydro, wind, and solid waste, as viable power supply options. His company has signed five contracts for purchase of power from trash-burning facilities, for example. To the best of my knowledge, no other utility in the United States has surpassed this record.

Mr. Nichols is also taking a leadership role in the effort to bring relatively low cost surplus hydroelectric power from Quebec to New England. His company will build and finance a major portion of the international transmission tieline between New England and Quebec's extensive hydroelectric facilities. This power will be of great value to New England consumers in terms of lower energy costs.

Mr. Nichols has actively encouraged energy conservation among New England's homeowners, businesses, and industries. This year, his company sponsored a competition for the design of energy-efficient houses suited to New England's unique climate. More than 180 entries were submitted, and the winning designs are now being made available to consumers. Under Mr.

Nichols' leadership, New England Electric has also expanded its grant program for weatherization improvements to electrically heated homes and has demonstrated energy conservation measures to thousands of consumers at its two conservation houses in Massachusetts and Rhode Island.

Mr. Nichols has made an important contribution to the effort to improve the economy of Rhode Island, the New England State which has been particularly hard-hit by high unemployment levels and a decline in industrial activity. Mr. Nichols was a guiding force in the development of his company's multifaceted action plan designed to boost the State's economy. The plan's primary feature is a 20-percent discount on basic electric rates to industries that provide new jobs either through expansion or through the state of new operations in Rhode Island.

I applaud Guy W. Nichols' many contributions to the economic health of the New England region, and am pleased to acknowledge his selection as the New England Council's New Englander of the Year for 1983.●

25TH ANNIVERSARY OF NASA

● Mr. DOMENICI. Mr. President, October marked the 25th anniversary of the National Aeronautics and Space Administration. Over the past 25 years, NASA has consistently met challenge after challenge and, in so doing, has made the United States the preeminent leader in space.

Over the past 25 years, NASA has successfully launched nearly 800 vehicles into space. Over a decade ago, men landed on and explored the Moon. In June of this year, Pioneer 10 became the first spacecraft in history to leave the solar system. And now, we have in the space shuttle, a reusable transportation system to get us in and out of near Earth orbit, which will permit full scientific and commercial exploitation of space. At this point in time, I believe that it is both logical and appropriate for us to stand back and not only take a look at where we have been, but where we ought to go in our civilian space program.

There are a number questions that need to be answered as we face the next quarter of a century. For instance, if NASA is to embark on another major developmental program like Apollo or the space shuttle, what should it be? There is growing support both in and outside of NASA for a space station which would involve an estimated first stage cost of somewhere between $7.5 to $9 billion. At the same time, there are those in the scientific community who have indicated that there is no scientific need for a manned space station before the end of this century. It seems to me that there needs to be an extensive examination of all sides of this issue, and that this examination should be done in the context of a comprehensive space policy which has been formulated by all concerned.

I single out the space station as an example of one of many major decisions that must be made at this juncture in the civilian space program. The myriad of others involve issues such as the so-called militarization of space, the future of the planetary program, the operation and the future management of the space transportation system, and space commercialization—just to name a few. Each of these issues are, in some way, related to the other. As a result, decisions that will be made on each will have a direct effect on the other.

In these difficult economic times, as we face the task of dealing with larger and larger projected deficits, I believe it is essential that every effort be made to formulate comprehensive Federal policies—taking all known perspectives and needs into account before committing ourselves to any new and significant capital investment program.

The proposed Space Commission would get input from NASA and the Department of Defense as well as other Federal agencies who are users of the space program—from industry, the science and academic communities, and State and local governments. In that way, all relevant sectors will be involved, and, hopefully, their recommendations will be a well-balanced representation of all points of view. In so doing, we can then begin to formulate and implement a national space policy which will most economically and efficiently serve this country as we move toward the challenges of the 21st century.

I believe that NASA represents perhaps the most technologically innovative resource in our Government. Further, I believe that NASA and the country as a whole stand to benefit from a well-thought-out national space policy which will serve as the foundation for another 25 years of monumental achievements. Once again, I congratulate NASA on its 25th anniversary and I look forward to the limitless opportunities that exist in the future for the U.S. civilian space program.●

ERA HEARINGS CONTINUE IN THE SENATE

● Mr. KENNEDY. Mr. President, the Senate Judiciary Committee's Subcommittee on the Constitution continued hearings today on Senate Joint Resolution 10, the equal rights amendment. The focus of today's hearing was the relationship of the ERA to the military.

We were fortunate to have as one of our witnesses Antonia Handler Chayes, former Under Secretary of the U.S. Air Force. As Under Secretary, Ms. Chayes was responsible for the direction of many major weapon systems programs, directed the development of Air Force strategy to enhance strategic airlift capability, and supervised international policy issues, allied participation in weapon systems development, and foreign military sales. The organization and management of construction of Israeli airbases under the Camp David accords were under her direct supervision.

Prior to serving as Under Secretary, Ms. Chayes was Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations. In this position, she managed and supervised a $700 million annual budget for military construction and personnel and instituted a new personnel program for analyzing and enforcing equal opportunity of employment practices for both civilian and military Air Force personnel.

Ms. Chayes is currently a partner in the law firm of Csaplar & Bok in Boston. Her responsibilities include defense-related consultation and corporate law.

Ms. Chayes provided valuable information to the subcommittee on the contributions of women in the military under present policy, and the potential for strengthening our Armed Forces by replacing gender-based exclusions with sex neutral job-related criteria for all military specialties.

Mr. President, I ask that the text of Ms. Chayes testimony be printed in the RECORD.

The text follows:

TESTIMONY OF ANTONIA HANDLER CHAYES

The purpose of this hearing is to illuminate one question: whether the passage of the Equal Rights Amendment would have an impact on our nation's ability to sustain and field combat-ready forces in any emergency.

It is my firm belief that removal of legal impediments to permit the armed forces to fully tap a much larger pool of potentially capable and talented people will enhance national security. Nondiscriminatory utilization of over 50 percent of the population would radically alter the manpower equation in planning for mobilization. And, as experience with peacetime utilization of women has demonstrated, the increase in numbers and gradual acceptance of women into specialties previously closed to them has improved the quality of manpower required for an increasingly technological sophisticated fighting force.

It is necessary to assess the potential effectiveness of military manpower in the context of overall military strategy and planning. We are planning for military situations in which the potential adversary greatly outnumbers us in military manpower and equipment; in which his lines of communication and supply are shorter than our own. In these circumstances, we expect to compensate for numerical disadvantage by leveraging U.S. technological advantage both for its deterrent and warfighting value.

We have become increasingly aware that we have placed a crushing burden on the credibility of our nuclear deterrent. Despite the extensive investments we are now making to modernize our strategic and intermediate range nuclear forces, there is growing awareness that their deterrent value has lessened. Nuclear war is not winnable, as President Reagan has come to understand and articulate. We therefore raise the nuclear threshold by increasing the deterrent value of the weapons systems and strategy of the wars we can fight and win. We have enormous strength in electronic and semiconductor technology to provide us with even more precise anti-armor weapons, antisubmarine warfare, tactical air, and C31. We must be able to produce, employ, maintain, repair and replace weapon systems with rapidity and effectiveness to counter greater odds. It may be somewhat beside the point to state that there still remains a serious budgetary mismatch for a strategy that has been accepted by senior military planners. It is not beside the point to urge that we unshackle manpower planners from the artificial legal and psychological barriers against using a major segment of the capability and talent needed for such an effective deterrent and warfighting strategy.

We would not cripple ourselves by limiting the pool to brown-eyed people, nor would we eliminate entirely people with flat feet or nearsighted vision. It would be unthinkable today to exclude Blacks and Hispanics although it was still argued in World War II that desegregating the armed forces would impair the moral and fighting capability of the white majority. Before President Truman's order of integration in 1948 there were violent demonstrations that turned into ugly race riots. It became clear that racial tension was sapping combat strength. Gradual understanding of the impact of segregation on mission moved us toward full integration. We learned in Vietnam to fight beside an ally who was shorter, lighter, weaker and culturally different. We contemplate a coalition defense including an even wider spectrum of cultural, linguistic and operational variety.

I understand the fears that until now have kept the military the one area of federal law where explicit sex discrimination still exists. However, the experience of the last several years has proven those fears to be groundless, and it is time to put them to rest. Since the 1970's, there have been great increases in the numbers of women serving in the armed forces, and these women have performed extremely well. Today, the skills and capabilities provided by women have become so integral to the efficient operation of all branches of the armed services that, in any national emergency, it appears that conscription of women is inevitable. In fact, plans have already been developed for a draft of both men and women with medical skills.

The unprecedented growth of women's participation in the armed forces was a consequence of the 1973 decision to eliminate the draft. Well before the end of the 1970's the United States had emerged as the world leader in the use of military womanpower, both in total numbers and in proportion to the total force. By June 1977, more than 110,000 line officers and enlisted women were on active duty, and the numbers were still climbing, even in the face of overall military force level reductions. In 1972, one in every 30 enlisted recruits was a women; by 1976, the number had risen to one in every 13; today, it is one in 11.

Contrary to initial fears about the all volunteer force, the quality of new recruits actually increased following the removal of the draft, as measured by such indicators as mental aptitude and educational attainment. One reason for this qualitative improvement was the expanded recruitment of women, who were required to meet higher standards. More than 91 percent of the female recruits were high school graduates, as compared with less than 67 percent of the men. And high quality women proved to be far less expensive to recruit than men of comparable quality. For example, the Army spent about $3,700 to recruit a "high quality" man v. $150 for a comparable quality woman or man deemed less qualified by the services.

In 1977, the Brookings study by Binkin and Bach, "Woman and the Military," estimated that, without radically departing from current policies and practices and without disrupting the rotation or career opportunities for men, close to 600,000 military enlisted jobs—or 33.3 percent of those performed by the enlisted force, could potentially be filled by women. Because the estimates varied widely from service to service, and some were clearly unrealistic, the study concluded that the number of military enlisted women could eventually reach 400,000, or 22 percent of the force—more than double the expansion planned by the Pentagon.

DOD asked the services to submit their own manpower data to evaluate the potential for using women. In that evaluation, the overriding issue was combat effectiveness. The services' data indicated that out of a total of 1.5 million enlisted and 244,500 officer positions, only 40 percent of each could be identified as either combat or combat support. This left well over half of the enlisted and officer positions as theoretically available to women—again, with variations among the services.

In 1971, women comprised less than 2 percent of the Armed Forces. By 1981, the figure had grown to 9.4 percent and projections made before 1980 did not flatten appreciably for several years, rising to 16.5 percent for 1984.

In the late 1970's, however, the military cautioned against moving too fast in expanding the roles and numbers of women "until such time as we have confidence that the basic mission . . . can be accomplished with significantly more female content in the active force." And the services employed a variety of techniques to refute their own manpower data and reduce the numbers of positions "available" to women—techniques ranging from the "lack of adequate facilities" argument of the development of an elaborate and arbitrary system of percentages based on each unit's expected distance from forward combat areas in war-time. The Army flatly contended that it should not be forced to increase the number of enlisted women until it had evaluated the impact of such increase upon mission effectiveness. As many had feared, decisions were made during the first year of the Reagan administration to postpone further increases until the impact of increasing numbers of women in the military could be more systematically addressed. And today, the growth has slowed dramatically. In 1969, for example, the number of military women on active duty in the Air Force comprised 1.5 percent of the total. By December of 1979, that percentage had increased to 9.9 percent. Projections for 1984 indicated an increase to 16.5 percent. In fact, however, the percentage is now only 11.2 percent, and is expected to reach only 11.4 percent by 1985. The projected growth figures for the other services have leveled off similarly.[1]

Still, between 1971 and the end of 1981 the number of women in the military more than quadrupled and by 1981 55 percent of the enlisted women were in traditionally all male specialties. This is critical, I think, because of the advanced technological nature of our weapons systems. Traditional notions of battle have been radically altered, as all service strategic planning recognizes. Hand-to-hand combat may always exist, but advance systems are likely to be far removed from the battlefield, and may even include civilian maintenance. It is not surprising that acceptance of women has been higher in those areas in which the weapons systems employ technologies found in the civilian labor force. Conversely, I think we must recognize the fact that the range and scope of today's weapons make it unlikely that the FEBA will ever again be clearly delineated. If we want to protect women from high risk of casualty, we will have to bury them underground.

In both traditional and nontraditional positions, and in the many tests designed to measure the impact of women upon the performance of their military units, the findings were the same. The women performed well, and did not adversely affect either the morale or the performance of the unit.

In a series of studies and tests ("The Women Content in the Army"), the Army demonstrated that women did not adversely affect unit performance in support and combat-support units and in combat unit headquarters above battalion level. Although in theory the tests were designed to reveal what proportion of women in a unit (up to 35 percent) would produce a deterioration in unit performances, the Army discovered that "when properly trained and led, women are proving to be good soldiers in the field, as well as in garrison." The Commander in Chief of the United States Atlantic Fleet concluded his report on the U.S.S. Sanctuary experiment with women aboard ships with the statement that ". . . Given the Sanctuary's conclusion that both men and women have merged into members of a common disciplined crew, the pilot program has clearly been a success." During 1977 Congressional hearings,[2] representatives from the Army, the Navy and the Air Force reported that the women they enlisted were better educated, attained higher scores on standardized tests of mental ability, and had lower attrition rates than their male counterparts. In addition, as Col. Frank A. Partlow, Jr., has noted, "Women have survived POW incarceration better than men, they have a higher pain threshold, and perform better under sleepless conditions." However, I could quote such studies and findings to you all day, only to find, as Senator William Proxmire once noted:

"Every study indicates that qualified women soldiers can serve in any capacity. But each time the Pentagon receives a report confirming this conclusion it . . . simply commissions another study."

---

[1] Army—9.7 percent 1983; 10.3 percent projected for 1987; Navy— 8.3 percent 1983 (46,799 women in total force of 651,000); projected increase of only 4,600 women to steady state of 51,400 women by 1985.

[2] Hearings before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, Congress of the United States, July 22, 1977.

With the 1980 election, many military women sensed that an antiwoman sentiment that had been building in the armed forces was becoming a reality. Senior military personnel worried that manpower policy decisions were being made by amateurs interested in social equality and political expediency rather than in the requirements of national defense. In December 1980, the Army and the Air Force secretly submitted to the Reagan transition team a proposal that the female enlistment goals set by the Carter administration be eliminated until women's impact on force readiness could be determined. In February 1981, the Army announced that it planned to cut back on its recruitment of enlisted women. Although the Army spokesman explained that most of the women were "doing a really fine job and were valuable and productive soldiers," there was some concern about "the combat effectiveness of the organizations as you have large numbers of women in them." The Army based this decision not on hard data, but on the feelings of field commanders. An extensive study was under way to determine how "pregnancy, sole parenthood, lost time and physical problems impact readiness."

As part of this "womanpause" study, the Army decreased its recruitment goals for woman and developed a multi-tiered weight lifting test for recruits that was expected to bar women from about 76 percent of the Army's jobs. In response to OSD opposition to the plan, the Army has now proposed a modest increase in its recruitment goals, an expansion of the job categories open to women, and a modification of the physical strength test from 100 pounds to 80 pounds. Although women who could not pass this weight lifting test would no longer be barred from jobs requiring heavy lifting, as initially proposed, they would be "counseled about their choice."

It has been suggested that part of the trend toward retrenchment was not only a reassertion of old prejudices, but a response to the economic slump and the sharp rise in unemployment that made unanticipated numbers of better male recruits available. The initial decision to increase the numbers of military women emerged in the 1970's, not only as a matter of equity, but as a means of ensuring adequate numbers for the All Volunteer Force. Once larger numbers of men became available, the recruitment of women leveled off. When the economy recovers, there is likely to be renewed interest in female recruits. The fuzziness in the definition of combat also appears to be a function of such exigency. The definition when applied to assignment of women bears little relationship to combat pay or decoration.

Now that women comprise approximately 10 percent of our military force, it is unrealistic to think that they will simply disappear from view in time of war, with no trained replacements available. It is time to recognize the fact that the women have performed well, and are here to stay. Yet despite their demonstrated value to the armed services, military women have suffered discrimination. Much of this is subtle, even unconscious, but it serves both women and our national security poorly. When I first arrived as Assistant Secretary of the Air Force, I found that the numbers of women had been kept artificially low. Yet when I made increasing those numbers one of my first priorities, I met with general acceptance. However, I was distressed by the fact that prior to my arrival no one had seen arbitrary exclusion of women as a problem.

Female security police, dissatisfied with their poorly fitting clothing and shoes, were unable to receive any satisfaction. Such subtle kinds of discrimination can be very damaging to morale. Overall, I found many contradictions in the Air Force. There was great support, some resentment and overprotectiveness. Many male officers were not willing to be tough enough—they were too easily moved by tears. Yet on the whole the Air Force was quite open to the idea of increasing the numbers of women, and were proud of the skills and capability of Air Force women.

Yet prejudice remains. A greal deal of vocal concern is expressed about pregnancy. But several other disabilities plague managers because of their negative effects on efficiency and productivity. The continued emphasis on pregnancy as an argument against women in the military suggests that it is the major cause of absenteeism and attrition. The fact is that men in the military lose about 67 percent[3] more time then women while on the job—including the pregnancy factor. The majority of lost job time is caused by desertion, alcoholism and drug abuse, which are problems experienced primarily by men. Moreover, although it is claimed that 10-15 percent of women in service are pregnant, no distinction is made between those who are on maternity leave, and those who can carry on with their duties.

Our life patterns have changed, and even the courts have long since recognized that pregnancy is not cause for involuntary discharge. Once the baby has been born, a distinction must be made between those who leave the service, and those who can make satisfactory arrangements for child care. Personnel managers are concerned with adequate child care arrangements, for the service member may need to respond rapidly in an emergency. Yet in the early years of my work in the Air Force, no priority was given to the children of military women in base child care centers, and it took a great deal of focus and effort to begin to upgrade these institutions. Moreover, adequate child care is not only a female service member's problem. In the Air Force, for example, the majority of single parents (58 percent) are men. There is a real problem. Men with custody of children, and service couples must work out their potentially conflicting commitments as well. It is time to address pregnancy in the context of these broader issues.

The experience of women in nontraditional fields has been both encouraging and discouraging. I remember dining with a group of enlisted women in Korea, and several of them told me that they had joined the Air Force because, in contrast to men, they felt themselves to be trail-blazers. They found they could develop and practice skills in fields substantially closed to women in civilian life. They were proud to be competent carpenters and aircraft maintenance workers. I have heard the same from women naval officers and pilots. Yet I am aware that there has been some migration to more traditional fields. The Air Force had a system for allocating enlisted women among a broad spectrum of specialties, so as not to create sex stereotypes as it increased its numbers. It takes a while for women to adjust to nontraditional skill demands. Moreover, men also tend to migrate from the "dirty" work. Overall, the attrition rate for women has not been higher than for men, and the increased flexibility in allowing specialty changes has paid off. Unfortunately, it is the failures that are usually highlighted to the public.

What concerns me greatly is that this history of discrimination against women, and the restrictions in effect today, have seriously damaged women's career progress in the armed services. For those women who choose military service as a way to gain an education or as career commitment, the impact of discriminatory policies is immediate and obvious. These women are denied opportunities not on the basis of their skills or capabilities, but solely because of their sex. As Assistant Secretary of the Air Force, I was frustrated that women pilots were kept in test status. I worked on the WASP legislation, in part to bring recognition that more than a generation earlier women had flown every aircraft in the inventory. Yet it is hard to expect the Air Force to invest the time and money to train women to operate fighter aircraft or bombers, if they are unable to use the women as pilots during a crisis. Thus far fewer women are rated than aspire to pilot training. This use of quotas interferes significantly with career advancement. The same is true for Navy and Army career lines, where combat restrictions limit opportunities for training, education, assignment and promotion. In addition to their effect on women's careers, such restrictive policies will deprive us of needed military strength. I think it reasonable to assume that we will need every pilot slot filled in a war-time situation, and we should now be developing the largest possible pool of qualified pilots. Eliminating a large percentage of qualified individuals from the pool because of their sex does not seem sensible.

In my view, gender-based restrictions serve very little purpose. Administrative convenience has never been an argument that persuaded the courts, and with respect to the military, the administrative argument is not generally persuasive. Gender-based restrictions permit unexamined prejudices to everyone's detriment. Thus, the Air Force had restricted the missile career field to men officers. I worked to make that change in 1978 and only partly succeeded. The introduction of women was allowed for the Titan system only. It was not the combat exclusion that kept them from Minuteman II and III; it was the fear of wives' resentment over two-person silo manning. Other professions have overcome these problems with little disruption to family life and no interference with professionalism. I was happy to learn that women will be assigned to GLCM deployments in Europe, but I am puzzled at the lack of military rationale for the distinction.

The ERA will secure for military women the fair professional treatment they have not fully gained to date. The ERA will offer consistency of treatment for military planners, and for women who want to plan lifelong career commitments.

The ERA would eliminate gender-based restrictions in statutes, regulation and practice. The statutes that limit the utilization of women by the Air Force and Navy, 10 U.S.C. § 8549 and § 6015, have served to restrain career advancement without serving a clear military purpose. They have been the source of policy confusion and fluctuation. There are inconsistencies within and across services. In the Air Force, women pilots "may not be assigned to duty in aircraft engaged in combat missions," under 10 U.S.C.

[3] Women lose 422 days of service per 100 women; men lose 703 days of service per 100 men.

§ 8549. Thus, they are permitted to fly long-range transports, C-141's, but not intratheatre aircraft, C-130's.

The "risk of hostile fire" is not a criterion that translates easily to military assignments. Women in traditional roles, nursing, for example, have not only faced hostile enemy action, but have died and been prisoners of war in the service of their country. The Navy's restriction, 10 U.S.C. § 6015, expresses no concern about aircraft, but restricts permanent assignment to combat vessels. Thus, if Navy fighter pilots were not carrier based, presumably they could include women among their number. But since few ships are likely to remain unengaged in war, there are few permanent billets. Thus, career advancement is hampered because shore billets must be kept open for rotation. The Coast Guard by contrast has no statutory restrictions, and women serve well in a wide range of shipboard roles. The Army, also free from legislative restrictions, has imposed its own combat exclusion. It has gone through a number of iterations in the definition of combat, increasing the exclusions from 38 to 61 specialties we have indicated, and back down again to 49. When I served in DOD, we worked hard to eliminate the combat restrictions. On several occasions we sought repeal of these provisions so as to release the services from a burden of difficult legal construction, and leave military assignments to the discretion of military experts. I am convinced that it will take the ERA to accomplish this goal.

The implications of such a change are frightening to many people. The shibboleths of women wounded and tortured, or failing in courage and destroying unit morale are not easy to overcome. But it is important to remember that almost any war in which we can contemplate extensive U.S. military involvement is a war that is likely to involve our nation's soil. It will not be possible to protect women from the scourge of war, if we have been unable to deter war from beginning.

Under ERA, the sex-specific barriers in the selective service laws and in assignment policies would have to be replaced with gender-neutral criteria. The military will not be required to utilize soldiers who are unfit or untrainable, but will not be able to exclude women from positions on the grounds of assumed lack of qualifications. By enlarging the pool of qualified applicants for positions requiring specialized skills, ERA will strengthen, not weaken, national defense.

Up to now, under present constitutional tests, the deference given to the military has obscured decisions rooted in prejudice and unexamined stereotypes. With this adoption of the ERA, explicit gender-based exclusions would fail. Tests of strength and aptitude will have to bear proper relation to the tasks whose qualifications they purport to describe. The entire history of litigation under Title VII has illuminated the importance of such validation. While it is costly to construct validated tests, it is a process well begun and well worth the cost and effort. It will match personnel to task based upon performance criteria, and help assure greater productivity and effectiveness.

In my view, should we move to a draft, I would expect women to be included, even without the ERA, as a matter of military exigency. As former DOD Assistant Secretary Pirie (MRA&L) stated in the 1980 hearings on registration,

"It is in the interest of national security that, in an emergency requiring the conscription for military service of the nation's youth, the best qualified people for a wide variety of tasks in our Armed Forces be available. The performance of women in our Armed Forces today strongly supports the conclusion that many of the best qualified people for some military jobs in the 18-26 age category will be women." (Registration of Women: Hearing on H.R. 6569, Subcommittee on Military Personnel of the House Committee on Armed Services, 96 Cong., 2d Sess. 17(1980).

But, in my view, however difficult it would be to make a case for excluding women from the draft today, I do not think it would be possible after passage of the ERA. Its incorporation in the constitution will mean that any classification based upon sex, just as race, will be unacceptable.

The obvious and explicit gender-based exclusions will be eliminated by the services, probably without resort to the courts. Civilian and military leadership have already urged the end to major statutory restrictions in order to enhance flexibility and promote national security.

Yet I do not believe that the courts would construe the ERA to preclude legitimate transitions or cause the courts to be deaf to all evidence explaining disparate impacts in military assignments. Strength differences remain, and the impact of long-term vocational tracking on job selection may also continue for some time to come. There may be reasons to provide transitions to ameliorate sociological problems. It will be necessary to develop understanding of the impact of larger numbers of women generally, and in fields presently closed to them. While the burdens of justifying neutral standards which effectively exclude women will be increased, Congressionally-examined and approved policies of the military which have been carefully designed are not apt to meet Court disapproval. They will not place a crushing burden on national security. Indeed, the requirement of providing objective rationale for policies with a disparate impact is not an impediment to national security at all. Our military services bear a burden of strict scrutiny on budget items each year before Congress. They are well equipped to make their case when they have strong factual evidence.

No one is proposing social experiments that endanger national security. But the time has come to accept the contributions that women have made to our armed forces. Despite all the evidence of a job well done, resistance keeps cropping up. Despite tests and studies designed to prove the negative, the results are positive. the ERA is needed because the current legal framework is inadequate to sustain progress.

For all women, discrimination in the military has a profound effect on their status as citizens. Women's exemption from full military service interferes with their access to national leadership roles. Military service is often seen as a political credential. Military service has been credited with legitimizing the citizenship claims of other groups, particularly racial minorities. Nearly all men are subject to the military call if they are needed in a national emergency. This is seen as a basic responsibility of citizenship—one that is currently denied to half the citizens of this country.

I urge this Committee to support the Equal Rights Amendment not despite its consequences for national security, but because it will strengthen our ability to meet all military requirements and eradicate a remaining bastion of inequality in our society.●

ACID RAIN

Mr. HUDDLESTON. Mr. President, I would like to call the attention of my collleagues to an editorial from the October edition of Coal Mining and Processing on the subject of acid rain. The editorial makes a number of important points that I believe are too often overlooked in the acid rain debate.

The editorial answers the question "Are acid rain controls inevitable?" with a convincing "No" based primarily on the following: First, scientific uncertainties continue to abound on the causes and impacts of acid rain; second, much of the scientific evidence we do have casts serious doubts on the effectiveness of acid rain control bills that focus on Midwestern and Appalachian coal-fired powerplants rather then local sources; and third, even a majority consensus on the question of what needs to be done would leave the politically difficult question of who will pay for it.

Mr. President, we are not standing still on the issue of acid rain, and there is more that we can do short of imposing control programs that may not have the desired effect on acid rain, but most assuredly would add billions of dollars to consumer electric bills and cost jobs in the coalfields and possibly elsewhere. We can accelerate the work of the interagency task force on acid rain; we can accelerate our research and development of new energy technologies; and we can take mitigating action at those lakes identified as overly acidic. This is the prudent course, and it is the course I urge my colleagues to follow.

I ask that the editorial be printed in the RECORD.

The editorial follows:

ARE ACID RAIN CONTROLS INEVITABLE?

(By Carl Bagge)

Since last spring, press accounts have made it appear that a major acid rain control program is inevitable. And, it has been implied that the Reagan administration will succumb to mounting political pressure to "do something," in spite of continuing scientific uncertainties. But the passage of time has made it increasingly clear that action by Congress to require a massive roll-back of sulfur dioxide emissions from coal-fired power plants is far from certain.

WHAT THE FUSS IS ABOUT

To be scientific, three significant obstacles remain: The scientific basis for proposed controls is as weak as ever; no easy political solutions exist to allow quick enactment on Capitol Hill; and, the logical consequence—indeed purpose—of acid rain control proposals is becoming clear. That purpose is to make far more stringent the Clean Air Act, reform of which remains stalled after more than two years of effort.

The National Academy of Sciences in June did state that a proportional relationship exists between sulfur dioxide emissions and sulfur deposition, but it went on to say, ". . . the relative importance for deposition at specific sites of long-range transport from

distant sources as compared with more direct influences of local sources cannot be determined . . ."

And there are other scientific uncertainties: Whether rainfall has changed as air quality has improved; the relative importance of rainfall to lake acidity when compared with the more direct and significant influences of soils and forests; and the benefits, if any, of immediate emissions reductions.

Although these uncertainties are glossed over by proponents, they will compound the political intractability of the issue.

Early acid rain control bills focused on Midwestern and Appalachian coal-fired electric power plants. Their enactment would result in high costs for consumers but no assurances of reduced acidity in Northeastern lakes and streams. By singling out coal-fired power plants, these bills would reduce emissions farthest from acid sensitive areas in New York, New England and eastern Canada—although scientists increasingly are focusing on the more direct influence of local sources.

These bills understandably generated solid opposition from coal-using states which ensured no action in the last Congress or, for that matter, in this one.

Furthermore, such proposals have been scientifically undercut by the National Academy's admission that ". . . we cannot judge the consequences of emission reductions in a smaller region, such as the Midwest, for deposition in another region such as the Adirondacks and southern Ontario."

Taking into account strong political opposition, a second generation of control bills has surfaced in this Congress. Their most significant new feature is uniformly spreading control costs across the nation through some form of tax.

In this manner, these bills would reduce the adverse impacts on consumers in the Midwest while still requiring sharp emission reductions in that region. One bill, Waxman-Sikorski, would also mandate scrubber retrofits and in addition effectively impose a federal standard on existing emission sources.

Although midwesterners may find this approach more palatable, serious opposition has come from Western governors and New England politicians who object to paying for midwestern controls.

COSTLY ABSURDITIES

One is also stuck by some of the curious requirements of the Waxman-Sikorski bill. For example, New Hampshire with 92,900 tons of sulfur dioxide emissions each year would be required to reduce emissions 48 percent, while neighboring Maine with 94,800 tons of sulfur dioxide emissions would have to cut only 3 percent. Georgia, with 839,800 tons of emissions, would have to lower its emissions by 54 percent, while New York with 944,500 tons—and the vast majority of acidified waters—would need to reduce emissions by only 22 percent.

Such anomalies reinforce arguments that the real objective of controls is not to reduce acid rain, but to impose a uniform federal emissions limit on older power plants now covered by individual state regulations under the Clean Air Act.

These proposals have become increasingly transparent in their real objective—a new ratcheting down of existing sulfur dioxide restrictions. State implementation plans, painfully worked out over the years and in full compliance with the law, would have to be overhauled anew. And the Eastern United States effectively would become a non-attainment area with consequences far beyond the coal and the electric utility industries. These less publicized effects of acid rain legislation will add to the scientific and political problems already facing proponents.

The case for immediate action is vastly overstated. Scientists have found no trend of increasing rainfall acidity and, in fact, where long-term data exist acidity hasn't changed much at all over the last 20 years. Acidity in lakes and streams has been verified—but the causes are uncertain—and the scope of the problem is much smaller than the public is led to believe. In the United States, 206 of the 219 lakes identified as overly acidic are located within the boundaries of the Adirondack Park and represent only about 4 percent of the lake surface of the state. Immediate steps, such as lake liming and fish stocking which are being done successfully in Sweden, can be taken to improve these lakes. Actions like these make sense because they can be taken immediately, have certain results and are cost effective.

WHERE WE STAND

The coal industry supports mitigation efforts to deal directly and positively with known problems. Meanwhie, sulfur dioxide emissions continue their decline as the result of current Clean Air Act restrictions—down 12 percent between 1976 and 1981 alone, a period when US coal use grew by one-third.

Before drawing conclusions about the inevitability of acid rain control legislation, interested observers will carefully assess both the science and politics of this issue and the hidden but nonetheless real agenda being pursued by control proponents. Passage of any such legislation is neither as easy nor as certain as facile press reports make it out to be.

Indeed, a danger to be avoided—one equal to that passed by the controls themselves—is misjudging the situation in Washington and assuring a self-fulfilling prophesy.●

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HAWKINS).

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

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

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

Mr. BAKER. Madam President, last evening I attempted to call up the natural gas bill, S. 1715, Calendar No. 330, by unanimous consent, and there was an objection at that time. I did not pursue the matter at that time. It was midnight or close to it, and it seemed the better part of discretion to postpone that action until today.

Madam President, once again I renew my request. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 330, S. 1715.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Madam President, reserving the right to object, the situation is that this committee has a divided function—the Senate Energy and Natural Resources Committee, that is, has a divided function—this afternoon, in that the hearings on the nomination of Judge William Clark to be Secretary of the Interior are proceeding right now, and we are also involved with this matter.

I say to the majority leader, my friend, and the rest of my friends here, my colleagues, that I do object and would like to discuss the motion to proceed.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, I understand, and I anticipated that perhaps there would be an objection.

I now move that the Senate proceed to the consideration of S. 1715, Calendar No. 330.

Mr. MELCHER. Madam President, is there a motion to proceed?

The PRESIDING OFFICER. There is a motion pending.

The Senator from Idaho.

Mr. McCLURE. Madam President, I do not know yet with what we may be confronted with respect to the motion to proceed to the consideration of the bill. I assume that we will find out over the period of the next several minutes or perhaps a longer period of time than that as to the intentions and motivations of the persons who may debate the motion to proceed to the consideration of the bill.

Madam President, the natural gas market of this Nation is in near chaos. This is evident from a few simple facts: Prices continue to rise despite the current surplus of natural gas; above market prices for natural gas are resulting in significant industrial fuel switching to petroleum products; reduced industrial demand results in remaining customers having to bear an increased share of the natural gas distribution system's fixed costs; some natural gas pipelines are unilaterally abrogating purchase contracts which is resulting in extensive litigation; and higher cost natural gas is being taken while available lower cost supplies are being shut-in. Clearly, these are not signs of a healthy and workably competitive natural gas market.

On July 29, 1983, the Committee on Energy and Natural Resources reported S. 1715, a balanced and comprehensive proposal that would resolve the

serious problems that have plagued the natural gas market. Without this legislation, these chronic problems will only continue to worsen. All natural gas consumers—residential, commercial, and industrial—will continue to bear serious economic hardships unless and until the Congress acts.

Before addressing myself to what caused these problems and how the committee's legislation proposes to remedy them, I would observe at the outset that this legislation is a balanced, bipartisan compromise between the Senators from both consuming and producing States.

This legislation is a finely tuned compromise which carefully balances the competing interests of the various parties from the drill-bit to the burner-tip. Every element of the natural gas industry—producers, pipelines, distribution companies—as well as all gas consumers—residential, commercial, and industrial—contributed to the committee's deliberations that resulted in the creation and reporting of S. 1715.

During the December 1982 postelection session, the Senate rejected correctly two separate proposals for so-called quick-fix legislation containing price freezes and rollbacks. Instead, the Senate adopted a resolution calling on the various parties to address as many of the problems as possible through private negotiations.

The Senate's decision was premised, in part, on the recognition that the Committee on Energy and Natural Resources should have the opportunity to formulate balanced and comprehensive legislation to address the various short- and long-term problems in the natural gas market. The committee did so, and the resulting bill, S. 1715, is now before the Senate for its consideration.

In March and April of this year, the committee held 8 days of legislative hearings, receiving testimony from more than 90 witnesses and compiling a hearing record nearly 4,000 pages long. The committee subsequently spent 30 days in markup sessions, formulating a comprehensive legislative proposal and rejecting the notion of a quick-fix. The basic objectives of the proposal, together with its major provisions, were outlined in a Dear Colleague letter dated August 2, 1983. I ask unanimous consent that the letter be printed in the RECORD at this point.

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

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, D.C., August 2, 1983.

DEAR COLLEAGUE: The Senate must act, and act soon, on comprehensive natural gas legislation to prevent yet another winter of agony for those American consumers who are least capable of bearing the financial burden of higher natural gas prices that will occur under existing law. We believe that that objective is achieved by S. 1715, the Natural Gas Policy Act Amendments of 1983, which was reported by the Committee on Energy and Natural Resources on July 29, 1983 (S. Rept. 98-205). This measure deserves early, serious, and thorough consideration by the Senate.

S. 1715 is the culmination of an effort which began in the 97th Congress. In the December 1982 post-election session, the Senate rejected two separate proposals for so-called "quick fix" legislation with price freezes and rollbacks. Instead, the Senate deferred further action pending Committee consideration of comprehensive natural gas legislation. During this Congress, the Committee devoted almost a calendar month to extensive hearings on the Administration's comprehensive proposal, S. 615, and related bills. Thereafter, the Committee considered S. 615 and various alternatives in thirty separate business meetings during the months of April, May, June, and July. The Committee concluded by reporting an original bill, S. 1715, without recommendation, by a vote of 11 ayes to 9 nays. The Committee members displayed great patience during their consideration of the numerous, complex issues involved in this bipartisan compromise.

S. 1715 is a comprehensive proposal designed to remedy the current and long-term natural gas market difficulties affecting virtually the entire industry from the production field through the transportation system to the ultimate user. The measure ensures immediate and substantial price relief for residential and other consumers in the face of otherwise staggering price increases under existing law. The Department of Energy has concluded that S. 1715 would yield consumer benefits and long-term price relief which could be $23 billion greater than would occur under existing law through 1995.

The bill provides immediate relief from so-called "take-or-pay" contract provisions, which could impose billions of dollars of financial obligations on pipelines and their customers. The measure also contains a carefully crafted price adjustment mechanism. It will provide much needed price relief by phasing above-market gas prices down to market levels within one year. It further provides for a smooth transition to deregulation of wellhead price controls by phasing below-market gas prices up to that level in three years. In addition, the measure authorizes contract carriage, which would provide significantly increased market flexibility between purchasers and sellers of natural gas and more efficient distribution of available supplies. The Committee also adopted a separate amendment for consideration on the Senate floor requiring that natural gas importers would be able to pay no more at the wellhead than they do for domestic supplies.

Particular attention was given by the Committee to assuring adequate supplies of natural gas during and after the transition period. The bill provides incentives for significant increases in production from old gas fields that would not occur under existing price ceilings. Importantly, the bill provides an affirmative incentive for renegotiation of existing contracts—the most direct and effective remedy for the current market chaos. This renegotiation process will protect the dual interests of American consumers in immediate and lasting price relief and assured long-term natural gas supplies.

We must not lose sight of the fact that the fundamental objective of any natural gas legislation must be to achieve a balance between the need to limit consumer gas prices and the equally important need to ensure that gas shortages do not occur late in this decade. Above all, we must avoid enacting legislation that does nothing more than compel gas consumers, in the long-run, simply to exchange one form of economic hardship for another. We believe that S. 1715 achieves that balance.

We urge that you review this measure thoroughly and thoughtfully in preparation for early Senate action. We would be pleased to work with you and the members of your staff in the weeks ahead in your review of this measure as you develop your position on natural gas legislation. After the long and arduous consideration by the Committee of the many complex natural gas issues before us, S. 1715 now deserves thorough consideration by the Senate. Enclosed for your review is a copy of the report; the bill should be available tomorrow.

J. BENNETT JOHNSTON,
Ranking Minority Member.
JAMES A. MCCLURE,
Chairman.

Mr. MCCLURE. Madam President, there is no doubt that the committee's proposal is not fully embraced by all parties. I am well aware that every element of the natural gas industry, as well as every other interested party, has identified what from their perspective they would consider desirable or essential improvements to the proposed legislation. The final committee vote is suggestive of the controversial and fragile nature of the committee's compromise. The committee voted, by 11 to 9, to report the bill without recommendation. Even though I am not entirely comfortable with all of its provisions, rather than break the slender threads which tie this bill together, I support S. 1715 as a balanced package which contains the best elements possible given political reality.

Madam President, the administration supports this bill as is, and has stated its opposition to any amendments, even those that would move the committee's bill closer toward the administration's original legislation.

There are some who have asked why legislation is needed at all. To me the answer lies in what has happened in the natural gas market since enactment of the Natural Gas Policy Act in 1978, and in what we can expect in the future if existing law is not modified.

Since the enactment of the NGPA in 1978, natural gas prices have risen inexorably, despite the existence of a large and growing "bubble" of excess gas deliverability. The reason for this situation is rather obvious: existing law contains automatic price escalators for natural gas regardless of the supply/demand situation in the marketplace. The price of old gas increases at the rate of inflation while new gas prices increase at the rate of inflation plus 4 percent.

Although NGPA prices are by law only ceiling prices, they have been converted into de facto floors as a

result of terms of the supply contracts that producers signed with pipelines. The result is that the NGPA is continuing to increase gas prices even today, despite a glut of gas amounting to about one-fifth of current demand.

These price increases have not only resulted in severe economic hardships for residential, commercial, and industrial users, they have resulted also in massive industrial fuel switching from natural gas to oil, which only exacerbates the problem.

Existing law is a morass of conflicting policies. At a time when natural gas consumers are suffering from high and rising prices, and when there is a glut of domestic natural gas which is partially shut in due to the lack of demand, the United States continues to import high-priced foreign oil and natural gas.

The committee's bill would insure immediate and substantial natural gas price relief for residential consumers in the face of continuing price increases under existing law. The administration, the Natural Gas Supply Association, and the American Gas Association have all provided the committee with analyses concluding that average consumer prices will be lower under the committee's bill than under existing law.

The provisions of the bill are carefully formulated to assure adequate supplies of natural gas in both the short term and the long term. The bill would provide meaningful predictable incentives for significantly increased production from old natural gas fields which otherwise would be rendered uneconomic by the existing ceilings on wellhead prices. This would insure the largest additional source of low cost natural gas for the American consumer. One industry analysis indicates that the bill would elicit the production of 52 trillion cubic feet of low cost natural gas—the equivalent to 3 years of total U.S. natural gas consumption, or about 50 years of natural gas imports. Absent the incentive to produce this natural gas, it will be shut in and lost forever.

At the same time, the bill would remove the current subsidies created and encouraged under the Natural Gas Policy Act of 1978 for extremely high-priced natural gas. In some cases, this gas has sold for as much as $10 per thousand cubic feet—the oil equivalent of $58 per barrel of oil, or about two times the current international price of crude oil. Absent these federally mandated price incentives and the price cushion created by Federal price controls, this natural gas could sell at no more than full market value, which is about one-third of the $10 price. This would be achieved through an equitable transition mechanism which would gradually reduce the prices of these natural gas supplies down to market clearing levels.

The bill would also provide immediate relief from so-called take-or-pay contract provisions, which otherwise will impose billions of dollars of financial obligations on pipelines. In the absence of this legislation, those obligations will be flowed through to gas consumers in the form of higher prices.

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Five of these features I would like to describe briefly.

First, renegotiation. The parties to existing contracts would have freedom at any time to renegotiate any contract terms to eliminate the rigidities that have crept into their contracts and are now stifling the industry. The renegotiation process would be the most direct and effective remedy for the current market chaos. Renegotiation also would be the most effective mechanism for providing immediate and lasting price relief, and for assuring long-term supply availability. The bill would prompt renegotiation by exempting from price regulation those contracts between producers and pipelines that are renegotiated. It also would provide both producers and pipelines with the opportunity to be released from a gas supply contract that the other party refuses to renegotiate.

Second, contract carriage, which would promote competition, expand the markets for gas, lead to innovative approaches to lowering the cost to transport and market gas, and result in more efficient distribution of our Nation's gas supplies. By enabling consumers to purchase natural gas dirrectly from producers, contract carriage would increase competition for natural gas at the wellhead. The direct result of this would be lower wellhead prices, and prices more responsive to market signals.

Third, access to all gas supplies by all pipelines would yield a more efficient distribution.

Fourth, elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

Fifth, expanded gas sales would result in increased utilization of the pipeline and distribution systems. This would provide a larger volume for the recovery of fixed costs, which would result in lower fixed costs per unit of sales.

The bill also contains a host of direct consumer protection features. As I mentioned before, it would provide immediate price relief from the massive take-or-pay obligations that pipelines will be incurring in the future under now existing contracts. In addition, the bill's wellhead price ramping features would provide significant and immediate price relief to consumers. The bill contains a "pipeline prudency" provisions that would induce pipelines to purchase gas at the least cost. The bill also provides for an automatic dollar-for-dollar passthrough to consumers of the gas price savings resulting from implementing the bill's other provisions.

Madam President, at this time I would like to turn to another issue in the natural gas debate, more precisely, another important means for granting price relief to natural gas consumers. I am referring to the reduction in the price of imported natural gas. The price of imported gas is much too high. It has remained at an excessive level in spite of the changes that have occurred in the natural gas markets here in the United States. With reduced demand and a surplus of supply, import prices should have been reduced.

The question before us is whether a legislative remedy is appropriate. The answer depends on our assessment of the extent to which import prices will be reduced through voluntary negotiations. In the case of Canadian suppliers, I am encouraged by recent developments which seem to indicate significant progress toward achieving further price reductions, and I am hopeful that we will soon have in place flexible and market-oriented import pricing arrangements. In that regard, I have joined with other Senators from the Northwest in urging both the Secretary of Energy and the Secretary of State to increase the diplomatic efforts with Canada to establish a more competitive gas trade framework. The details of our request are set forth in identical letters, dated October 20, 1983, sent to Secretary Hodel and Secretary Shultz. Madam President, I ask unanimous consent that the text of the letter be printed in the RECORD at this point.

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

U.S. Senate,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, D.C., October 20, 1983.

DEAR MR. SECRETARY: As you know, many natural gas pipeline and distribution companies have been concerned about the pricing of Canadian natural gas that is imported into the Northwest and other U.S. markets. In view of the current efforts of the Administration to bring about a more competitve gas trade arrangement with Canada, we are writing to express our support for these efforts and to indicate our concern over the existing situation.

We are mindful of the two recent Canadian actions to lower the price of gas exported to the U.S.—the reduction of the border price from $4.94 to $4.40 per million Btu and the instituting of a $3.40 per million Btu Volume Related Incentive Pricing program—and consider these positive steps in the right direction. These actions demonstrate a willingness on the part of Canada to seek a more competitve pricing structure for

their gas exports, and thus offer hope that this gas trade is moving to a fully competitive basis.

While these pricing changes have and will result in economic benefits to American consumers served by Canadian gas, the relief is not widespread. Canadian gas, even with these price reductions, still remains uncompetitive in most U.S. markets. The $4.40 per million Btu border price plus transportation to the U..S burner tip is still much higher than the average price of domestic gas and alternative fuels delivered to the same burner tip in most U.S. gas markets.

Furthermore, because of the structure of the recent $3.40 per million Btu Volume Related Incentive Pricing program, most U.S. importers are not in a position to buy sufficient volumes of gas under their normal contracts to qualify for the lower-prices gas. The result continues to be reduced Canadian export sales at prices above market clearing levels.

Since the middle 1970's, there has been in effect the policy of a single uniform border price for Canadian gas exported to the U.S. This policy was adopted by Canada at the request of the U.S. Government. Additionally, the Canadian governments instituted a pricing formula whereby Canada set the border price based on the Btu equivalent of the cost of imported oil to Canada. While both of these pricing policies may have seemed appropriate for conditions at the time, they have resulted in gas trade arrangements that are now uncompetitive.

We understand that the U.S. recently proposed to the Canadian government, at the September 28 meeting of the bilateral Energy Consultative Mechanism, that the U.S. and Canada establish a new framework that would put their bilateral gas trade on a market-sensitive and flexible basis, with buyer-seller negotiated arrangements leading to varying gas prices at the border. This proposal necessitates the discontinuance of the uniform border and formula-established price, and the return to competitive trading arrangements. This is a position we strongly support, as we believe the existing pricing policies are resulting in heavy economic penalties on both sides of the border.

We fully recognize the importance of a long-term and secure supply of natural gas to the United States from Canada, which has been a dependable source of supplemental gas to our domestic production. Canadian gas, however, should be purchased on a competitive basis, with import arrangements having the flexibility to adjust to market conditions. We thus urge you, in coordination with the Secretary of State, to increase the diplomatic efforts with Canada to expeditiously establish a market-based arrangement for gas trade with Canada. Prompt movement to a more-competitive gas trade framework, will bring needed relief and benefits to both countries. In addition, your relinquishment of the uniform border price will expedite this process.

We stand ready to assist you in whatever way possible in your bilateral discussions, as we consider this a matter of the utmost importance and urgency.

Sincerely,

Mark O. Hatfield, James A McClure, Slade Gorton, John Melcher, Daniel J. Evans, Bob Packwood, Steven D. Symms, Max S. Baucus, and Pete Wilson.

Mr. McCLURE. Madam President, before I return to the legislation that is now before the Senate, I would note my confidence that during the course of our debate on natural gas, we will have a thorough discussion and debate on the issue of natural gas imports.

It is important to spend a few additional moments reviewing in a little greater detail some of the key provisions of the bill. The following is the summary of the major provisions of S. 1715 which appears in the committee report. I ask unanimous consent that it be printed in the RECORD at this point.

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

TITLE I—TRANSITIONAL PRICE AND CONTRACT PROVISIONS

Section 101 adds new section 131 to the Natural Gas Policy Act of 1978 ("NGPA"). Section 131 provides transitional price provisions that will operate upon enactment for certain first sales until such first sales of natural gas are no longer subject to Federal price controls.

Section 131 establishes a price adjustment mechanism applicable to certain first sales of natural gas for resale. If both parties to a natural gas contract wish to remain under that contract, they may do so. If either party to a contract makes the necessary election, prices would be adjusted by means of "ramp up" and "ramp down" pricing mechanisms. If neither party makes such an election, the parties would remain under their existing contract. High priced natural gas would be ramped down, until the price paid reaches the applicable price indicator. This adjustment would take twelve months. Low priced natural gas would be ramped up, until the price paid reaches the applicable price indicator. This adjustment would take thirty-six months. The prices would remain at the applicable price indicator for an additional six month period before complete decontrol would occur.

At specific times during the ramp up or ramp down, and for a period of one year at the end of the ramp, either party to a contract could terminate the contract, subject to certain supply and purchase obligations.

The applicable price indicator would be established in two parts. For the six months beginning the first day of the second full month after the date of enactment a temporary price indicator (TPI) would be in effect. It would be equal to the NGPA section 103 price for natural gas.

Thereafter, a free market price indicator (FMPI) would go into effect. It would be based on the volume weighted average price of "new-new gas" contracts including imported gas.

Section 102 adds new section 316 to the NGPA. Section 316 establishes a mechanism by which take-or-pay percentages for existing natural gas purchase contracts could be reduced, at the option of the purchaser, during the 3 years following enactment. The minimum take could be reduced to as little as 50 percent of deliverability during the first year, 60 percent during the second year, and 70 percent during the third year. Volumes not taken could be sold to another purchaser.

Section 103 adds new sections 317 and 318 to the NGPA. Section 317 establishes a market out authority whereby either party to an existing contract for the first sale for resale of natural gas may exercise a unilateral right to terminate the contract. Section 318 establishes a "right of first refusal" or a "right of first offer" for the purchaser which could be exercised, under certain circumstances, after termination of the contract.

Section 104 adds a new section 319 to the NGPA. Section 319 requires pipelines to transport natural gas for others, if the gas is released take-or-pay gas, or if the gas was subject to a contract terminated under section 131.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Section 201 adds new subsections 121 (f) and (g) to the NGPA. Subsection (f) provides for immediate deregulation of three categories of natural gas sold under contracts for the first sale for resale:

(a) "New-new gas"—natural gas sold under contracts entered into after the date of enactment;

(b) "Renegotiated gas"—natural gas sold under contracts renegotiated after the date of enactment if the new renegotiated contract so provides; and

(c) "Released take or pay gas"—volumes of natural gas previously sold under a contract which are released from that contract because the pipeline exercises the take-or-pay reduction mechanism established by the bill.

Subsection (g) provides for removal of wellhead price controls on all remaining categories of natural gas sold. Gas subject to the phasing provisions would be deregulated upon expiration of the price adjustment mechanism discussed below.

Section 203 repeals provisions of the NGPA that allow reimposition of natural gas price controls by the President, subject to a one-House veto, or by Congress, by concurrent resolution.

TITLE III—LIMITATIONS ON PASSTHROUGH OF CERTAIN PURCHASED GAS COSTS

Section 301 amends section 601 of the NGPA to add a "prudency" test for pipeline purchases of natural gas under contracts entered into or renegotiated after the date on which the free market price indicator goes into effect.

It also requires a dollar for dollar passthrough for savings in purchased gas costs recognized as a result of the application of take-or-pay reductions, price reductions due to the operation of the price adjustment mechanism, or any other purchased gas cost reductions.

It requires the Federal Energy Regulatory Commission (FERC) to review natural gas purchases by interstate pipelines if the average cost under new and renegotiated contracts entered into in any month exceeds 110 percent of the free market price indicator.

TITLE IV—REMOVAL OF IMPEDIMENTS TO INTERSTATE MOVEMENTS OF GAS

Section 401 adds a new section 121 to the NGPA. This contract carriage authorization requires interstate pipelines, intrastate pipelines, and local distribution companies, to transport natural gas for other purchasers. Detailed terms and conditions are imposed. Encouragement is given to voluntary transportation arrangements. Financial incentives for pipelines to participate in contract carriage transportation are provided.

Sections 404 and 405 amend sections 311 and 312 of the NGPA. They provide FERC with authority to allow more flexible purchase, transportation, and sales arrangements between and among interstate pipelines, intrastate pipelines, and local distribution companies.

TITLE V—ADDITIONAL AUTHORITIES AND REQUIREMENTS

Section 501 imposes a limitation on interstate pipeline sales to affiliated intrastate pipelines. Section 502 imposes retrictions upon off-system sales of natural gas by interstate pipelines. Section 503 provides a limited antitrust exemption to independent producers to develop cooperative associations and to carry out voluntary actions to market natural gas.

TITLE VI—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Section 601 repeals certain provisions of the Powerplant and Industrial Fuel Use Act of 1978.

Section 602 repeals of the incremental pricing requirements for natural gas under the NGPA.

In addition to the Natural Gas Policy Act Amendments of 1983, the Committee adopted an amendment regarding natural gas imports to be offered as a Committee amendment on the Senate floor, if negotiations currently underway between private parties, and between officials of the United States and natural gas exporting countries do not succeed in lowering natural gas import prices sufficiently by the time the bill is considered by the Senate.

Mr. McCLURE. Madam President, first, and foremost, the bill contains transitional provisions to smoothly move both low-cost and high-cost gas to fair market value over a period of time. In the case of a high-price gas contract, if either party elects, the price of the gas sold under that contract would be ramped-down over 12 months to market value. In the case of a low-priced gas contract if either party elects, the price of the gas sold under that contract would be ramped-up over 36 months to market value. Gas which has been ramped up or ramped down would be limited to market value for an additional 6-month period before being decontrolled.

On balance, the bill would provide immediate price relief for consumers. At the same time it would also provide price incentives necessary for increased and more efficient production. In addition, it affords the natural gas industry a degree of security and certainty through the gradual adjustment of wellhead prices over the 44-month transition period.

Producers and pipelines who renegotiate existing contracts would, by such renegotiation, exempt those contracts from price controls and other Federal regulations. Similarly, contracts for new supplies of natural gas will not be subject to Federal price controls or regulation. On the other hand, those producers and pipelines that wish to stay with their existing contracts will be allowed to do so.

During the transition, both producers and pipelines are given the opportunity to market out contracts that are unsatisfactory and cannot be renegotiated. However, the contract termination provisions protect pipelines from having needed gas supplies shut-in, and they protect producers from a situation in which they may not be able to sell their gas to their traditional pipeline buyer. Moreover, pipelines are afforded either a right-of-first-refusal or a right-of-first-offer for gas subjected to a market out, depending upon the circumstances. This will protect pipelines and pipeline customers from abrupt interruptions in needed supplies of natural gas.

Another key element of the bill is its take-or-pay provisions. Under S. 1715, at the option of the pipeline, existing contracts may be subject to a take-or-pay reduction of up to 50 percent during the first year, 60 percent during the second year, and 70 percent during the third year. This would enable pipelines to refrain from paying for gas that they would otherwise be contractually obligated to pay for, but not accept immediate delivery of, thereby saving gas consumers billions of dollars. The Interstate Natural Gas Association of America, the gas pipelines' principal trade association, has concluded that this provision alone could reduce pipeline prepayment liabilities by $4.2 billion over a 3-year period if S. 1715 is enacted this year.

One of the most controversial aspects of the bill is the contract termination provision, which would allow both producers and pipelines to market out their existing gas contracts. The bill provides that either party to a contract may exercise the unilateral right to terminate a contract. This action is authorized at certain times during the ramp-up and ramp-down of gas prices, as well as at the end of the ramping process.

The right to terminate an existing contract was a central element of the President's original natural gas legislative proposal, and for good reason. Many of the contracts signed by producers after the enactment of the Natural Gas Policy Act in 1978 contained provisions which, in hindsight, were ill advised. Unless these contracts are modified, either voluntarily or legislatively, they will continue to create chaos in the marketplace. Thus, the market out provisions of the bill are there, in part, to enable pipelines and producers to terminate these outdated contracts; they are also there to encourage voluntary contract renegotiation. Clearly, in a situation where either party to a contract is authorized to unilaterally terminate a contract, there is a great deal of incentive for both parties to renegotiate. And recall that the committee's bill deregulates renegotiated contracts.

Concern has been expressed by some that the contract termination provisions will result in gas being shut-in, and in immediate gas shortages. This is an unlikely possibility, because producers make money only by producing gas, and pipelines make money only by purchasing, transporting, and selling gas. Furthermore, the bill contains specific provisions to prevent the shut-in of gas supplies currently under contract.

The bill also contains a host of consumer protection provisions, some of which I have already mentioned. It contains an enhanced recovery requirement, mandating enhanced recovery efforts by producers of old gas. It defuses indefinite price escalator clauses which otherwise will threaten gas consumers with runaway prices. It contains a prudent purchase rule denying the passthrough by pipelines of certain gas costs if they are excessive. It restricts market raiding by interstate gas pipelines, thereby retaining the benefits of low-cost gas for their own customers.

The bill also repeals incremental pricing and parts of the Powerplant and Industrial Fuel Use Act of 1978 which have proven over the years to be ineffective or to have had a detrimental impact on both gas consumers and gas markets.

Madam President, there is no doubt in my mind that S. 1715 would benefit the Nation. American gas consumers will be much better off under the committee bill than under a continuation of existing law. Those who assert otherwise are wrong. Just like they were wrong about what would happen to oil prices following decontrol.

I note that the Department of Energy has provided the committee with an analysis concluding that the aggregate effect of the bill's various elements would yield consumers $23 billion in benefits and long-term price relief, as compared to what would otherwise occur under existing law through 1995. These benefits result from an increase in overall production, lower average wellhead prices, and reduced outlays for imported gas. From 1982 to 1995, the committee bill will increase overall domestic gas production by about 4 tcf. It is important to point out that this 4 tcf increase results from old gas production increasing by 6 tcf relative to NGPA production levels, while new and high cost gas production actually decreases.

This economically efficient use of our lowest cost sources of gas first is a principal reason why average wellhead prices will be lower under S. 1715. The other reason for lower prices is that the committee bill releases purchasers from the rigidities of the NGPA and existing contracts which mandate above market prices for some gas. The combination of increased domestic production and lower average wellhead prices will lead to reduced outlays by American consumers for imported gas, as increased production of cheaper domestic gas. In turn domestic production displaces more expensive imported gas and thus forces import prices down.

The Department of Energy study used realistic assumptions to reach these conclusions. In fact, if anything, its assumptions were on the conservative side and thus underestimated the benefits to consumers. There can be no dispute concerning the basic conclusion of the DOE study, which is that the committee bill will result in all gas prices moving rapidly toward market price. Likewise, there is no doubt the market price will be established by looking at the prices for alternative fuels.

The other assumptions in the DOE study are also reasonable, if somewhat conservative. The DOE study assumes the price of oil during the 1983-90 time period will range between $31 and $33 per barrel in 1982 dollars. Lower oil prices would result in lower gas prices to consumers under the committee bill since the committee bill creates a free market in which gas prices must be competitive with oil prices.

The DOE study assumes decontrol will yield only a 10 tcf increase in old gas reserves. This is a conservative figure. There are studies that indicate decontrol will increase old gas reserves in excess of 50 tcf. A larger old gas reserve response than 10 tcf will mean lower average prices than indicated in the DOE study since there will be a greater displacement of high cost and imported gas by cheaper-to-produce old gas.

The DOE study does not capture the full beneficial effects of the committee bill. The committee bill, unlike existing law, provides a statutory solution to the so-called "contract problem." The DOE study underplays the benefit of that solution because it assumes that problem contracts will be renegotiated under existing law to be market responsive by 1985. Looking at the chaos in today's market, this appears to be a very generous assessment of the future under existing law.

In addition to the general economic benefits of the bill, there would be substantial State-by-State consumer gas price relief. Consumers in every State would obtain significantly lower gas prices in the first year following enactment of this legislation. Industry and Government studies bear this out as set forth in the material which appears at the end of this statement.

The fundamental objective of any natural gas bill must be to achieve a balance between the need to limit consumer gas prices and the equally important need to insure that gas shortages do not occur later in this decade. We must achieve that balance. Above all, we must avoid enacting legislation that does nothing more than compel gas consumers, in the long run, simply to exchange one form of economic hardship for another. We must not forget the chronic and increasingly severe gas shortages of the 1970's that closed schools, businesses, hospitals, and threatened homes throughout the Midwest. Nor should we forget the lessons we have learned after enactment of the Natural Gas Policy Act, when gas prices increased as a direct result of a Federal law, increases in fact dictated by the law regardless of the supply-demand situation in the marketplace.

During the committee hearings, then Federal Energy Regulatory Commission Chairman C. M. Butler commented on the nature of our challenge in development comprehensive natural gas legislation. He observed that:

> The problem that we have before us is not a Republican problem. It is not a Democratic problem. It is not a liberal problem. It is not a conservative problem. It is an American problem, and it deserves an American answer. Partisanship can play no role if we are to find a solution for the long run.

Madam President, I believe it noteworthy that this bill has extensive support. The list of supporters of the bill includes the following organizations, as well as many individual businesses and industrial corporations:

American Farm Bureau Federation.
American Mining Congress.
American Paper Institute.
American Textile Manufacturers Institute.
Business Roundtable.
Chamber of Commerce of the United States.
Chemical Manufacturers Association.
Council of Industrial Boiler Owners.
Highway Users Federation.
Independent Petroleum Association of America.
National Association of Manufacturers.
National Cattlemen's Association.
National Coal Association.
National Grange.
National Oil Jobbers Council.
National Petroleum Refiners Association.
Natural Gas Supply Association.
Petrochemical Energy Group.
Process Gas Consumers Group.
Society of the Plastics Industry.
Rubber Manufacturers Association.
National Automobile Manufacturers.

Over the past several months, more than 650 people have written to me in support of natural gas decontrol.

This compromise legislative proposal has the full support of the administration. In his October 4, 1983 statement on the 1983 National Energy Policy Plan, President Reagan states that:

> The world energy scene remains volatile. Even though we now produce about 90% as much energy as we consume, we need to press onward with improvements. The National Energy Policy Plan we transmit to Congress today discusses all of our plans and accomplishments. But it emphasizes the need to finish the task of decontrolling natural gas. Today, the regulatory system has led to higher prices and lower supplies. Today we have unused capacity that natural gas control is restricting. That capacity could lower prices, reduce oil imports, and set us on a sensible course for the future.

Vice President BUSH stated on October 14, 1983, that "the President is fully behind decontrol." Secretary Hodel has also expressed the administration's full support for the committee's bill. In a letter dated July 18, 1983, Secretary Hodel stated that the bill, as subsequently amended, "is fair, comprehensive legislation, and moves us toward the goal of providing an adequate supply of natural gas at reasonable prices."

In conclusion, it is imperative that the Senate adopt the comprehensive and balanced approach contained in S. 1715. The chaos in the market and the certainty of ever-rising prices will only expose natural gas consumers and producers to additional hardships and penalties under existing law. The Senate must act, and act now, to ease the economic burden on those citizens who are least capable of bearing the increased costs of natural gas.

Madam President, I ask unanimous consent that the economic studies of S. 1715 that I cited previously be printed in the RECORD at this point.

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

DEPARTMENT OF ENERGY,
Washington, D.C., July 21, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Per your request, my staff has evaluated the information provided by Mr. George H. Lawrence in his letter to you of July 20th, providing American Gas Association comments on the Senate Compromise bill on natural gas. We have further provided comment on the Sharp Committee Print version of proposed natural gas legislation which is supported by Mr. Lawrence and the American Gas Association.

I hope these comments will be of some help. If I can be of any further assistance, please do not hesitate to call.

Sincerely,

JAN W. MARES,
Acting Director,
Policy, Planning and Analysis.

Enclosures.

COMPARISON OF NGPA, SHARP AND SENATE COMPROMISE PROPOSALS

SUMMARY

The Sharp proposal represents a marginal improvement over the NGPA because it gives more contractual flexibility to deal with the current market surplus. Nevertheless, the bill will provide no long-term gains over the NGPA because it maintains NGPA's pricing regulations. The American Gas Association (AGA) is incorrect in asserting that the Senate Compromise provides less long-term benefits than the Sharp bill. By ignoring the additional old gas reserves added through the decontrol of old gas and by ignoring NGPA's (and Sharp's) subsidization of gas import prices, AGA has ignored the major benefits of the Senate Compromise. The Department estimates the net economic gains relative to the NGPA, from the Senate compromise bill to be approximately $11 billion. The gains of the Sharp bill are less than one billion dollars.

FLAWS IN AGA ANALYSIS

AGA has failed to show gains in the Senate proposal relative to the Sharp pro-

posal for three reasons. First, we believe AGA is assuming constant import quantities and prices across all cases. Therefore, the benefits of old gas decontrol in reducing marginal domestic, and therefore Canadian import, prices is ignored. Second AGA assumes no old gas supply response to decontrol. Lower marginal prices for new gas under the Senate compromise lead to less production. There is no old gas supply response to compensate. Third, AGA wrongly assumes adverse consumer impacts from higher old gas prices. Old gas prices may well rise by almost 25 percent per year under the Senate compromise, however, even larger volumes of new gas will decline in price (e.g., new gas prices are 70 to 80 cents per mcf lower under the Senate proposal than under the Sharp proposal in 1985 and 1986). Table 2 shows that consumers and the national economy gain significantly from a bill such as that proposed by the Senate Energy Committee.

THE SHARP PROPOSAL (COMMITTEE PRINT)

The Sharp proposal provides a short-run fix to the current gas contracts problem while retaining the Natural Gas Policy Act (NGPA) price controls on all categories of natural gas. The market-out and take-or-pay provisions of the Committee print attempt to redress the problem of rising gas prices despite 1.4-2.5 trillion cubic feet of excess deliverability

Sharp's short-term fixes

The Sharp bill provisions on take-or-pay requirements and market-out would reduce average prices for gas paid by pipeline companies and end-users in the short-run (1983-1985), compared to current law. In the current surplus market, pipelines anxious to increase the volume of sales would market-out of high-priced contracts and renegotiate contracts at lower prices. Additionally, pipelines would take advantage of lower 'take' requirements on high-priced gas and instead would purchase greater volumes of low-cost gas. The resulting supply mixture would lower the average price at which pipelines buy and sell gas. Lower prices in the short-term would increase gas demand, which would absorb the current surplus of gas deliverability. Notably, the more severe take-or-pay reductions under the Sharp proposal would impose an inequitable financial burden on high-cost gas producers that is not reflected in aggregate price projections.

Disadvantages of Sharp relative to Senate proposal

AGA is wrong to claim Sharp has any long-term gain over NGPA. It provides contractual fixes, but not any basic pricing or institutional changes. Sharp makes no long-term changes in NGPA, so it can provide no long-term benefits as compared to the current law.

Since Sharp maintains so much of the NGPA's structure it retains many of the current law's market distortions:

(1) *Old gas underproduction.* NGPA regulated price ceilings create a disincentive to produce old gas where production costs are higher than the regulated NGPA price. Regulated prices of old gas often are very low (range is $ .28 to $2.00 per mcf), leading to premature abandonment of wells. In the absence of regulation, this old gas could be produced and sold below average prevailing market price levels. Price controls on old gas will result in the permanent loss of 8-11 tcf of low-cost gas reserves.

(2) *High-cost gas overproduction.* To encourage the production of new and higher cost gas, the NGPA raised the prices of new gas, and did not regulate deep gas prices at all. As a result, more costly sources are developed ahead of less costly sources (old gas reserves, in particular). Gas prices were also inflated, forcing consumers to pay higher prices. Since gas prices are based on average purchase costs, the "cushion" of price-controlled old gas supplies held by many interstate pipelines has allowed these pipelines to bid up the price of high-cost gas above its true market value.

(3) *Import subsidies.* NGPA price regulations on old gas also have subsidized imported (primarily Canadian) gas prices. Since imported gas is priced against the most expensive domestic new gas supplies, domestic price subsidies translate directly into import price subsidies. As a result, consumers pay higher prices, and U.S. dollars are drained out of the economy for gas that could be produced domestically at a lower cost. We estimate that consumers will pay almost five billion dollars more for imported gas than they would under the Senate compromise, which decontrols old gas and removes this subsidy.

(4) *Barriers to End-user/producer bargains:* The lack of an effective mandatory contract carriage provision reduces competition in gas markets that would enable some industrial consumers to negotiate directly with producers. The Sharp bill would keep average delivered prices higher than necessary because it lacks contract carriage. Such a provision would allow industrial users direct access to a variety of field supplies, increasing their ability to purchase the lowest cost gas available. Producers would respond, in a deregulated market, by competitively bidding prices down.

ECONOMIC EFFECTS OF SHARP AND SENATE BILLS

Table 1 compares the effects of the NGPA, the Sharp proposal, and the Senate compromise. Sharp provides short-term benefits of lower consumer prices and additional production as the surplus is absorbed and wellhead prices are lowered. It provides no gain after 1985. On the other hand, the Senate compromise does provide long-term benefits relative to NGPA. Prices (including import prices) remain lower and production and reserve additions higher than NGPA levels from 1985 to 1995. Table 2 compares the Net National Economic Benefits (NNEB) of the Sharp and Senate proposals relative to NGPA. The Sharp proposal provides net benefits to the economy of only $1 billion, the Senate compromise provides at least $11 billion in benefits to the U.S. economy.

This NNEB measure is determined by the combined benefits that both consumers and producers receive from a change in policy (i.e., replacing or amending the NGPA with another of the proposed policies being considered). By summing these calculations all transfers between producers and consumers cancel out, leaving only net benefits. If the sum is positive, the policy is relatively more efficient than NGPA.

THE SENATE COMPROMISE

Because we believe that the Senate compromise will yield increases in old gas reserves comparable to those achieved under S. 615, the compromise yields price and supply effects comparable to those of S. 615. Further changes in current provisions, such as additional delays in the date of complete decontrol, are likely to reduce these gains by slowing both old gas productions increases and average price reductions.

The Senate proposal is more beneficial to the economy because it decontrols all gas and removes the NGPA (and Sharp) inefficiencies mentioned earlier.

From 1982 to 1995, old gas production increases by 6 tcf relative to NGPA production levels. While new and high cost gas production decreases, overall production increases by about 4 tcf.[1]

The Senate proposal ensures that this increase in overall production is accompanied by lower average costs. Consumers pay less for gas, since more expensive new and high-cost gas is displaced by lower cost old gas supplies.[2] These lower average costs and increased production levels yield $23 billion in total consumer benefits. Producer benefits decline by $12 billion, due to the revenue losses of new and high-cost gas producers, yielding $11 billion in net benefits.

A significant portion of these benefits are realized from the effects of old gas price decontrol on imports. Price decontrol leads to both lower import prices and quantities, as increased production of cheaper domestic gas displaces expensive imported gas and lower marginal new gas prices reduce import prices.

TABLE 1.—COMPARISON OF THE SHARP AND SENATE PROPOSALS WITH THE NGPA

	1982	1983	1984	1985	1986	1987	1990	1995
Prices (1982 $/mcf):								
Average wellhead:								
NGPA	2.67	2.86	3.02	3.24	3.59	4.00	4.39	5.42
Sharp	2.67	2.52	2.89	3.20	3.58	4.01	4.41	5.44
Compromise [1]	2.67	2.54	2.87	3.07	3.46	3.89	4.36	5.36
Average industrial:								
NGPA	3.68	3.82	3.96	4.25	4.62	5.02	5.38	6.36

[1] Production figures are cumulative totals derived from Two-Market Model estimates. A conservative estimate of 10 tcf of additional old gas supply was added into production totals incrementally. As a result, the cumulative total of added old gas supply through 1995 only accounts for about 6 of the 10 tcf estimated additions to old gas reserves.

[2] The average cost of old gas supplies added to reserves from 1982-1995 is less than $3/mcf. This corrects errors made in analysis by the staff of the House Subcommittee on Fossil and Synthetic Fuels that failed to account for either displacement or price reductions of new and high-cost gas resulting from old gas decontrol.

TABLE 1.—COMPARISON OF THE SHARP AND SENATE PROPOSALS WITH THE NGPA—Continued

	1982	1983	1984	1985	1986	1987	1990	1995
Sharp	3.68	3.51	3.85	4.21	4.61	5.03	5.39	6.37
Compromise	3.68	3.52	3.81	4.02	4.41	4.81	5.24	6.22
Average residential:								
NGPA	4.96	5.14	5.27	5.43	5.80	6.19	6.60	7.67
Sharp	4.96	4.80	5.15	5.40	5.79	6.21	6.62	7.69
Compromise	4.96	4.84	5.14	5.36	5.75	6.16	6.61	7.62
Gas imports:								
NGPA	5.03	4.72	4.63	4.36	4.53	4.74	4.90	5.74
Sharp	5.03	4.72	4.63	4.33	4.51	4.73	4.90	5.75
Compromise	5.03	4.72	4.63	4.04	4.15	4.28	4.42	5.35
Supply (tcf):								
Domestic supply:								
NGPA	17.89	17.73	17.96	18.11	18.12	18.01	17.06	15.47
Sharp	17.89	18.48	18.44	18.31	18.21	18.00	16.91	15.35
Compromise	17.89	18.40	18.37	18.35	18.30	18.16	17.21	15.88
Reserve additions:								
NGPA	15.04	14.51	14.08	13.57	13.12	12.64	10.69	8.40
Sharp	15.04	14.51	14.09	13.50	13.04	12.59	10.70	8.43
Compromise	15.04	13.93	13.11	14.12	13.48	12.99	11.45	9.50

[1] Assumes 10 tcf old gas supply identical to S. 615.

TABLE 2.—NET NATIONAL ECONOMIC BENEFITS OF ALTERNATIVES RELATIVE TO NGPA [1]

[In billions of 1982 dollars, 1982–95 discounted at 6 percent]

	S. 615	Senate compromise	Sharp
Consumer benefits	23.3	22.6	8.0
Producer benefits	−12.3	−11.6	−7.1
Net national economic benefits	+11.0	+11.0	+.9

[1] All numbers based on high oil prices, market assumptions, supply and demand forecasts used in DOE May 6, supplemental analysis and subsequent analysis done in support of House legislative efforts.

ASSUMPTIONS FOR ESTIMATED IMPACT OF S. 1715

PRICE ASSUMPTION

The wellhead market price for gas (free market price indicator or FMPI) is assumed to be $2.80/Mcf based on the following:

A. The U.S. average wellhead price through May, 1983 (most recent data) is $2.63/Mcf and appears to have peaked in the first quarter. The average wellhead purchase price for interstate pipelines through September, 1983 is $2.76/Mcf. The NGPA Section 103 price, which will be used as the temporary FMPI during the first six months of phasing under S. 1715, is currently $2.825/Mcf.

B. A slight downward trend in wellhead purchase prices from early 1983 is indicated by the September 22, 1983 House Fossil Fuels Subcommittee staff report to the Energy and Commerce Committee which shows that the estimated average purchase gas costs for the 28 responding pipelines is expected to decline slightly from April, 1983 to April, 1984.

C. Industrial gas prices are at competitive fuel costs (residual fuel oil) in most markets. Oil prices are not expected to increase in real terms over the next year, and hence, the average wellhead price of gas is not expected to increase (otherwise, gas would be priced out of a large part of the market).

1. High-priced and low-priced gas

High-priced gas is that gas in a pipeline supply priced at or above the NGPA Section 103 price and all other gas is low-priced gas. For the impact one year after enactment, high-priced gas declines to the FMPI and low-priced gas rises one-third of the way to the FMPI.

2. Imported gas prices

S. 1715 provides for a floor amendment that would phase-down the border price of imported gas to the FMPI over 12 months plus the cost to transport the gas from the wellhead to the border. This effect was approximated by lowering the border price of imports over one year to $3.30/Mcf ($2.80 plus an assumed transmission charge of $0.50).

Although most pipeline PGA filings showed Canadian gas at $4.94/Mcf, the Canadian cost was reduced to $4.40/Mcf for all pipelines to more accurately portray first half, 1983 gas costs from which price changes were measured.

3. Reduced take-or-pay

S. 1715 permits pipeline companies to unilaterally reduce take-or-pay requirements from existing contractual levels averaging over 80% of deliverability to 50% in the first year following enactment, resulting in a reduction in purchase gas costs in two ways:

A. Lower-Cost Mix: The calculations reflect the impact of pipelines reducing their takes of high-priced gas from an assumed 75% to 50% of deliverability and replacing it with a like volume of low-priced gas. However, the volume shifted is not allowed to exceed 25% of the pipeline's current volume of low-priced gas to keep the estimate conservative.

B. Prepayment Penalties: The unilateral reduction in contractual take-or-pay levels will also allow pipelines to receive gas previously paid for, and to also avoid incurring additional take-or-pay liabilities in the future. This effect was calculated from the data in a May, 1983 report by INGAA based on a survey of its membership. The data showed their members expected to have cumulative liabilities of $3.8 billion by the end of 1983, increasing to $6.1 billion by the end of 1984. The value shown in the table reflects the impact on gas prices by partially eliminating these liabilities from the pipeline's rate base using the INGAA membership's "best estimate" of sales for 1984. The same price impact per unit of gas sold was assumed for all pipelines since specific contractual data would be needed to show differences among pipelines. The favorable impact on prices is likely larger than shown since the more recent report by the House Fossil Fuels Subcommittee cites that take-or-pay liabilities estimated by the reporting pipelines may be as much as $10 billion by the end of 1984.

4. Efficiency gains

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Specific features are cited below:

A. Parties will have complete freedom at any time to renegotiate any terms of any contract to eliminate the rigidities that have crept into their contracts and are now stifling the industry.

B. Access to all gas supplies by all pipelines will yield a more efficient distribution.

C. Contract carriage will promote competition, expand the markets for gas, and lead to innovative approaches to lowering the cost to transport and market gas.

D. Elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

E. The expanded gas sales from the above will result in increased utilization of the pipeline and distribution systems, providing a larger base to spread their fixed costs over.

F. Pipelines will no longer be allowed to automatically flow-through all costs of purchased gas, but will have to demonstrate that new contracts are in line with the market, thus discouraging imprudent purchasing practices.

The above items will impact costs downstream from the wellhead, represented by the difference between the average price of gas to all consumers and the average purchase price of the gas supplied to those customers. The amount this difference or margin will be reduced is dependent on a judgemental assessment. A reduction of around 20 percent would seem to be a fair estimate. However, since there is no way to set a precise number, a very low value of 5 percent was used in the calculations to minimize controversy. The efficiency gains, which would apply to the entire downstream system (transmission and distribution), were determined for each state and then applied to other pipelines supply serving that state.

AMERICAN GAS ASSOCIATION,
Arlington, Va., July 20, 1983.

Hon. JAMES MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MCCLURE: As your committee nears the end of its heroic efforts to fashion a compromise natural gas bill, I would like to bring to your attention some data which A.G.A. has just developed at the request of some members of your committee. The information compares the Senate Energy Committee markup vehicle/proposal (as of 7/15/83), with the NGPA and the so-called Sharp committee print now being used by the House Energy Subcommittee on Fossil and Synthetic Fuels.

The attached results indicate the Senate Committee proposal will result in more gas

well completions and lower retail gas prices in the period prior to 1987 than would be the case under the NGPA. However, the Sharp committee print would bring on line even more gas production, more well completions, while holding retail prices to lower levels than either the Senate Energy Committee proposal or the current NGPA. For 1987 and beyond, the Sharp committee print continues to show significantly more favorable results in the three years mentioned than either the Senate Energy Committee print or the NGPA. We would note that the Energy Committee proposal produces the most unfavorable results after 1987 in the areas of retail prices and gas well completions; it is slightly better than the NGPA regarding gas production though it is less favorable than the Sharp committee print. Additionally, under the Energy Committee proposal, "low-cost gas" prices will increase by an estimated 18.9% per year until they are decontrolled in 1986—an excessive burden on consumers.

It is our understanding that an amendment will be offered in the next day or so to include direct sales in the ramp up and market out provisions of the bill. The inclusion of low-cost direct sale gas in the ramp up could reduce projected utility retail gas prices slightly by opening up to the interstate market some lower priced reserves that, under the legislation as currently written, would be carved out for intrastate direct sale customers.

We appreciate Mr. Chairman, the diligent, hard work of you and other members of the committee during the past several months of the markup on various natural gas proposals. Yet, I must express our disappointment that the bill which apparently will be reported to the full Senate still contains several provisions which will unnecessarily increase consumer gas prices and thus, cannot be supported by the American Gas Association. We continue to hope that the Committee will report legislation which we can endorse without accelerated old gas decontrol and without other provisions that could increase consumer gas cost.

Sincerely,

GEORGE H. LAWRENCE.

ESTIMATED IMPACTS OF PROPOSED LEGISLATION ON NATURAL GAS PRICES, WELL COMPLETIONS AND PRODUCTION

	1983	1984	1985	1987	1990
Average utility retail gas price ($/MMBtu):					
Sharp committee print	4.85	4.84	5.13	5.84	7.01
Senate proposal	4.85	5.04	5.36	6.16	7.37
NGPA	4.85	5.07	5.99	5.89	7.07
Residential gas price ($/MMBtu):					
Sharp committee print	5.46	5.41	5.72	6.54	7.84
Senate proposal	5.46	5.67	6.03	6.95	8.27
NGPA	5.46	5.67	6.73	6.59	7.90
Industrial gas price [1]) $/MMBtu):					
Sharp committee print	4.44	4.46	4.76	5.44	6.60
Senate proposal	4.44	4.62	4.94	5.68	6.88
NGPA	4.44	4.68	5.47	5.49	6.65
Successful gas well completions [2] (thousand wells):					
Sharp committee print	12.8	13.5	11.7	11.3	10.4
Senate proposal	12.8	12.2	10.3	10.1	9.4
NGPA	12.8	11.3	9.6	10.3	10.2
Production capability [3] (Tcf):					
Sharp committee print	20.8	20.9	20.8	19.1	17.6
Senate proposal	20.8	20.9	20.6	18.9	17.3
NGPA	20.8	20.9	20.6	18.7	17.2

[1] Utility sales only.
[2] Lower 48, wildcat plus development wells.
[3] Associated and nonassociated. Excludes impacts of shut-in production capacity.

ASSUMPTIONS FOR AGA-TERA PRICING SIMULATIONS—JULY 19, 1983

COMMON TO ALL SCENARIOS

Inflation declining gradually from current level of about 6 percent to about 4.4 percent by 1990.

Crude Oil (RAC) $28 per Bbl in 1983, escalating at zero percent "real" in 1984, one percent "real" in 1985, and two percent "real" after 1985.

Residual Oil Prices rising from current levels to 85 percent of crude in 1985 and 90 percent of crude in 1990.

Future wellhead prices for all gas categories reflect specific features of the legislative alternatives (see below).

The "Market-Clearing" price for natural gas at the wellhead (excluding severance taxes and production-related costs) is approximately 55 percent of the Btu/equivalent price of crude oil at the refinery.

Future drilling, discoveries, reserve additions, and gas production based on runs of AGA-TERA supply models with specified assumptions.

Future retail prices and demands based on runs of the AGA-TERA Demand/Marketplace Model.

NGPA

From 1984 onwards, New-New gas seeks a price level such that the overall average of all gas prices is equal to 55 percent of crude oil.

From 1985 onwards, Intrastate and Direct-Sale gas with "indefinite price escalators" will seek a price equal to that of New-New gas.

In 1985: (a) that 1977 to 1981 vintage gas having "indefinite price escalators" and no "market-outs" is assumed to "fly-up" to 110 percent of distillate oil; (b) that 1977 to 1981 vintage gas having "market-outs" seeks a price equal to New-New gas.

By 1987, all "indefinite price escalators" will have been renegotiated and the "fly-up" eliminated.

Price of gas imported from Canada and Mexico:

In 1984: first 650 Billion Cubic feet at $4.40 per Mcf, all additional at $3.30 per Mcf.

In 1985 and beyond: equal to average price of all new (i.e. post 1976) domestic gas.

SHARP COMMITTEE PRINT

In 1984, New-New gas prices assumed to be the lower of: (a) the NGPA ceilings, or (b) a level consistent with recent market-outs.

From 1985 onward, all post-1976 vintage gas, including New-New, seeks a price level such that the overall average of all gas prices (old and new) is equal to 55 percent of crude oil.

Statutory "market-outs" eliminate any "fly-up" of 1977 to 1981 vintage gas in 1985.

Take-or-pay thresholds are not allowed to exceed 50 percent of annual contract quantities for three years from 1984 through 1986.

Price of gas imported from Canada and Mexico follows the same assumption as for the NGPA.

SENATE COMMITTEE COMPROMISE

Between 1984 and 1986, Pre-NGPA pipeline gas supplies (Sections 104, 105, and 106) "ramp-up" from NGPA ceilings to the "FMPI" (Free Market Price Indicator).

Between 1984 and 1985, Pre-NGPA-Reform pipeline supplies due to be deregulated by the NGPA (Sections 102, 103 and 107 excluding Section 102d and some Section 103) "ramp-down" from current prices to the "FMPI".

Certain supplies currently above the estimated "FMPI", but not due to be deregulated by the NGPA (Section 102d and some Section 103), remain at the NGPA ceilings in order to avoid risking loss of reserves.

The estimated "FMPI" is the higher of (1) the price for decontrolled gas which would cause the overall average price to be 55 percent of crude oil, or (2) 55 percent of crude oil.

From 1984 onward, the price of imported gas is equal to the "FMPI" at the exporting nation's wellhead, plus applicable transportation costs.

Take-or-Pay ceilings on all categories of gas set to 50 percent of annual quantity in 1984, 60 percent in 1985 and 70 percent thereafter.

AVERAGE GAS PRICE IMPACT 1 YEAR FOLLOWING ENACTMENT OF S. 1715

[Dollars per Mcf]

State	Net price change	Components of price change: Price increase [1]	Components of price change: Price decrease [2]
Alabama	−0.71	+0.18	−0.89
Arizona	−.84	+.24	−1.08
Arkansas	−.42	+.21	−.63
California	−.95	+.19	−1.14
Colorado	−.58	+.21	−.79
Connecticut	−.86	+.22	−1.08
Delaware	−.88	+.13	−1.01
Florida	−.41	+.27	−.68
Georgia	−.67	+.19	−.86
Idaho	−.79	+.15	−.94
Illinois	−.54	+.22	−.76
Indiana	−.63	+.21	−.84
Iowa	−.45	+.23	−.68
Kansas	−.31	+.24	−.55
Kentucky	−.69	+.21	−.90
Maryland	−.95	+.09	−1.04
Massachusetts	−.85	+.22	−1.07
Michigan	−.94	+.18	−1.12
Minnesota	−.45	+.22	−.67
Mississippi	−.76	+.14	−.90
Missouri	−.68	+.19	−.87
Montana	−.80	+.13	−.93
Nebraska	−.34	+.31	−.65
Nevada	−.78	+.20	−.98
New Hampshire	−.91	+.17	−1.08
New Jersey	−.88	+.18	−1.06
New York	−.80	+.18	−.98
North Carolina	−.88	+.13	−1.01
North Dakota	−.80	+.13	−.93
Ohio	−.82	+.18	−1.00
Oregon	−.81	+.15	−.96
Pennsylvania	−.82	+.14	−.96
Rhode Island	−.85	+.23	−1.08
South Carolina	−.72	+.17	−.89
South Dakota	−.43	+.20	−.63
Tennessee	−.69	+.21	−.90
Utah	−.30	+.27	−.57
Virginia	−.91	+.11	−1.02
Washington	−.81	+.15	−.96
West Virginia	−.79	+.15	−.94
Wisconsin	−.77	+.22	−.99
Wyoming	−.48	+.23	−.71

[1] Source of price increases are due to the ramp-up of prices below the FMPI.
[2] Source of price decreases are due to the ramp-down of prices above the FMPI, moderating import costs, reduced take-or-pay requirements and general efficiency gains.
Source: Natural Gas Supply Association.

Mr. JOHNSTON. Madam President, it is very appropriate that we be considering the natural gas bill on the day after we have turned down the extension of the Federal debt increase. The reason that this is so is because these two measures reflect a parallelism in congressional attitudes. That is to say that the Congress, especially the Senate, is strongly against Federal deficits. It is also strongly against the present natural gas problem. But when it comes to doing anything about

either, Senators and Members of Congress go off in 535 different directions.

Madam President, there is no doubt we have a problem with deficits and there is no doubt we have a problem with natural gas. The thing about which there is doubt is what, if anything, the Congress is going to do in a coherent, intelligent sort of way.

Madam President, the motion to proceed to S. 1715 is the motion under consideration. I am the first to admit that S. 1715 is not a perfect bill. To say it is a flawed bill would be correct. You cannot unscramble this egg of natural gas regulation without doing some things which you do not want to do. For example, you cannot do so without abrogating contracts. This is one Senator to whom a contract has always been considered something that was binding in law and in morals, and which should never be abrogated. But, indeed, this bill, in fact virtually every substitute that anybody has considered, filed or even talked about, involves abrogation of contracts to some degree or another. The reason it does so is that you cannot get from here to there, you cannot get from today's problem in natural gas to tomorrow's solution, without doing some things like abrogating contracts.

What is our problem, Madam President? One of our biggest problems is the fact that while natural gas prices at the wellhead are actually going down, natural gas prices at the burner tip are actually going up. Indeed, in the first 5 months of this year the average increase of prices of natural gas at the burner tip has seen a 48-cent increase. Yet, we find from the Energy Information Administration that the price of gas purchased from producers by major interstate pipeline companies has come down from $3.27 on the average in January 1983 to $3.03 in May 1983. This represents a 24-cent decrease in the purchase price by major interstate pipeline companies from producers.

So producer prices go down 24 cents while the consumer price goes up 48 cents.

The problem lies in the Natural Gas Policy Act of 1978.

We also have some incredible situations, Madam President, which I can bring to the attention of this body, that are taking place in my State of Louisiana. In the city of Baton Rouge we are importing Canadian natural gas. That city sits right in the middle of one of the richest gas-producing areas in the country, perhaps the richest gas-producing area of the country. They are importing Canadian natural gas into Baton Rouge, La., and paying $4.40 for it while in the shadow of the State Capitol in Baton Rouge gas wells are producing gas and exporting it at 27 cents per mcf. So we import all the way from Canada for $4.40 and export at 27 cents. It is absolute insanity, illogical, unworkable, and, indeed, it is exemplary of the problems caused by this great thing called the Natural Gas Policy Act.

Different pipelines in different parts of the country have wide discrepancies in their average acquisition cost of natural gas; as much as $1 and more per Mcf difference in the average acquisition cost of different pipelines. It is not related to distance from the gasfield, not related to any reason other than sort of the luck of the draw as to where they happen to be and where their gas supply was discovered.

We have a situation, Madam President, that is fraught with uncertainty so that we do not know what is going to happen on July 1, 1985, under the Natural Gas Policy Act in terms of the power of Congress and the power of the President.

My colleagues recall that under the Natural Gas Policy Act on January 1, 1985, all of this big body of what we call new gas, section 102 gas, is deregulated. On July 1, 1985, under the Natural Gas Policy Act, the President has the right to reregulate subject to a one-House veto, and the Congress by concurrent resolution has the power to reregulate. But nobody knows, in view of the late Supreme Court decision on vetoes, what will really happen. Does that mean the President has the right to reimpose controls with no veto by the Congress? Or does it mean that the President does not have the power to reregulate? Then, of course, the veto would fall. What of the power of Congress? Can the Congress reregulate by a concurrent resolution subject to veto by the President? No one knows the answers to these questions and these are questions of more than academic interest.

A driller, before he drills his gas well, wants to know what kind of price he can get. He is subject, of course, to uncertainty in the market. But a driller of a natural gas well is willing to take his chance on the uncertainty of the market because he thinks he can determine what that market is going to be, and he is willing to take that risk. What he is not willing to take the risk of is an unpredictible Congress and an uncertain President.

And so it is that the rig count in the United States has been off as much as 60 percent from its high in 1981. It continues to be so. In southern Louisiana the rig count is down over 50 percent today. That is caused by a number of factors, but none as acute and as direct as the uncertainty surrounding natural gas. What is the Congress going to do? If the Congress does nothing, what are the powers of the Congress under the Natural Gas Policy Act? What are the powers of the President? As long as that uncertainty continues, you are not going to have the activity out there in the gasfields and in the oilfields that you ought to have.

Madam President, we have at present a surplus of deliverability of natural gas. A surplus of deliverability is different from a surplus of natural gas. We really have a shortage of natural gas in the sense that the amount of reserves as a proportion of what we use each year has gone down and precipitously down. We have not found as much gas as we have used, except in 1 year, out of about the last 13 years. We continue to live on past findings of natural gas. So are we continuing to use it too fast.

But we do have what is called surplus of deliverability. What does that mean? It means that of those gasfields that are hooked up to a pipeline, are capable of delivering more gas than we are using right now. That phenomenon is caused by many things. The top of the list for that is the recession.

Come about 1985 that deliverability surplus is going to be gone, and with the vanishing of that deliverability surplus, the fat is going to be in the fire. The country is going to be in trouble again on natural gas.

We say 1985. The saying down in southern Louisiana in the oil and gas patch is stay alive until 1985. Things are awfully tough now with bankruptcies of drillers and members of the support industries. There are gas producers going broke right and left. The Midland Bank in Texas, one of the largest energy-related banks in the country, went broke because they are not drilling any more gas wells and notes on the old gas wells are not being paid. But the saying is if you can just hold out until 1985 or maybe 1986, things are going to be well again. That is because we are going to be short of natural gas. We are going to be short to a large extent because of the self-induced trauma which the Congress, by its failure to act on the Natural Gas Policy Act, is inflicting upon the country. By failing to get a policy that drillers can depend upon, we are setting the scene for a very severe shortage come 1985 or 1986.

So, Madam President, what we are trying to do in this bill is to cure that problem as best we can. We know we cannot cure it altogether because natural gas is a finite resource. But at least we would like to produce in an orderly way so as to deaden the effect of that shortage when it comes.

With that, Madam President, the primary concern of this bill and of our committee has been the consumer. How is the consumer helped by this bill? Principally, he is helped by doing away with the uncertainty. By substituting the certainty of the market, the uncertain certainty, if you will, of the market, which is a powerful incentive for drillers, we help him on the supply side. This, in my view, is the most im-

portant part of this whole equation because without supplies it does not matter how much you regulate—you are going to be short and the country is going to suffer economically.

So the first way this bill helps is by additional supplies.

But the question of supplies is impossible to prove. We can no more prove that you are going to have more gas wells drilled under this bill than President Reagan can prove that you are going to have an increase in the economy from supply-side economics. However, I submit our case is a lot stronger than his was. Nevertheless, we cannot prove it.

But we can point to various sections of S. 1715 that will definitely give relief to consumers. What are those provisions? First of all, take or pay relief. In the first 3 years of the bill, take or pay obligations are reduced 50 percent, 60 percent, and 70 percent respectively. According to the Interstate Natural Gas Association, take or pay obligations of major pipelines totaled $7 billion. That is a powerful amount of dollars which will be relieved, to a very large extent, by this provision and 50, 60, and 70 percent.

Why is it on a sliding scale with a greater reduction of takes in the first year and a little less in the next year and a little less in the following year? It is because this surplus of deliverability which I spoke about is rapidly declining.

In 1983, the deliverability surplus is 2.5 trillion cubic feet. That declines to 1.6 tcf in 1984, to 0.7 tcf in 1985. Stated as a percent of purchases from 1983 to 1985 it declines from 23 to 15 to 7 percent. So what we are doing is matching the take or pay reductions with the decline in surplus of deliverability.

The bottom line of take or pay relief is to match with that surplus of deliverability.

The second way we help consumers is by doing away with indefinite price escalators. Of course, what that means is that those contracts provide for example that your price may rise to the highest price in the field or to the equivalent price of another commodity. That is an indefinite price escalator. We provide for the defusing of indefinite price escalators through either renegotiation on a voluntary basis through what we call a market out, where you are able to terminate the existing contract on natural gas and purchase from someone else.

So, indefinite price escalators are taken care of.

Third, we provide for a prudence standard for the purchase of natural gas by pipelines. What is this? Well, we have found over the last couple of years that some pipelines have gone out in the market and purchased natural gas for incredible amounts. Some cases have been documented as high as $9.50 per Mcf. Keep in mind that the average price of natural gas has been down at about $2.63, while some pipelines go out and purchase gas for as high as $9.50. That was clearly an imprudent purchase. But under the Natural Gas Policy Act, there is no provision which effectively prevents that pipeline from making that purchase. All the Natural Gas Policy Act says is that automatic passthrough of prices cannot be had if there is "fraud, abuse, or similar grounds."

These purchases do not constitute fraud and they are not abuse. But they are imprudent, so we put in a prudence standard. This insures that pipelines under this bill will not be able to purchase gas for more than 110 percent of the weighted average market price.

Fourth, we provide for what is called contract carriage so that someone who has gas may get it carried mandatorily on a pipeline to some end user, including industrial users. This guarantees that there will be some competition in the shipping of that natural gas. It will help considerably on a competitive basis to get the natural gas transported. That, in turn, will clearly help the consumer.

Most of all, Madam President, this bill provides relief to the consumer by what we call the ramp-up and ramp-down mechanism. This ramp-up and ramp-down mechanism seems to be little understood, either in the press or by our colleagues. I hope our debate today will help that understanding so we can let people decide for themselves whether it helps the consumer.

What is the mechanism? Let us begin with old gas. Old gas is underpriced under a number of vintages, going all the way from 27 cents to up above $2. But it is relatively cheaper than the market level prices for all gas. What this bill does is take the old gas and ramp it up to the average market price over a period of 3 years. It takes the expensive gas—keep in mind that we have some gas that has not been regulated since 1979 including that below 15,000 feet or that from tight sands, which is regulated but at a much higher price.—We take those expensive gases and ramp them down over a period of 12 months.

So expensive gas comes down in 12 months to the average market price. The cheap gas goes up to the average market price over a period of 3 years.

What does this do to the price of natural gas for the consumer? According to a study by the Natural Gas Supply Association, it brings the price of gas down the first year by as much as 95 cents per Mcf in some States.

Madam President, I ask unanimous consent that a copy of this Natural Gas Supply Association study be printed in the RECORD at this point.

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

NATURAL GAS SUPPLY ASSOCIATION,
Washington, D.C., October 26, 1983.

Hon. J. BENNETT JOHNSTON, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON: We understand that the Senate may soon consider S. 1715, natural gas legislation reported by the Committee on Energy and Natural Resources.

As stated in previous correspondence, the Natural Gas Supply Association, on behalf of producers who market more than 90 percent of the nation's natural gas, urges you to vote for passage of S. 1715 without amendments. We realize that this legislation is opposed by a few who benefit from the price distortions created by the current law. We understand as well that many sincerely believe that achievement of a free, competitive marketplace for natural gas is desirable, but cannot be accomplished without undue burden on consumers.

On the contrary, we have evidence that S. 1715 will provide long and short term price relief while decontrolling all gas supplies at the wellhead. If enacted as written by the Senate Committee on Energy and Natural Resources, S. 1715 will exert strong downward pressure on natural gas prices. Our analysis of S. 1715's impact on gas prices, a copy of which is attached, indicates that in the 42 states studied average gas price reductions from current consumer prices one year following enactment of S. 1715 will range from 10 to 20 percent. Most importantly, this is not a theoretical study; it is derived from data available in the filings of interstate gas pipelines at the Federal Energy Regulatory Commission.

We would urge you and your staff to examine the study carefully and to test its findings, in which we have great confidence.

If you have any questions, you may telephone me or have your staff call Bob Slaughter, NGSA's Director of Congressional Relations, at 331-8900.

We fully expect this study to be scrutinized during the course of the natural gas debate. The most likely challenges will come from those who allege that all current natural gas problems will be solved by legislation that simply makes "slight" adjustments in existing natural gas contracts. Comprehensive legislation, those critics say, is not needed. "Fine-tuning" NGPA is sufficient, they contend. This argument ignores the serious problems that still exist in natural gas markets.

Additions to the nation's natural gas reserves have barely stayed close to demand, even though that demand has been significantly reduced by lower economic activity and loss of competitive sales to industrial customers. Gas drilling is expected to be 10 to 15 percent lower this year than last. This lower drilling activity is the result of not only less demand, but also stable, if not declining, wellhead prices. The average natural gas wellhead price peaked at $2.65 per thousand cubic feet in February of this year, and was $2.63 in May.

We have learned, however, that lower prices to producers do not necessarily mean lower prices for consumers. While wellhead prices were stabilizing, the average residential consumer price skyrocketed from $6.15 per thousand cubic feet in February to $6.63 per thousand cubic feet in May. Simply put, wellhead price reductions are not being passed through to consumers. In fact, in the

face of potential higher consumer prices this winter and constantly eroding industrial gas sales, one large distribution utility announced it would not seek a reduction in consumer rates, even though its purchased gas costs are projected to decline $78 million during the next year.

Limiting legislation to reductions in so-called take or pay clauses and/or capping in some manner indefinite price escalator clauses will do a great disservice to all gas consumers and producers. Such legislation would unilaterally abrogate contracts with no attempt to stimulate renegotiation, or to balance in any way the interests of all parties to current contracts. Such a "piecemeal" bill would not lead to a competitive market that would benefit consumers as well as producers. Moreover, such partial legislative treatment, particularly with respect to suggested permanent limitations on indefinite price escalator clauses—clauses that the Department of Energy states are part of almost every contract written since the Natural Gas Policy Act was enacted—would recontrol almost all flowing gas in spite of NGSA's explicit promise of "new gas" decontrol in 1985.

We strongly oppose "piecemeal" legislation that merely abrogates producer-pipeline contracts. The only outcome of such a step is an even more highly regulated and controlled industry, with less ability to respond to changing market conditions.

Legislation that leads to the deregulation of all natural gas remains very much in the nation's interest. S. 1715 makes a transition to free, competitive markets in a manner that seeks to minimize the burden on everyone concerned. It deserves your consideration and support.

Sincerely,

NICHOLAS J. BUSH.

ASSUMPTIONS FOR ESTIMATED IMPACT OF S. 1715

PRICE ASSUMPTION

The wellhead market price for gas (free market price indicator or FMPI) is assumed to be $2.80/Mcf based on the following:

A. The U.S. average wellhead price through May, 1983 (most recent data) is $2.63/Mcf and appears to have peaked in the first quarter. The average wellhead purchase price for interstate pipelines through September, 1983 is $2.76/Mcf. The NGPA Section 103 price, which will be used as the temporary FMPI during the first six months of phasing under S. 1715, is currently $2.825/Mcf.

B. A slight downward trend in wellhead purchase prices from early 1983 is indicated by the September 22, 1983 House Fossil Fuels Subcommittee staff report to the Energy and Commerce Committee which shows that the estimated average purchase gas costs for the 28 responding pipelines is expected to decline slightly from April, 1983 to April, 1984.

C. Industrial gas prices are at competitive fuel costs (residual fuel oil) in most markets. Oil prices are not expected to increase in real terms over the next year, and hence, the average wellhead price of gas is not expected to increase (otherwise, gas would be priced out of a large part of the market).

1. High-Priced & Low-Priced Gas:

High-priced gas is that gas in a pipeline supply priced at or above the NGPA Section 103 price and all other gas is low-priced gas. For the impact one year after enactment, high-priced gas declines to the FMPI and low-priced gas rises one-third of the way to FMPI.

2. Imported Gas Prices:

S. 1715 provides for a floor amendment that would phase-down the border price of imported gas to the FMPI over 12 months plus the cost to transport the gas from the wellhead to the border. This effect was approximated by lowering the border price of imports over one year to $3.30/Mcf ($2.80 plus an assumed transmission charge of $0.50).

Although most pipeline PGA filings showed Canadian gas at $4.94/Mcf, the Canadian cost was reduced to $4.40/Mcf for all pipelines to more accurately portray first half, 1983 gas costs from which price changes were measured.

3. Reduced Take-or-Pay:

S. 1715 permits pipeline companies to unilaterally reduce take-or-pay requirements from existing contractual levels averaging over 80 percent of deliverability to 50 percent in the first year following enactment, resulting in a reduction in purchase gas costs in two ways:

A. Lower-Cost Mix: The calculations reflect the impact of pipelines reducing their takes of high-priced gas from an assumed 75 percent to 50 percent of deliverability and replacing it with a like volume of low-priced gas. However, the volume shifted is not allowed to exceed 25 percent of the pipeline's current volume of low-priced gas to keep the estimate conservative.

B. Prepayment Penalties: The unilateral reduction in contractual take-or-pay levels will also allow pipelines to receive gas previously paid for, and to also avoid incurring additional take-or-pay liabilities in the future. This effect was calculated from the data in a May, 1983 report by INGAA based on a survey of its membership. The data showed their members expected to have cumulative liabilities of $3.8 billion by the end of 1983, increasing to $6.1 billion by the end of 1984. The value shown in the table reflects the impact on gas prices by partially eliminating these liabilities from the pipeline's rate base using the INGAA membership's "best estimate" of sales for 1984. The same price impact per unit of gas sold was assumed for all pipelines since specific contractual data would be needed to show differences among pipelines. The favorable impact on prices is likely larger than shown since the more recent report by the House Fossil Fuels Subcommittee cites that take-or-pay liabilities estimated by the reporting pipelines may be as much as $10 billion by the end of 1984.

4. Efficiency Gains:

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Specific features are cited below:

A. Parties will have complete freedom at any time to renegotiate any terms of any contract to eliminate the rigidities that have crept into their contracts and are now stifling the industry.

B. Access to all gas supplies by all pipelines will yield a more efficient distribution.

C. Contract carriage will promote competition, expand the markets for gas, and lead to innovative approaches to lowering the cost to transport and market gas.

D. Elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

E. The expanded gas sales from the above will result in increased utilization of the pipeline and distribution systems, providing a larger base to spread their fixed costs over.

F. Pipelines will no longer be allowed to automatically flow-through all costs of purchased gas, but will have to demonstrate that new contracts are in line with the market, thus discouraging imprudent purchasing practices.

The above items will impact costs downstream from the wellhead, represented by the difference between the average price of gas to all consumers and the average purchase price of the gas supplied to those customers. The amount this difference or margin will be reduced is dependent on a judgemental assessment. A reduction of around 20 percent would seem to be a fair estimate. However, since there is no way to set a precise number, a very low value of 5 percent was used in the calculations to minimize controversy. The efficiency gains, which would apply to the entire downstream system (transmission and distribution), were determined for each state and then applied to other pipelines supply serving that state.

AVERAGE GAS PRICE IMPACT 1 YEAR FOLLOWING ENACTMENT OF S. 1715

[Dollars per Mcf]

State	Net price change	Components of price change	
		Price increase[1]	Price decrease[2]
Alabama	−0.71	+0.18	−0.89
Arizona	−.84	+.24	−1.08
Arkansas	−.42	+.21	−.63
California	−.95	+.19	−1.14
Colorado	−.58	+.21	−.79
Connecticut	−.86	+.22	−1.08
Delaware	−.88	+.13	−1.01
Florida	−.41	+.27	−.68
Georgia	−.67	+.19	−.86
Idaho	−.79	+.15	−.94
Illinois	−.54	+.22	−.76
Indiana	−.63	+.21	−.84
Iowa	−.45	+.23	−.68
Kansas	−.31	+.24	−.55
Kentucky	−.69	+.21	−.90
Maryland	−.95	+.09	−1.04
Massachusetts	−.85	+.22	−1.07
Michigan	−.94	+.18	−1.12
Minnesota	−.45	+.22	−.67
Mississippi	−.76	+.14	−.90
Missouri	−.68	+.19	−.87
Montana	−.80	+.13	−.93
Nebraska	−.34	+.31	−.65
Nevada	−.78	+.20	−.98
New Hampshire	−.91	+.17	−.08
New Jersey	−.88	+.18	−1.06
New York	−.80	+.18	−.98
North Carolina	−.88	+.13	−1.01
North Dakota	−.80	+.13	−.93
Ohio	−.82	+.18	−1.00
Oregon	−.81	+.15	−.96
Pennsylvania	−.82	+.14	−.96
Rhode Island	−.85	+.23	−1.08
South Carolina	−.72	+.17	−.89
South Dakota	−.43	+.20	−.63
Tennessee	−.69	+.21	−.90
Utah	−.30	+.27	−.57
Virginia	−.91	+.11	−1.02
Washington	−.81	+.15	−.96
West Virginia	−.79	+.15	−.94
Wisconsin	−.77	+.22	−.99
Wyoming	−.48	+.23	−.71

[1] Source of price increases are due to the ramp-up of prices below the FMPI.

[2] Source of price decreases are due to the ramp-down of prices above the FMPI, moderating import costs, reduced take-or-pay requirements and general efficiency gains.

Source: Natural Gas Supply Association.

Mr. JOHNSTON. Why is this so? Why does it bring the price down? You have to understand that the price of natural gas today is controlled by two factors. First, the NGPA, the law, puts maximum ceiling prices on natural gas. But more than that, the market is holding down the price of natural gas so that most natural gas today is not

selling at its maximum lawful price, but is selling well below its maximum lawful price. It is the action of the market, the competition from competing fuels, which is holding the price of that natural gas down. So it can be said in a very real, analytical sense that the price of natural gas today is being set not so much by the NGPA as by the market—at least if you are talking about the average weighted price.

To be sure, within the mix of the average weighted price, there are some species of natural gas which are being held down at a very low price. For example, on some of that natural gas produced at 27 cents a thousand cubic feet, if it were deregulated, would rise in price. Contrariwise, some of that gas being sold at $5 and $6, if that contract were allowed to come down to the average market price, would be lower. But in the end, at the end of this 3-year ramp-up, the average price of natural gas should be or will be, as a matter of fact, under S. 1715, at the weighted average market price as determined by measuring the new gas contracts.

In the meantime, during this period of 3 years, because our ramp-up takes 3 years and our ramp-down takes only 1 year, the price to the consumer during that period of 3 years will be less under this bill than it will be under NGPA. Indeed, in all 42 States for which there is data the price declines during that period of 3 years.

So, Madam President, for those who say that the bill represents a bonanza to oil companies at the expenses of the consumer, it simply is not true. If you will look at the provisions of the bill, you do not have to be an expert and you do not have to be an NGSA scientist, to understand that that is not so.

Just consider the fact that natural gas today is not selling at the NGPA maximum lawful price. What is it that is holding it down? It is the market. It is because you can get residual fuel oil with a heating value and a cost of burning and transporting at less than you can get natural gas at higher prices. Or, in some instances, coal is the competing fuel. The point is it is the market which is holding the price of natural gas today down to less than Natural Gas Policy Act prices.

The consumer, under S. 1715, will not be hurt, but will be helped—not only during that period of 3 years, keeping in mind the ramp-down is 1 year, the ramp-up is 3 years—but after the 3 years, the consumer is going to be helped by take or pay, by dealing with indefinite price escalators, by a prudence standard, by contract carriage, and by the other provisions of the bill.

Madam President, it is not a perfect bill. As I stated at the outset—and I hasten to say it is impossible to draw a perfect bill, one that is logically symmetrical, one that is philosophically consistent, one that does not break any eggs to make this omelet. The fact is it cannot be done.

We have done the best we could. I think all things considered it is a good product. Will this bill pass?

(Mr. COCHRAN assumed the chair.)

Mr. JOHNSTON. Mr. President, I am honest enough to tell you that there probably are not the votes on this floor today to pass S. 1715. Let me say it stronger than "probably." There are not the votes on this floor to pass S. 1715. I would dare say there are not the votes on this floor to pass anything. And I am certain that there are not the votes on this floor today to endorse the Natural Gas Policy Act, which is the law of the land today. What we have to do on this floor in these next several weeks—and I say several weeks if the majority leader is serious about trying to finish this bill this year because it is so complicated—what we have to do is educate our colleagues, the press, and in turn the American people as to what the real situation is. I hope we can deal with this complicated subject of natural gas without a series of cliches and shibboleths and name calling and obfuscation and papering over what the real facts are.

It is not that difficult to understand why S. 1715 does not raise the price of natural gas at the burner tips of the consumer. That really is not beyond the grasp of the average American. It is certainly not beyond the grasp of the press or our colleagues. Now, whether that is a good idea is the subject of hot debate because it penalizes some producers and rewards other producers. But for the consumer it clearly does not penalize, but to the contrary, it helps the consumer.

I hope we can at least get agreement from most people that that is a fact. Whether it is a good idea or not to do that will, I hope, be the subject of debate because the bill clearly does that.

It is going to be an interesting process, Mr. President. Natural gas always is. The last natural gas bill took over 1 year in the conference committee alone. I was going to say it took 4 years to pass, but I guess in some sense it took more than 4 years because the move for some kind of relief from natural gas regulation started long before 1974. Indeed, it was alive and well when I ran for the Senate in 1972. I hope this Senate can act more quickly and with greater dispatch on this legislation than it did on the Natural Gas Policy Act of 1978. The country deserves it. Unless we do act, we are going to hurt our Nation's quest for energy. Unquestionably, we are going to hurt our Nation's economy. We have the experience now. We have dealt with decontrol of crude oil. All of those great predictions of disaster that were given out in so many quarters of the country—that decontrol of crude oil is going to kill the consumer, going to raise the price of crude oil—of course, did not occur. To the contrary, the price of crude oil went down. To be sure it was aided by a cooperative economy and by cooperative worldwide situations, but nevertheless the price of crude oil did go down after decontrol. And the price of natural gas at the burner tip will go down under S. 1715, if passed. I hope this is the vehicle, perhaps with some improvement, that can pass. At least I hope, Mr. President, that this Senate will not be silly enough to think you can regulate your way out of the problem; that simply by rolling back the price of natural gas, by putting on additional redtape, additional regulations, additional disincentives for the producer, somehow you can produce abundance out of shortage. It never has happened in the history of the world and certainly not in the history of this country. But to the contrary, every time it has been tried, especially with respect to energy, it has been counterproductive. I hope we have learned our lesson well because it is going to call upon a knowledge of recent history by our colleagues in enacting reasonable legislation with respect to natural gas.

I yield the floor.

Mr. MELCHER and Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I wish to compliment both Senator McCLURE and Senator JOHNSTON for the hard work that they have done over the last several months on this natural gas issue.

It has been a difficult issue for them and for most of us who have been wrestling with it for some time in trying to come up with a product that would help us out of the morass of Government regulation in the natural gas industry. Quite frankly, we really need to deregulate natural gas. In its current status the industry is in bad shape, not because the industry itself is sick but because Government regulations have made some real serious errors. If anyone who has been talking to his constituents is not aware of the fact that there has been some misguided Government direction, they just need to stop and look at what 30 years of overregulation has done to the natural gas industry. It has really been a mistake. It is unfortunate.

Natural gas, Mr. President, is the only major commodity right now that is still controlled by the Federal Government as far as price at the point of production. Quite frankly, the regulations have done a very dismal job; they have not held down the cost to consumers. That is their stated intention. It may be desirable by many but, quite frankly, the result of that regu-

lation has been just the opposite. They have increased the price for consumers.

There is a maze that we go through in looking at the Federal regulations as far as the price categories of natural gas. Mr. President, there are 28 different price categories for natural gas—28 different price categories. That is unbelievable. We see prices ranging in my State of Oklahoma right now from as little as 25 cents to almost as much as $10 per Mcf. Unbelievable. This is the same commodity, natural gas, that burns the same in my home and your home. It is the exact same commodity, but Federal regulations say some of it is worth 20 cents and some of it is worth $9 and $10. That is absurd.

Do the consumers benefit from that amount of overregulation? Not in any way, shape, or form. As a matter of fact, they have paid for that overregulation. They continue to pay for it.

Some people say, "Well, let's hold down the price and that will benefit consumers." However, the free market, not artifical regulations, will do just that. We only have two categories of natural gas right now that are not controlled by the Federal Government. One is the so-called deep gas, the 107 gas, that we happen to have in Oklahoma. Gas that is deeper than 15,000 feet is decontrolled in the NGPA.

It is decontrolled, and what has happened to the prices? The price of that decontrolled gas, if you look over the last 2 years, has fallen and fallen substantially. In my State, where some of that gas was selling for $9 or $10, do you know what it is selling for today? It sells for less than $3. It has fallen considerably.

The only other category of natural gas that is deregulated is imports, and we have had some reduction in the price of imports. The only two categories of natural gas in which you really see the prices decrease has been in those two areas where they are deregulated.

But if you look at all the other categories of gas, I do not care what category you are talking about, 104, 102, 103, 105, 108, 109, all these great categories of gas that the Federal Government decided they would design, every single one, Mr. President, has increased in price in the last 2 years, despite the fact that the marketplace says those prices should be declining, not increasing. The marketplace is a little bit smarter than any administration or we in Congress, despite what we choose to believe.

We need to return to the marketplace and, quite frankly, the sooner we turn to a free market the sooner consumers will enjoy the benefits of that deregulation.

A lot of people said a few years ago, "Oh, wait a minute, we cannot deregulate oil. If we do, the price of gasoline will go up to $2 per gallon." I read it in the RECORD. We had two to three of our colleagues who implied as much. Quite frankly, those increases never occurred. Decontrol of oil has and does contribute to the decline of oil prices. It has allowed better protection against the shortages that we have had in the past. The people who were advocating more Government controls in the oil industry are the same ones that are now advocating greater and greater controls in the natural gas industry.

How credible is their argument? It did not work in oil and I submit to you, Mr. President, their argument is not correct when it comes to natural gas.

Now, we need a bill, we need to proceed to a bill, and I hope that our colleagues will allow us to consider the bill that we have before us; S. 1715 is very complicated, a very extensive bill, one on which many of us worked for months. I do not believe it is perfect, but it does take some giant steps in the right direction and that is toward deregulation of this precious commodity, natural gas. It does deregulate new gas contracts. It does deregulate gas contracts that are renegotiated. It does deregulate released take-or-pay gas. Those are all very substantial steps in the right direction.

Furthermore S. 1715 repeals the Fuel Use Act. Mr. President, the Fuel Use Act, which I do not know if anybody is very proud of right now, was passed under the premise of the so-called energy plan, under the Carter administration:

> Well, we are going to run out of natural gas so let us not burn natural gas in electric utility powerplants or industrial plants. We will not use this precious resource for those types of uses. We will save it for residential and other uses. And so we are going to prohibit new plants from using gas and we are going to force industrial plants off of gas and we are going to save this commodity for consumers.

What we really did, Mr. President, by passage of the Fuel Use Act, was mandate that some industrial customers have to get off natural gas by 1990. But since they were the ones picking up a great percentage of the load in the cost of carrying that gas, that meant that residential consumers would now have to pick up that cost. As a result we have seen natural gas prices for residential usage continue to increase because they have started to pay a greater and greater fixed percentage of the cost, the amortization of the pipeline cost. It did not make any sense then and it does not make any sense today.

We have natural gas in Oklahoma a lot of which we cannot even sell, and some of the blame is due to the policy of the Fuel Use Act and incremental pricing, both of which were designed, I guess, to save consumers some money on their gas or utility bills, but exactly the opposite has resulted. Those statutes need to be repealed, and this bill does repeal them.

S. 1715 has other things about which I have reservations, but I understand that we need to make some compromises and adjustments that will help consumers and will help us to put together a package we can support.

I may offer an amendment to make some changes. The bill provides for ramping down the prices of high-cost contracts and ramping up the prices of low-cost contracts. I have some serious reservations about doing that and will address that at another time.

What is important is that we move forward. Government regulation has not worked. It is estimated that under the present law, NGPA, prices this year will go another 20 percent. They went up that much last year. That is what we get with Government regulation.

I am not saying that S. 1715 is perfect. I am not saying that Senator KASSEBAUM's approach is right or wrong. But it is important that we move forward. We must address this issue and address, these Government regulations that have not worked.

It is time we give the marketplace a chance, and I hope we will have the opportunity to move forward and discuss the various amendments. My further hope is that we will allow the marketplace to prove once again that it can allocate and price resources better than we in the Federal Government can.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, these are unusual circumstances here this afternoon.

The bill was reported by the Senate Energy and Natural Resources Committee. The motion to proceed occurs and this discussion occurs right at the time that the committee is in the committee room, in the Dirksen Building, reviewing Judge Bill Clark's nomination to be Secretary of the Interior.

Members of the committee are reviewing with Judge Clark his attitudes on how he would perform as Secretary of the Interior, whether the Senate will advise and consent to the nomination. At some point, I would like to be there, too. I would like to discuss with the nominee for the post of Secretary of the Interior the subjects of coal leases, coal land swaps with railroads, grazing on public lands, royalty accounting on oil and gas produced off Federal lands or Indian lands.

I would like to ask Judge Clark the nuts and bolts questions of how he would deal with these problems as they arise in the area of the Department of the Interior and what his policy would be on public lands, na-

tional parks, wildlife refuges, and Indian policies that affect tribes and their reservations. But here we are on the Senate floor this afternoon.

We have heard three of the supporters of this bill espouse the benefits of the bill. The ranking minority member was candid enough to say that he would not anticipate that the bill would pass or, if not this bill, a bill would pass very rapidly, perhaps not until around the first of the year if we kept with it until that time. I do not want to be that pessimistic, but it does remind me of another group that charged somewhat recklessly against odds. I was reminded of that event by committee staff.

The event occurred 129 years ago and a few days—the 129th anniversary was October 25, last week.

It was the occasion when Lord Raglan sent his orders to Lord Cardigan to start the cavalry charge of the Light Brigade. Here is the order issued to the Light Brigade at Balaclava, in the Crimean War, in 1854. It was a very short order:

> Lord Raglan wishes the Cavalry to advance rapidly to the front, follow the Enemy and try to prevent the Enemy carrying away the guns. Troop Horse Attily may accompany. French Cavalry is on Yr. left. Immediate.

Well, that charge against the odds did not fare too well. The staff advises me that Lord Cardigan did survive. Perhaps it is noteworthy that he did survive.

Now we call a style of sweater after Lord Cardigan, and we forever remember the futility of the Light Brigade.

As to this motion to proceed to the consideration of the bill, I think it is a good place to debate the bill, and I will try to state why in the next several minutes. I think we should discuss the several points.

First of all, we might deal with the actions that brought this bill before the Senate—what brought it up for consideration in the Senate Energy and Natural Resources Committee.

The administration sent up a bill, recommended its passage, testified at length in favor of the bill. The committee met a great number of days. With diligent persistence and the real hard work of the committee chairman and the ranking minority member of the committee and other members of the committee, this package was put together and was voted out.

The reason why the administration, first of all, advanced the bill and the committee was diligent in trying to arrive at a majority for the bill was that the Natural Gas Policy Act has not been a very good success. We have had high prices for consumers. We have had a glut of natural gas, with little drilling in the last couple of years. We have had a constant problem as to whether old gas was being priced properly. As the Senator from Oklahoma just stated, there are 28 different prices for natural gas at present. So it is very complex under NGPA—that is, the Natural Gas Policy Act.

There is a great deal of redtape; there is a great deal of complaint.

As for this bill, will it actually lower prices for consumers? Consumers seem to doubt that. Will it create the situation of use of gas in a better way and make it available where it is needed and can be used most efficiently? The answer to that is yes, it probably would help there.

Would the deregulation of old gas be beneficial for the consumers as well as the producers? Well, that seems to be the strongest debating point in this bill and in the consideration of any other bill dealing with natural gas policy.

Will it lessen redtape or be less complicated? There is a great deal of argument pro and con on that. It is fair to say that while the bill seeks to do that, it might have a great deal of difficulty in accomplishing the goal of simplifying procedures, simplifying pricing, and cutting down on redtape.

I say in all candor that while the attempt to do that is in the bill and that is part of the goal of the bill, there is really a question of how many lawsuits would follow and what would be the determination of the courts in deciding those cases before we could really make a firm assessment or an accurate assessment of whether or not redtape was reduced and the act was less complicated than the NGPA.

Who is for this bill? That is a very pertinent question.

If I can find my copy of the summary of the bill, I will give you a good rundown. Here it is.

First of all, the bill in committee was voted by a margin of 11 to 9 on a motion to report to the Senate without recommendation. Now a vote of 11 to 9 on a motion to report without recommendation is about as narrow as it could be in that committee. If it were 10-10, the motion would fail. Apparently if the motion has been to report it with a recommendation for passage to the Senate floor, the vote would have been 10-10 or perhaps 11-9 against it.

Now, if the latter is the case—and there is reason to believe that that indeed is the case, that 11 out of the 20 Senators serving on the Senate Energy and Natural Resources Committee actually would oppose the bill on the floor—we seem to be spinning our wheels, to say the least, Mr. President, because if that vote had been 10-10 or 11-9, we would not have had this bill before us and perhaps there would have been another bill or perhaps no bill.

Well, who else is for the bill? Well, I think it is fair to say that the major oil companies with old gas are for the bill. And I understand that. Around 35 or 36 or 37 percent, perhaps even 38 percent, of the natural gas reserves are listed in that category. And those that own that old gas have long sought that it be deregulated under some plan. So the pricing of the old gas part of this commodity, the pricing of it would be similar to the rest of the natural gas, that is the rest of this particular commodity that is in reserve, since it will be, as the Senator from Oklahoma has already stated, the same thing, it burns just as well, and it creates just as much energy. And there is some merit and some logic to that argument.

But I suspect—well, I do not have to suspect, I know that is the biggest and the major objection to S. 1715, a major objection to the bill.

Also, there are some independent producers who believe this bill should be enacted and find substantial merit in the bill. Now that is some of the independent producers, not all, but some of them. Who is against the bill? Well, starting with the independents again, some independent producers are against the bill. Consumers are against the bill, senior citizens groups are against the bill, labor is against the bill, pipelines are against the bill, the utilities are against the bill. In fact I have a listing, and it is only a partial listing, of the opponents of S. 1715 as it now stands.

I mentioned labor. I will just identify the AFL-CIO. Others are the American Gas Association, Association of Gas Distributors, Citizen Labor Energy Coalition, Consumer Energy Council, Consumer Federation of America; the Department of Energy, State of New Jersey; the Independent Gas Producers Committee, the Interstate Natural Gas Association of America, National Association of Regulatory Commissioners, National Governors Association, National League of Cities, National Peoples Action, United Distribution Companies, and U.S. Conference of Mayors.

Mr. President, I do not want to mislead anybody at all. There are possibilities of a different bill with different elements that each and every one of these groups might be for. But it is fair to say that as S. 1715 stands before us today they do oppose this bill, all of these groups.

Well, there could be a bill considered that has a proper balance between consumers and producers that would be advantageous for both and meet the test of being in the public interest. There are numerous bills that members of the committee have had and others who are not on the committee have developed. I, myself, introduced a bill several months ago. To be fair about my own bill, it is only correct to say that, as it was viewed by the membership of the committee, it was far

from good enough to attract a majority of votes in the committee.

Well, what then will happen if the motion to proceed is approved? There will be substitutes offered or amendments offered, many of which are amendments in the nature of a substitute. They will be offered. Some of these have been considered by the committee and already rejected. None that we have reviewed so far would attract a majority vote on the Senate floor. That seems to me to be the case.

On that basis, I think it is extremely constructive right at this point to be discussing, first of all, the merits and demerits of this particular bill. I happen to believe that the bill is totally unsatisfactory in the way it is presented to us.

Now others would argue that if there were no deregulation of old gas, that it would create the majority vote for passage. And that may be true. I do not know.

Personally, I feel this way about old natural gas: I would much prefer not to drop it out without a plan of some sort of adjusting these prices at some point so that all of the commodity of natual gas were on a competitive basis and the market would decide what the price is.

On the bill I drafted and presented to the committee, it phased out deregulation of old gas in 4 years. I have no objection if it were 5 or 6 years or if there were some procedure to get it all in the same framework and let the market decide what the price should be.

Well, that does not sound attractive to consumer groups, because they fear that there will be a jump, even if it is phased out over 4, 5, 6, or 7 years, there would be a jump and steady increase in the cost of gas for them. But you have to look at the other side of it, too, and that is this: There are a number of old gas wells where the price is at such a level where they are not improved or not enhanced to capture all of the gas that is available. Those wells are not too much unlike the stripper oil wells; that is, oil wells that can produce a little bit of oil but not very much because it cost so much to operate them and, therefore, if you are going to go repair them and enhance them and improve them you have to spend some money on them, and if the stripper oil prices are such, then they go to that procedure.

The other point is that in some old gas fields locked into the low price, there could be enhanced recovery of the whole area to recover more gas. And that is, again, similar to the stripper oil-type wells. So we have found it advantageous with stripper oil wells to allow the situation over the course of time where those prices could rise if they were strippers. And I would say that perhaps the same thing is true, at least I believe it is true, on some of the old gas wells and some of the old gas fields.

After all, what we are attempting to do in the public interest for consumers, business and industrial users—that is, home consumers, small business, large business, and industry that does use natural gas—we are attempting to assure adequate supplies. And by assuring adequate supplies, we are hopeful that, on a competitive basis the price remains in good shape for those who must pay the bill.

Mr. BAKER. Will the Senator yield for a moment?

Mr. MELCHER. Yes, I am delighted to yield to the majority leader.

Mr. BAKER. Mr. President, I have discussed with the distinguished Senator whether he would permit or be willing for us to proceed by consent or by motion—a motion is now pending to get to this bill—and the Senator indicated he was not willing to give consent and he expected to discuss the motion at some length.

Could I inquire of the Senator if that is still the case? If it is, what I plan to do is to go ahead and file the cloture motion on the motion to proceed.

Mr. MELCHER. I thank the majority leader for his courtesy in telling me and the rest of the Senate about his plan. Frankly, I see no reason to discourage the filing of a cloture motion. I think perhaps that will frame the question and, as quickly as it is done, somehow in the interim we can arrive at a satisfactory arrangement for considering a different bill and we would not have to go through with the cloture motion. But pending that, I think a cloture motion would frame the argument and allow for a vote under a usual rules of the Senate.

Mr. EXON. Will the majority leader yield?

Mr. BAKER. The Senator from Montana has the floor.

Mr. EXON. May I make a statement for 30 seconds? Will the Senator yield 30 seconds?

Mr. MELCHER. I am delighted to yield.

Mr. EXON. In referring to the majority leader's responsibilities, I would join my colleague from Montana and say that if I were the majority leader I would file a cloture motion.

Mr. BAKER. Mr. President, I have never met with such enthusiasm on filing a cloture motion.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jesse Helms, Jake Garn, Steve Symms, Don Nickles, James A. McClure, Chic Hecht, Malcolm Wallop, Dan Quayle, Lowell Weicker, Bob Packwood, Mark Hatfield, John Danforth, Richard G. Lugar, and Orrin G. Hatch.

ORDER OF PROCEDURE

Mr. BAKER. Will the Senator yield to me for one more moment?

Mr. MELCHER. Yes.

Mr. BAKER. I have had a number of inquiries about how late we will run this afternoon. I would anticipate now that the Senate will stay in until approximately 6 p.m. and then go out until tomorrow sometime in the midmorning, at which time we will take up this motion or other matters which will be arranged by unanimous consent. I thank the Senator for yielding.

Mr. MELCHER. I thank the majority leader for his thoughtfulness in regard to his actions.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

Mr. MELCHER. Mr. President, I really do feel that a vote taken under cloture will clearly establish what the will of the Senate is and also will allow some time for discussion on whether or not we can put together the type of bill that would attract the majority of votes. To do that, of course, we have to have a bill that is satisfactory to the public at large and meets the needs and concerns of both producers and consumers.

Now, Mr. President, I yield to the distinguished Senator from Nebraska who has a few comments he would like to make at this time, without losing my privilege to the floor.

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

The Senator from Nebraska.

Mr. EXON. I thank my friend from Montana.

Mr. President, I rise in strong opposition to proceeding to the consideration of S. 1715, a bill which, at its best, can be described simply as "confusion's masterpiece."

Very few on the Senate Energy Committee are enthusiastic about this bill. It was reported to the full Senate without any committee recommendation. That signals that the committee itself was not able to muster a consensus on the bill.

S. 1715 is hailed by its supporters as a compromise bill.

It is not.

The centerpiece of S. 1715 is old gas decontrol. Be it immediate, phased, or ramped, a rose is a rose. Old gas decontrol was the President's promise made to big oil which the White House hopes to make good on at the expense of the Nation's homeowners, farmers, businessmen and small, independent producers.

The Congressional Budget Office has stated flatly that old gas decontrol serves to redistribute revenues from new gas producers, the independents, to the major oil companies. Transferring billions of dollars to the pockets of big oil.

My State of Nebraska is much like all Midwestern States in that it is heavily dependent upon reliable, low-cost natural gas to meet the demands of agricultural, commercial, and residential needs. Nearly 70 percent of Nebraska's homeowners heat with gas. These homeowners would be burdened with the price increases resulting from old gas decontrol. This low-cost gas would nearly double in price if existing ceilings are removed.

The administration is waging a fever pitched crusade on behalf of big oil to implement old gas decontrol. This campaign for the majors, however, appears more to be an effort to persuade others in the hopes of convincing themselves.

The Senate is deadlocked; stalemated in an impasse centering on the administration's insistence on old gas decontrol. If the White House position is maintained, it will surely guarantee a filibuster and prevent any action on legitimate fine tuning legislation this year.

New, comprehensive legislation is not needed. We need only to help the industry over the transitional hump to a deregulated market; old gas decontrol will only trade one set of problems for others, changing horses in the middle of the stream.

The NGPA is not a perfect law, but we are gradually getting to a decontrolled environment on a steady, deliberate, and prudently cautious course. In only a year and a half, new gas will be decontrolled under the law. Of course, the majors, who own nearly all of the low-cost, forever regulated old gas, want immediate decontrol; not today, not tomorrow, but yesterday.

Old gas decontrol will only raise the price of existing supplies controlled by big oil, without a commensurate supply addition.

The Senate must seek to draw a clear and precise bead on the very real needs of the gas industry today. Not merely the needs of some of the major oil companies. I would urge my colleagues to ask themselves whether S. 1715 bears any real relationship to the actual needs of the market. I believe that it does not.

I am puzzled by the cry that is heard that, if old gas were decontrolled, the distortions in inflexible supply contracts would be resolved. The 1978 act established price ceilings. Contracts have turned these ceilings into price floors. The market is not taking gas at prices below those ceilings in many cases. The 1978 Decontrol Act does not prohibit contract prices from being lower than those ceiling prices.

The point is that old gas decontrol is irrelevant to the true needs of the market at this time.

Supporters of S. 1715 allege that last December's Senate resolution urging the industry to work out its own problems was merely a deferral and provided a mandate for the Congress to buy time to devise a comprehensive bill.

I strongly disagree. Last year's resolution was designed only to prod the industry into taking the initiative to make the market work.

In the past year, notable individual efforts have been made by pipelines and distributors to voluntarily readjust to a market of shrinking demand. Once timid pipelines are now negotiating with producers. Some have simply refused to buy gas at above market prices. Others are initiating new markets to maintain load factors during this temporary supply surplus.

Despite the voluntary efforts which have occurred to date, potential liability from "take or pay" clauses and "price escalator" clauses, both of which were extracted from pipelines by producers in a different era, hang like a sword and cloud the future with uncertain price hikes to consumers.

This is the true issue in need of the attention of the Congress.

In instances where contracts cannot respond to changes in the market, and where producers are unwilling to voluntarily renegotiate contract terms in the face of market changes, a strong case can be made for mandating some limited contract modifications to prevent disruptions in the market and hopefully avoid pipeline bankruptcies.

Even the courts have modified certain contract provisions where an overriding public concern is at stake.

The administration has attempted to make an "apples to oranges" comparison of natural gas decontrol to oil decontrol. The administration ignores the fact that homeowners do not have fuel switching capabilities. They also ignore the fact that natural gas pipelines and distributors are not nearly as flexible as oil refineries. They also ignore the fact that OPEC would then be setting domestic natural gas prices as well as oil prices.

I would urge my colleagues to focus their attention on only a fine tuning of the law to permit inflexible contracts, which threaten to hike prices, to reflect downward trends in market demands.

I would further urge my colleagues to oppose S. 1715, as reported by the Energy Committee, at every step of the process.

Mr. NICKLES. Will the Senator yield?

Mr. EXON. I yield back to my friend from Montana who has the floor.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MELCHER. I will be delighted to yield for a question from my friend without losing my right to the floor.

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

Mr. NICKLES. Mr. President, this is a question for the Senator from Montana, Senator MELCHER.

Is it the Senator's contention that possibly we need to adjust some contracts either in the form of take or pay reductions or possible limitations on price escalators? Is it his hope that maybe we can do that?

Mr. MELCHER. Does the Senator wish me to answer or my friend from Nebraska? I will yield to my friend from Nebraska if he wants him to answer.

Mr. NICKLES. I believe he said he would like to modify some of the contracts, saying that big oil gets the tremendous benefits. How can we modify some of these contracts if we do not proceed to the natural gas bill?

There are several proposals before us and I, like many other Senators, am trying to work on several proposals, most of which have reductions in price escalators, and so on. How can we address those unless we proceed with the bill?

Mr. EXON. Mr. President, I would respond in this fashion to my friend: I suspect, though I have not consulted with him, that the Senator from Nebraska is in basically the same position as the Senator from Montana. We are very fearful that S. 1715, strongly backed and lobbied by the White House, as the Senator from Oklahoma knows, just might get enough votes to pass. Therefore, what we are attempting to do, by debating this issue at every turn in the process, is to come up, hopefully, with some kind of a workable compromise.

In answer to the legitimate question from my friend from Oklahoma I would simply say that until we basically eliminate old gas decontrol, which is the centerpiece of the administration's effort, I think there is little likelihood that those of us on the other side of the issue are actually in a position to do much yielding.

I am simply saying to the Senator from Oklahoma, and any others who are listening, that this Senator is willing to listen to some compromises so long as those compromises do not entail old gas decontrol.

Certainly, as a specific answer to the question asked, I suspect that take or pay and some of the other escalator clauses are something that the Senator from Oklahoma, the Senator from Nebraska, and possibly the Senator from Montana could individually agree upon.

Mr. MELCHER. Might I also respond, Mr. President?

If we are going to deliver a new baby—that is, produce a new law to replace the NPGA—the last place I want to deliver that new baby is on the Senate floor, where amendment after amendment is brought up without any real understanding by the Senators voting on these amendments what the effects of one amendment opposed to another will do and what the package will do. That is one of the sad situations we are in. If we are going to amend this bill piecemeal, I think it is almost hopeless. Therefore, I strongly urge that we have an entire package to look at to see whether the parts indeed do fit together and are workable and that we are delivering truly a worthwhile new birth to NGPA.

I would like to see NGPA replaced with a workable package that is in the public interest. I think I have seen some 15 failures to do that and if we are going to substitute it, I think we need some time to look at that substitute to see whether it does indeed fit together.

We can deliver a baby—anybody can deliver a baby who has some qualifications—in a taxicab or an automobile. But it is not a choice of place to do so. We would rather have the mother delivered to the maternity hospital where it can be done with some safeguards and some expertise. Amending this bill piecemeal on this floor is akin to delivering a baby on the way to the hospital in the automobile. I do not think we need to do that. I think we can look at the entire package, see if it holds together, if it is in the public interest, and indeed is meritorious compared to NGPA, the current act we are under.

I thank the Senator for his inquiry because I think it is very pertinent.

Mr. NICKLES. Mr. President, let me ask one other question of the distinguished Senator from Montana. Under NGPA, we are looking at increases in gas prices of 20 percent. If we are not allowed to move, proceed, and discuss some of the alternatives, some of which may be in packages or substitute forms such as Senator KASSEBAUM'S—I do not agree with her idea, but I think we ought to wrestle with it—then how does the Senator suggest we deal with those increases. We wrestled with this thing, to use the analogy of the maternity ward, for months. I think that is why it is now in this particular state.

I think it is time we get before us the bill and discuss some of the alternatives. I think the only way we can do that is to move forward. If we do not move forward, gas prices to the consumer are going to increase 20 percent because of overregulation. I think it is time for the Senate to work its will. I hope the Senator will allow us to proceed as soon as possible.

Mr. McCLURE. Will the Senator from Montana yield for a comment on that point?

Mr. MELCHER. Yes; I am glad to yield to the chairman.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I think I understand a little better what the Senator's objectives are. Debate is sometimes useful at least for clarifying where we are. I am grateful for that.

Pursuing the analogy the Senator has used, you may not choose the place of delivery of the baby, but there has been a 9-month gestation period prior to that. We have some of that here. The Senator is suggesting that, somehow, we conceive a new baby and have that baby then delivered. I am a little uncertain as to the proposed parentage of that new child, let alone what the gestation period of that child might be.

If the Senator is suggesting that we go back to the committee for 9 months, I wonder how he is going to say to the people of Montana, or to the people of the rest of the Nation, that we have a workable solution to the problems that are being created now under the NGPA that is causing their prices to escalate beyond the competitive price in the marketplace.

Mr. MELCHER. First, Mr. President, if the gestation period for a bill should be 9 months, then I guess the Senator from Louisiana, the ranking member of the committee, knows what he is talking about when he says we could probably discuss this bill while the Senate is in session right up to the first of the year, because I think that will make sure that 9 months have elapsed since the administration came forward with their proposal and the committee began to look at it.

The Senator from Oklahoma spoke of numerous substitutes, some of which I am familiar with, that might be offered if we proceeded to the bill. Frankly, all of the ones that I have heard of are ones that have been considered by the Senate Energy and Natural Resources Committee and rejected. That does not mean that the full Senate might not take a different view of them. It does mean we know pretty well where the 20 members of the committee are in that regard and we know where the managers of the bill are and those who are in favor of S. 1715, we know where they are.

There may be some other substitutes and it is for that very reason, Mr. President: There may be some other substitutes offered. That is why I really believe this time we are taking now is constructive because if there are other substitutes that are going to be offered, let us have a look at them before we are asked to vote on them in the next 4, 5, or 6 hours.

Mr. McCLURE. Will the Senator yield under the same conditions?

Mr. MELCHER. Yes; I am delighted to yield.

Mr. McCLURE. Maybe we are closing in on a procedural method by which we can come to a resolution. As the Senator knows, we debated this in exquisite detail over weeks and weeks of time in the committee. We do not now have the luxury of that time if we are going to be able to legislate here at all, on the floor of the Senate. I think that is a realistic statement. It may not be desirable, but I think it is realistic.

This Senator has been in discussion with the Senator from Kansas (Mrs. KASSEBAUM) who, along with cosponsors, has suggested certain legislation as an alternative to the committee bill. We are trying to find a means by which we can accommodate their desire and her desire to have the opportunity to present that as an alternative to the current bill and get a vote on it.

The Senator from Montana had a piece of legislation that was suggested to the committee. The committee did not see fit to adopt it. The Senator from Missouri—both Senators, I think, Senator DANFORTH and Senator EAGLETON—together with others, have had another approach to that problem. Senator JEPSEN, I believe, has a separate approach to the problem in legislation which he has introduced.

I know that Senator NICKLES has an approach that he and others are preparing to propose.

Senator DOMENICI, together with others, has another alternative which has been circulated and discussed. It may be that we could do with these other substitutes exactly what we are discussing with the Senator from Kansas and her cosponsors, that we get a vote on these other alternatives and see what the will of the Senate may be with respect to these other alternatives. If that is the desire of the Senator from Montana, certainly, the Senator from Idaho is prepared to discuss that alternative and see if we can make such arrangements.

This is not so much a question at this point, Mr. President, but it seems to me that, again, there is a reason for us to want to legislate, a reason to clear away the chaos that is now in the marketplace under current law.

I do not know very many on the floor of the Senate who either advocate or believe that the current situation is so desirable that we ought to, by deliberate intent, perpetuate its existence under existing law. I do not believe that is the motivation of the Senator from Montana, although I learned long ago that it is not very wise, and perhaps is improper, to try to attribute to other Members on the floor a motive for their actions.

Mr. MELCHER. Mr. President, I might say that one of the Sentors who is not here yet and perhaps will not be here this afternoon to engage in this discussion will be here at some point before we get through with this. It is the senior Senator from Louisiana, who is prone to remind us of what another Senator, former Senator Bob Kerr, used to state: "I am against any deal I am not in on."

Whatever is going to be offered, I would like to see it and I would like to know what the attitude of the managers of the bill are on any substitute to see whether it is going to get some backing by them and what other groups are going to back it.

It is unusual that a bill can attract a broad array of opposition from various groups around the country as S. 1715. When you get a portion of the independent producers against the bill—and I am not going to say how many, what the percentage is; I am not sure, but a substantial number of the independent producers against this bill as it stands, a vast array of consumer groups and other organizations throughout the country against it as it is, it must say to us that we have pretty much the most part of all that is objectionable in their eyes.

Now, that is a poor bill to proceed with. If we are going to proceed with the idea that there will be a substitute offered—and I candidly believe that that is the only way to proceed—then let us see the substitute and let us not have this idea, well, there are a lot of substitutes hanging out there. There are a lot of amendments hanging out there. Some of them are just simple amendments to one part of the package S. 1715, as the Senator from Oklahona has described that he would like to offer, and some of them are in the nature of a substitute. But if there is something that can attract a substantial block of votes that means a majority, a clear majority, let us look at it. I have not seen it yet, and I do not think it is around yet. I think we have considerable more work to do before we are going to have any package that, indeed can attract more than 50 votes. Let us hope, if we are going to pass anything, it at least has 60 votes because that gets beyond the filibuster stage.

Mr. McCLURE. Will the Senator yield without losing his right to the floor under the same conditions?

Mr. MELCHER. Yes, I would be delighted to yield.

Mr. McCLURE. I thank the Senator. I do not disagree in part with what the Senator has said, and I am mindful of what the distinguished senior Senator from Louisiana has said upon occasion in referring to the late Senator Kerr from Oklahoma who said, "I don't support any deal I am not a part of."

The Senator from Montana cites that approvingly as his present frame of mind with respect to this bill. I have tried to outline as best I know the alternatives or substitutes that have either been offered or suggested or discussed or presented to the committee or that I have heard about. I do not know of any other deals that are floating around other than the fact that every producer group, every producer entity and groups of producers, independents or majors, small or large, east or west, deep or shallow, every one of them has some nuances that they would like in a bill as their price of acceptance of any legislation.

Mr. MELCHER. Let me say this——

Mr. McCLURE. Each pipeline entity that transmits from the wellhead to the consumer also has different positions. The have different suggestions that they make as to how we should best amend the current law to improve the situation. And every consumer group, whether it be a distribution utility or the consumer at the burner tip from the utility, a feed stock user, an industrial user, whatever their condition might be, has their own individual interpretation of what would be an improvement upon current law. But I do not know of any of those that have anything like 51 percent support, let alone the 60 percent support that the Senator from Montana has suggested. So I guess if we are using the comparison of the delivery of a baby, I am not even sure how many expectant mothers there are around, let alone how many back seats of how many taxis may be involved in the delivery site for this unknown child.

Mr. MELCHER. Might I ask of my friend, the chairman, does he have some recommendation to make in the nature of a substitute and, if so, what is it?

Mr. McCLURE. I might turn that around and ask the Senator from Montana if he has a suggestion as to what the substitute ought to be and what its nature should be. The only one I have seen that the Senator has mentioned is the bill that he suggested to the Energy Committee some months ago.

Mr. MELCHER. Well, I will make some suggestions. First of all, we are in the ridiculous position of assuring higher prices for imported gas that is brought into this country than gas produced in the United States. Now, that is indefensible. It does not say anything about public interest when we have set the framework in law whereby we control the price of gas that is produced in the United States and we protect the price of gas that is imported from Canada, which costs about $4.40 now at the border and a good share of the consumers in Montana are paying higher gas bills simply because those gas contracts from Alberta producers are protected. The committee delayed any consideration of what kind of an amendment to accept.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. There were plenty offered.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. Not right at this moment. There were plenty of suggestions offered on how to correct that but none was accepted. So we are in the very preposterous position where we pay more for gas imported from abroad, whether it is from our friends in Canada, our friends in Mexico, or our friends in Algeria, than we do for gas produced in the United States. That is one thing that should be corrected.

Second, there is really a question about how quick you can ramp up. That is the term that is used to describe how fast old gas would be deregulated, the price would be allowed to go higher. There is a question of whether you should do that in 36 months or it should be a longer period of time. That is a very vital question because it will have some impact on price.

Then there is a question of whether you can abrogate the contracts on the high-priced gas over a period of 12 months, whether that is too short, whether that is defensible.

I would recommend in each instance that when we tinker with those contracts we do so in a longer timeframe at least to stretch out the agony and the injustice that naturally flows from abrogating some contracts.

So those are just a couple of the points that I believe should be in a package if we are going to pass one.

I would point out one other thing. These area rate clauses are workable and general and we ought to leave them alone. We should not complicate life any more than we have to. These are rate clauses that are in the existing law regarding the pricing of natural gas should be left alone. I have never heard of any good argument why they should be tampered with.

However, they are tampered with in S. 1715. Those are three points I recommend. That is not all that should be in the package, but those are three points that should obviously be there and which are not in the bill S. 1715.

I yield to the distinguished Senator from West Virginia without losing my right to the floor.

Mr. RANDOLPH. I thank my able colleague.

I ask unanimous consent to be included on the cloture motion at the desk.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered. The Senator has the right to sign it.

The cloture motion, with the addition of Mr. RANDOLPH, reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jesse Helms, Jake Garn, Steven Symms, Don Nickles, James A. McClure, Chic Hecht, Malcolm Wallop, Dan Quayle, Lowell Weicker, Bob Packwood, Mark Hatfield, John Danforth, Richard G. Lugar, Orrin G. Hatch, and *Jennings Randolph.

*November 1, 1983, Mr. Randolph added by unanimous consent.

Mr. McCLURE. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. Yes, I am delighted to yield to my friend from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I do not mean to belabor the point, but I believe he is making the point that he does not want any package put together in which he has not been involved in its parentage. I suspect that may be true of at least 75 of the 100 Members of this body.

Mr. MELCHER. No; I would say I do not have to be the parent or even the foster parent. I would at least like to be considered as a first cousin, though.

Mr. McCLURE. He would like to be somehow next friend to the child that is being born.

Mr. MELCHER. I would like to be close enough to understand that what we are attempting to ask the Senate to approve and hopefully the House would agree would clearly be of a nature that would be satisfactory to the preponderance of both consumers and producers alike.

Mr. McCLURE. The Senator has suggested, since it is likely to be a package, he does not want to be going through the process of individual amendments; he wants to see a package that is put together that has a chance of getting 51 votes. Therefore, he suggests, if I understand it correctly, that that package somehow be brought to him and others so they can understand it before we vote on any part of it.

How does the Senator expect to get there if we are not permitted to pass to the motion to proceed to the consideration of the bill?

Mr. MELCHER. I think, first of all, the wisdom of the Senate will dictate to us as we go along. We need not prolong this discussion on the motion to proceed. If we are convinced that we have a solid bill to present for consideration, debate, and action on, we do not do that. If the cloture motion, which the majority leader has filed, is successful and gets a sufficient number of votes to impose cloture, I think that says to us that we are certainly going to then vote on the motion to proceed and open the bill for consideration. I suspect that we have all had a lot of time during the time this bill was reported out, and it has been pending on the calendar, to get a better idea of what is acceptable to various users and producers around the country, and I do not think we are in such an unusual position here that we cannot proceed, if we really have proposed to us something that we can feel comfortable with that is truly in the public interest.

Mr. McCLURE. Mr. President, will the Senator yield again under the same conditions?

Mr. MELCHER. I am delighted to yield.

Mr. McCLURE. I thank the Senator for yielding. It seems to me while the Senator is talking about somehow putting together a package what he has identified are three separate issues that can be addressed by amendment, but only after we have gotten past the motion to proceed to the consideration of the bill. The Senator is preventing us from doing that.

Let me say as well that the Senator knows we are in the last days of this session. I do not know how many days. I do not know when we will adjourn sine die, but I do know that the Speaker of the House of Representatives and the majority leader of the Senate have both said that their aim is to adjourn sine die on November 18. There are a great number of people who suggest we will not make that date.

But let me remind the Senator that, if it is not just his desire to kill the legislation during this session of the Congress, these are realities with which we must deal. A cloture motion has been filed. The Senator from Montana indicates that is appropriate. We will wait and we will have a vote on that. Then we will determine after that vote how we will proceed.

The cloture motion, under the rules of the Senate having been filed today, will come up for consideration in this body not earlier than 1 hour after we convene on Thursday. On Friday we are scheduled to move to the Department of Defense appropriations bill which must be passed before the continuing resolution which must also be passed prior to November 10.

So there is an expectation on my part that come Thursday evening we will not have any chance to work on this legislation again until some time after November 10.

I am also aware that even if the cloture motion passes 1 hour after we convene on Thursday next, there is under the rule a period of 100 hours which are available for the debate of the motion before we proceed to the motion itself.

So, we might well be sometime into the Thanksgiving period by the time we get to the vote on the motion to proceed to the consideration of the bill which the Senator says he wants not to kill but to amend.

I just have to say to the Senator regardless of what his motivation may be, and I do not attribute motivation, regardless of what his frame of mind may be, the effect of what the Senator is doing is to effectively block the consideration of this legislation during this session of Congress and as a result the consumers of this country can look to the predictable effects of current law, not what might be done under any kind of amendment to it.

That I think is too bad. It is not something that I support. It certainly does no credit to the great deal of work that the members of the Energy and Natural Resources Committee did over those weeks and weeks of deliberations as we tried to bring to the floor a package which was the best the committee could do and to give the opportunity here on the floor by whatever mechanism by amendment or by substitute the opportunity for the Senate to put together a package that was a more acceptable package than that produced by the Committee.

So I would hope that the Senator from Montana would relent in his opposition that prohibits us from even attemping to legislate in this field this year.

Mr. MELCHER. I do not want the chairman to misunderstand me. As to the question of passing S. 1715, the proposed bill, or killing it, there is no question if it is just two alternatives I would vote to end it, and I would be willing to vote very quickly on that.

However, there is a real question of whether or not the Senate understands first of all what can be done to improve S. 1715 so it might be attractive to get a majority of votes in here.

There is no use of talking in a vacuum. I am told that the vote count on it at this time stands somewhere relatively close to 30 and the vote count against it is in excess of 40.

Maybe that is not entirely fair to those who are against it. Maybe it is much closer to 50.

But, nevertheless, it would be I think highly unlikely that despite what I did or how I voted on it the bill as it stands would attract anywhere near 50 votes. That means there is a lot of work to be done if a bill is going to pass. When NGPA was passed here in the Chamber, I think we were some 3 or 4 weeks on it in a filibuster, and finally it went into conference, and the conference lasted a year and finally there was a package.

Now we are attempting to correct some of the inadequacies of that act.

I did not select the time to call up the bill, but I do not object to it being called up and do not object to discussing it. But I am not of the opinion nor would I think it even rational to assume that the bill could be voted upon, could be amended a few places and passed out of this body by the end of the week even if we are in late each day, or that it would be a satisfactory bill that would get anywhere.

I am saying that I believe we will do it more expeditiously if we have the opportunity to review the substitutes that may be offered or a package of amendments which, when taken together, form a substitute, and then see whether we can have sufficient number of votes to pass it.

I do not want to see the natural gas bill come out of this body by 51 or 52 votes. I think it would be very much in doubt how it would fare in conference. I would like to see a package put together that I would be solidly in support of and that would attract 55 or 60 votes in the Senate.

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

Mr. MELCHER. I yield.

Mr. McCLURE. Mr. President, I thank the Senator for his comments.

When he speaks of both counts, there are 20 members on the Committee on Energy and Natural Resources. There are 80 Members of this body who are not members of the committee. I do not say that they are totally familiar with the bill or the legislative area, but they certainly have not spent the weeks and months that the Members now on the floor have spent with respect to that legislation—the bill that is before us.

So I think the Members of the Senate as a whole will be looking for some comment from various members of the committee. I know that the Senator from Montana will advise some as to how they should vote. But the vote counts going into legislation of this complexity are nothing like the vote count that is likely to occur after some discussion on the floor of the Senate.

For example, I suspect that there may be some who have not yet had the opportunity to be swayed by the eloquence of the Senator from Louisiana. I have watched him operate on this floor before, and I fully expect that he is going to switch the votes of 10, 15, or 20 that may be undecided now; and after he has spoken in favor of this legislation, they will be enthusiasticly supporting the legislation.

So I do not take vote counts going in as being indicative of what the vote finally will be.

However, beyond the question of whether there are enough votes now, we will never know unless we can get on the bill itself. We will never have the opportunity to test whether or not there are other approaches that have better support on the floor of the Senate unless we are permitted to get to the bill and to vote on amendments or substitutes. We will never know whether or not the Kassebaum bill has wider support on the floor of the Senate than it did in the committee, and it did not have a majority.

I remind my friend that when we started this caucus in the committee, there was no majority in favor of it then. As a matter of fact, the vote as we came out would indicate that it has somewhat less enthusiastic bipartisan and wholehearted support from a majority of the committee. That is the nature of the problem.

Mr. MELCHER. Even worse than that, the motion was a motion to report without recommendation, and as to the sentiments on the 11-to-9 vote, if a couple of Senators were truly not in favor of the bill, they had to oppose it, and there would not have been a bill reported out, no matter what. The other way around, it would be 11 to 9.

Mr. McCLURE. The Senator is correct, and I will not belabor that subject at all. I admit to the truth of what the Senator has said.

However, a year ago, in December, the Senator will recall, we had serious legislative action being proposed on the floor of the Senate that would have rolled back prices, capped those prices, and extended regulation indefinitely into the future.

We said to the Members of the Senate—the Senator and I and, I suspect, all members of the committee—"Give us a chance to produce a bill. Do not take this precipitate action on the floor that we think will be damaging to the industry and to the consumer interests of the people of this country. Give us a chance to produce a bill, and we will, and we will report it back to you, and we will consider it on the floor of the Senate, and you will have your chance then to look at that as an alternative to what we are able to produce in the committee."

In February of this year, the President of the United States said he would send up legislation suggesting what he thought the administration felt was the proper approach to the legislative solution to the problems that confront this country with respect to natural gas, particularly because of the change in energy markets within this country and perhaps some changed perceptions as to what a proper solution is. The administration sent up that legislation and reconsidered it, and the committee made changes in that proposal that came from the administration.

Now we are seeking to take the next step, which is to allow the Senate as a whole to look at the result of those deliberations, to perceive whether or not there are substitutes they prefer more or dislike less, whether there are specific amendments, one or several, that might make the pending legislation more acceptable or perhaps suitable for a majority of the Senate.

The Senator from Montana says:

> Until you can produce a package that is different from the one the committee has brought up, until you can produce a package that will, by some alchemy, produce 51 votes, we are not going to consider it at all.

So we are blocked in the only avenue that is possible to us to develop legislation, aside from my friend from—well, I will not talk about a specific friend, but some of my friends smoke cigars and some smoke cigarettes and one or two smoke pipes, and I do not smoke any. I do not really get into smoke-filled rooms to negotiate a package that has not yet seen the light of day and may not until it finally bursts in its splendor to the wondering public, who has never seen any part of it until we let it out of that room; and we are going to bring it out, knowing in advance that it has 51 votes.

I suggest that that is neither right nor proper, nor will it be successful in an effort to put together a package that will get 51 votes on the floor of the Senate.

I think that is what we are really after, if we want to correct the problems that beset the industry.

I think the Senator from Montana, seriously and sincerely, recognizes that there are problems that need to be addressed. I think the thing he should look at is what we do to the consumers of this country and to the industry about which we are legislating if we fail to take action. There is a limited period of time available to us. That limited period of time is more limited the more we spend our time on debate as to whether or not we should consider it.

I again appeal to my friend that, while the estimates may vary and this bill is slightly different from that which the administration sent up, they have made an analysis of the bill as was finally reported by the committee, and their analysis indicates that the aggregation of all the elements of the bill would yield $23 billion in total consumer benefits and long-term price

relief significantly greater than what would occur under existing law through 1995.

That is what is being stopped here today, as we will not get on with the business of trying to legislate to correct the conditions which have grown up to exist over some period of time under the provisions of NGPA, current law. I hope we will be able to get to the consideration of the bill and to pass a bill that will meet the consumer interests of the people of this country.

Mr. MELCHER. Mr. President, I think the remarks of the Senator from Idaho, the chairman of the committee, are very pertinent and appropriate, to a point. It is necessary for committee chairmen to push legislation out of the committees of the Senate. It is necessary for them to attempt to get the bills passed on the Senate floor.

But I do not believe that should go beyond the stage of presenting to the Senate something that can be accepted by the Senate. It is true that we could vote up or down on the bill to see whether it should pass and in the circumstances we are in right now, we know that would not happen. I am delighted it would not happen, because I think the bill is unsatisfactory.

Mr. JEPSEN. Will the Senator yield to me for a comment?

Mr. MELCHER. Yes; I would be delighted to yield to my friend from Iowa.

Mr. JEPSEN. I thank the Senator. I have been in my office listening to my distinguished colleagues from Montana and Nebraska discuss the merits of Senate bill 1715, whether or not it would be prudent to proceed to the consideration of this bill. I heard the distinguished Senator from Montana express his desire to see some of the alternatives that might be available.

I suggest to my distinguished colleague that I have proposed an alternative and it is pending at the desk, and I can assure you that I do intend to offer this alternative as a complete substitute to Senate bill 1715.

I first introduced a bill on this subject in September 1982, Senate bill 2892, some 420 days ago. And that was similar in concept to the bill that now is on file at the desk which I introduced March 16 of this year, Senate bill 823. I know Senator KASSEBAUM introduced a bill that has been on file since April 7—both of these available now for about 240 days or so and that is Senate bill 996.

So there have been alternatives that are available to examine. I would be pleased to make sure that the Senator's staff gets a copy immediately. In fact, I have asked my staff to do that, I say to the Senator.

I must say, however, that many times he and I have worked together on similar legislation and serve together on the same subcommittee and my ranking member, and all the help on agriculture and other things, but I find myself in this case not being able to support my friend from Montana or my good friend from Nebraska in their effort to hold up this bill.

The reason for this is I firmly believe that this legislation is the only vehicle that we will have to make some of the changes that need to be made. And, oh, do they ever need to be made.

We have had a highly regulated natural gas climate in this country for a long time. But with the advent of the 1978 Natural Gas Policy Act nothing could be much more regulated. And it certainly has been regulated in one direction, and that is there are some 32 formulas in that Natural Gas Policy Act to increase the rates of natural gas. And that is exactly what has been happening. You talk about regulation. Wow.

You know, I firmly believe that if we do not use this time and this period and these vehicles that we have—I might point out that my proposal was endorsed by all of the 50 States. I have had a little difficulty getting attention here in Washington on it, but in all of the 50 States, all the commerce commissioners, the people who are going to have to work with the regulation, my bill has been essentially endorsed and supported. We have letters from the National Governors Conference.

Frankly, if we do not act now, we are going to be in the middle of another heating season. In fact, the weather outside today indicates, I imagine, if a lot of thermostats did not go on yesterday, they went on for the first time today. We have got to get at it before it is too late.

So I would welcome the support of my good friends on my substitute. I am going to be watching and following very closely Senator KASSEBAUM's. One thing I can tell them is that I will work strongly for the defeat of Senate bill 1715 as it currently reads. But the important point is that I find that everyone who has offered legislation on this natural gas—in fact, every one of my colleagues I have talked to, and I would assume that you share the same thing, say that we must do something. Now, I will not get in the debate of the mechanics, the specifics of what it should be at this time, but we need to do something and we need to do it now.

I thank the Senator for letting me express this.

Mr. JOHNSTON. Will the Senator yield?

Mr. JEPSEN. I do not think I have the floor.

Mr. MELCHER. I yield the floor.

Mr. JEPSEN. You did yield the floor? Well, I yield to you without reserving my right to keep the floor.

Mr. JOHNSTON. Well, I just had a question or two. I have seen the Senator's proposal which was continued in the CONGRESSIONAL RECORD of October 27. Things could move slowly or they could move fast on the floor here. I could not agree with you more that we need to deal with this question of natureal gas, but, unfortunately, when you deal with natural gas, you have to talk about the details, because it rises or falls in its provisions with respect to the details.

I just wanted to ask you a couple of things. First of all, with respect to your indefinite price escalators, do I understand that you outlaw indefinite price escalators and provide that—let us see, what does it say here?

Mr. JEPSEN. I can paraphrase it for you. I banned indefinite pricing language in gas supply contracts, which tends to make legal ceilings price floors as well.

Mr. JOHNSTON. Well, what happens to those contracts? I understand some 95 percent of the contracts effected since 1977 have some sort of indefinite price escalator. What would be the price of natural gas in those contracts where you outlaw the indefinite price escalators?

Mr. JEPSEN. Well, I am sure, given an opportunity to do so, they would be negotiated out. I do not think, in fact, I know I cannot say exactly what a given price would be. I am sure it would vary with different contracts.

Mr. JOHNSTON. Would you have a right of either party then to market out of that contract, is that what you are saying, or are they still bound to one another or what?

Mr. JEPSEN. Only the pipelines would be able to market out under my bill.

Mr. JOHNSTON. If the pipeline does not market out, what price would the producer be able to get? Is he stuck at one price whatever he is getting the whole while, or inflation, or is it the NGPA price, or what is it? Does your bill provide for that?

Mr. JEPSEN. Well, again, Senator, specifically to say what the price would develop either by formula or end result, there is no way to tell from the legislation. You have to take a look at the total overall bill with the market out clauses, the 50 percent take or pay criteria, the lowest cost mix, directing that the take or pay of the market out clauses be applied to the most expensive gas first including that of pipeline owned production companies. So the answer to your question would depend on individual circumstances, all of which would be covered by the total mix of this bill. That is the best answer I can give you.

Mr. JOHNSTON. Well, I would submit to the Senator that, at least on a quick reading of the bill, it does not provide for that. I make that point only to illustrate what a very tricky field this is. It is easy to pick up S. 1715 or anybody else's product and

say, "Well, this is too long, too detailed, and too complicated." It is complicated and it is detailed because it had to cover all of those contingencies.

You have billions of dollars worth of contracts out there and you cannot leave producers and pipelines up in the air as to what their price is. NGPA has a lot of faults, but one of the faults it does not have, but for which it was vastly criticized, was that you can, in fact, find what the price of your gas is, and you do not have to go through a lot of litigation to do that. That is what we want to avoid. I certainly want to work, with the Senator because I know the Senator from Iowa has always been a proponent of the free market, to let the market set prices wherever possible.

I would hope we would not go in the opposite direction and turn down the crank of regulation.

I simply want to say one thing to my good friend from Iowa, and I know we will get into the details of the bill later on, and that is that I would like to invite his attention to the fact that in December 1981 we had 4,520 drilling rigs in operation. As of September 1, 1983, we have less than half that amount, or 2,247. That is also down over 10 percent from just 1 year ago. Gas well completions as well are very much down.

If you look at Texas, for example, which produces 34 percent of our Nation's natural gas, in Texas formerly they had gas reserves of 125 trillion cubic feet. Now they are down to 50 trillion cubic feet, from 125 to 50. That is the story of natural gas across the country.

I simply point that out to my friend from Iowa to alert him to be very, very careful about what the Nation's No. 1 problem is when it comes to natural gas. That is simply. If we make a regulatory mistake you can come in and fix a regulatory mistake, perhaps, but the supply problem is the really difficult problem.

If we enact a bill here which takes away more incentive, introduces more uncertainties, we are going to create a shortage which a regulatory scheme cannot correct.

I simply point that out to my friend and commend his attention to S. 1715 from the standpoint of supply and the standpoint of free market, which I know he supports.

Mr. JEPSEN. I thank the distinguished Senator from Louisiana. He is correct. I think my credentials in the private sector are firm and creditable.

As I indicated yesterday when someone asked me very quickly at the press meeting we had in the back of the Chamber, they said, "Gee, is this not something new for you, Senator, to talk about not having total deregulation, being from the private sector?"

I said:

Well, I guess it could be. I still am. I have not changed. But the fact is I have now gone through 5 years of deregulation of the airlines and the deregulation of the trucking industry. We are talking about deregulating and divestiture and changes in the telephone companies.

In my State of Iowa we have some 964 corporate communities. What happened initially with all the deregulation of the airlines and trucking was that the little towns and the little folks got it right in the neck. Not only did they have a decrease in service, but some of them had their services abolished altogether. Those that did keep it or still have it have lesser service at higher cost.

All I am saying is the same thing the Senator from Louisiana is saying, that it is very complicated, that we have to be very careful. I agree with the Senator that we have to be very careful about the suppliers, to make sure that we do not totally go in the opposite direction similar to what was done in the 1978 act which was put into effect in good faith by the Congress because there was a fear of not having enough, or having a great shortage of natural gas. So we fixed it; we really fixed it. I want to make sure we do not go fixing it again so good that we go the other way.

We have had people drilling for gas going—what is the deepest well now? Is it 14,000 feet? They leave the gas available which is not so deep in the ground because there is a premium paid for that. That is the reason you have the premiums paid now, I believe, because it is not feasible to go to the deeper wells.

But something must be done because the fact is that for the consumers of natural gas the price has been skyrocketing out of sight.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. JEPSEN. I do not want to lose my thought. Those folks who can least afford to pay these high prices at the burner tips are the ones who get clobbered on this. Thirty percent a year or every 6 months, or a 200-percent total, whatever it has been, and it has been a lot in the last couple of years, when you are on a fixed income sometimes you get to a point where you make a choice between food or fuel. This is the talk I hear from some of my senior citizens this year.

I would point out that S. 823, which I have introduced, is an alternative for those wishing to remedy disorder, which we have had, in the natural gas markets under current law, and to do so without decontrolling old gas at this time. It addresses the problems that caused wellhead prices to rise 35 percent last year. Without mandating a rollback in the price ceilings in current law, the increases in the ceilings account for about one-fourth of the increase. Most of the increase was due to pipelines taking something far different from the lowest cost gas price that was available to them.

Mr. JOHNSTON. Is the Senator aware that the price at the wellhead for natural gas has been going down in recent months while the price at the burner tip has been going up?

Mr. JEPSEN. That is the problem.

Mr. JOHNSTON. That is part of the Natural Gas Policy Act, is it not?

Mr. JEPSEN. That is part of the problem. My folks say in Iowa the price of natural gas has leveled off. But it was certainly going up for a couple of years going into this season. I am not sure that it is not going up, but I have inquired and I have reports from pipeline companies and gas suppliers, reports from some utility companies and distributors. I am trying to nail it all down, but the general trend indicates that they say they will be able to hold the line in Iowa this year—this year.

Under this proposed act, as I understand, as told to me by those who examined it—and I understand this was worked on by not only the staff here but also by the collective staffs of the 50 States, the folks who work in these things every day—they reported that over the next 3 years there will be an increase, or they believe there will be an increase, in natural gas of upwards of 95 cents.

Mr. JOHNSTON. I wonder if the Senator will yield at that point.

Mr. JEPSEN. I yield.

Mr. JOHNSTON. Is the Senator aware of the recent study just done by the Natural Gas Supply Association which analyzes the impact of S. 1715 on the consumer and concludes that for all of the 41 States for which the data was available that S. 1715 will actually reduce the price of natural gas at the burner tip.

Indeed, the reduction in Iowa, as calculated in this study—which, by the way, I put in the record earlier today, was 45 cents on the average for 1 year following enactment of S. 1715. Of course, the reason for that reduction in price is the rampdown. We ramp down the expensive gas over a period of 1 year; we ramp up the cheaper gas over a period of 3 years. So during that 3-year period we have an average price that is actually below the average market value. The Senator would agree with me that that is a desirable feature of S. 1715, would he not?

Mr. JEPSEN. Mr. President, we are aware of that study the Senator refers to. It is a study that was done with formulas primarily developed by a group representing pipeline companies, it that correct?

Mr. JOHNSTON. Pipeline BJA's yes.

Mr. JEPSEN. I guess it is not a question of the validity of it, but it is one part of this very complicated system. That is their study.

Mr. JOHNSTON. It is the consumer part, though. The consumer part, as an Iowan, is your first concern. S. 1715 is very debatable because it rearranges the flow of capital, of money, and of profit among various producers. A lot of independents do not like it because they think it is going to reduce their prices. Some other producers like it because they think they might get an increase. But I believe as the NGSA study shows, as far as consumers are concerned, consume prices are going to be reduced because of S. 1715—not dramatically; 45 cents in Iowa. Forty-five cents an mcf is not a small amount for someone, as the Senator points out, having to take money from food in order to pay the heating bill. It is not a huge amount but it is not inconsequential. It is one that I know the Senator, as a strong consumer advocate, is going to be attentive to. I invite his attention to that part of the bill.

Again, one part of the bill is what it does for consumer prices and for consumer prices, S. 1715 is the best bill out here today.

Mr. JEPSEN. I thank the Senator. If I may, this other bill would make the gas markets, which I think both the Senator from Louisiana and the Senator from Idaho all agree on, we want the marketplace to provide. We want to reach that level that, in the long run is going to be best for the consumer and everybody concerned. But we want to make the gas markets work while changing the existing regulatory and legal framework very carefully. We can walk into it rather than charge and run into it, and come back to the drawing board as maybe we should. Had we done that in 1978 instead of getting out a whole wagonload of all kinds of things and saying to a board, here, FERC, take over and run the thing—that has not caused all the problems, but it has been used a lot when we have tried to let the marketplace come back into private sector interplay here.

A lot of folks at the wellhead say, we cannot do it because of the NGPA; and the folks at the stripper wells say, we cannot do it because of the NGPA; and all the others say, we cannot do it because of the NGPA. A lot of folks say, we cannot do it because the law needs changing.

In any event, all I am saying is we all want the same end result. We may differ as to the roadmap on how to hit it.

Mr. MELCHER. Will the Senator yield for a question or comment?

Mr. JEPSEN, Yes, Mr. President.

Mr. MELCHER. I think the Senator from Iowa has demonstrated very effectively why I think this discussion at this point is worthwhile and might lead us to a good bill he could support. The bill the Senator has described was indeed considered by the committee. The Senator from Iowa testified before the committee. Committee members heard that testimony and put it in their consideration of the various bills before it. It is fair to say some features in the Senator's bill were rejected by the committee, but a majority package that was developed or hopefully a majority package developed by the chairman and the ranking member of the committee. As it turned out, that majority is somewhat questionable. Perhaps it was not a majority, perhaps it was just an 11 to 9 vote against final package that was put together, S. 1715.

Nevertheless, I guess what the Senator from Iowa has stated about a bill striking the proper balance to get the support of a great number of consumer groups across the country is an accurate statement. What happened in the committee was that it was found wanting. It was not satisfactory to some of the producer groups and some of the pipeline companies and distributors.

So what we have come up with is S. 1715. To readjust 1715 by a couple of little amendments simply does not look like it will do the job to arrive at a satisfactory package. However, a substitute offered by the Senator from Iowa, substituting his bill for S. 1715, is probably going to have the opposition of the chairman and the ranking member of the committee and the two floor managers of the bill and probably will not be accepted. So we are still in that quandary, what will attract a majority of votes here.

I think the discussion the Senator has entered into describing his bill is constructive and perhaps there will be something developed. But it is going to take a while to do that and to think we can pass it this week or Monday night may not be at all possible. It may take a great deal of time.

I think the time we are taking now to consider points raised by the Senator for a while are very fine and perhaps others with other bills pending before the committee when we are considering the markup will also come to the floor and describe their bill and their intentions to offer a substitute.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Iowa for coming to the floor to describe what is, in his mind, the direction he would go. I appreciate it in spite of the fact that I wish we were moving on an amendment, that we could debate and vote on the amendment rather than just talk about it in that kind of vacuum. Members of the Senate do not focus on the substance of a matter until they are about to vote on that matter. We can discuss it and make a little legislative history, and we shall perhaps reach a few conclusions as a kind of theoretical matter. Members of the Senate will not look at the debate and consider those facts very closely until we are ready to vote on it.

It is not a total waste of time to do it now, and I commend the Senator from Iowa for coming to do it, but we would be making much better progress if it were a pending matter on which the Senate were about to vote. Then they would be here listening and trying to make up their mind.

Mr. JEPSEN. Sometimes, as the farmer in the old story said, you get up so high in the slop that you forget what the original reason was for coming here. I stated my original reason for coming here. I hope my good friend from Montana and my good friend from Nebraska would get going on this bill. That is mainly what I came to say. I kind of got in the discussion of several bills here.

I believe this legislation and this bill will be the only vehicle. We are going to have to make some changes and we will make some changes.

Mr. McCLURE. I appreciate that, Mr. President;

But I could not help but note, as the Senator was looking at his substitute, the bill that he has outlined is not precisely the same as the bill that he had earlier, but it is substantially the same. So some of the analyses that we have made about the effects of his bill are being hurriedly recalculated to try to fit the changes.

I say that at the outset because I think people ought to know where we are coming from, and I will try to be as accurate as I can in the statements made.

The information that I have at this time would be that, indeed, compared to NGPA, the Jepsen substitute will lower the costs. That would be true in 1983, 1984—well, it would be true until 1987. After 1987, NGPA would produce slightly lower wellhead prices than would the Jepsen substitute. That is particularly true when you look at the average residential price.

The near term savings under the Jepsen amendment are very evident in the average residential rates in 1984 and 1985, but they begin to turn around in 1987 and rise above the NGPA price in 1987, 1990, and 1995.

The same thing would be true, in a slightly different way, of gas imports; they run almost parallel during the entire life of the projections through 1995, but by 1995 they have moved slightly above current law under the Jepsen amendment.

But I think the most telling comparison is one that does not compare the Jepsen amendment with current law so much as it compares it with S. 1715, because you can kind of bulk the benefits—who are the winners and who are the losers.

If we look at producers and consumers, the Jepsen amendment will

produce an $8 billion saving to the consumers of this country, but it transfers that at $7.1 billion of lost revenues to producers, so there is a net national economic benefit in that trade-off between consumers and producers of about $900 million in the period 1982 to 1995.

Now, these are the analyses with respect to the current amendment, but under S. 1715, instead of a consumer benefit of $8 billion, the consumer benefit rises to $22.9 billion. The producer benefits under the Senator's amendment were a minus $7.1 billion; under S. 1715, they are a minus $11.9 billion. Therefore the net economic benefit to the Nation rises, instead of $900 million under the Senator's bill, to $11 billion under S. 1715.

Now, we get covered up with figures, but let me suggest a couple of the reasons why that is true, a couple of the reasons why, as the Senator from Louisiana said, S. 1715 looked complex to people who were looking at the industry and thought there must be some simple way of describing what it is we are trying to do.

The pipelines will do very well under the Senator's bill, and the pipelines in some respects prefer it, because although their average rate of return is, I think, 19 percent guaranteed—and they have done quite well even in periods of time when others did not because they are a regulated monopoly; they are an industry that has a guaranteed rate of return under Federal Energy Regulatory Commission regulation, and where applicable, this also is true under State regulatory functions. But I think the Senator from Iowa would agree that both his bill and the committee bill interfere with current contractual arrangements.

My good friend, Senator NICKLES from Oklahoma, finds that difficult to accept, and I would say that I find it extremely difficult to accept; that the Federal Government has the right, let alone the power—or perhaps I should say the power, let alone the right, to interfere with contractual relationships, but I do believe the Senator from Iowa would confess that both his bill and the committee bill abrogate contracts in whole or in part. Am I correct?

Mr. JEPSEN. That is my understanding.

Mr. McCLURE. So the choice we are making is not whether or not we will breach contracts. The question is in what manner will we breach those contracts or vary their terms. And we look at things like the take or pay provisions as an example.

One of the things that has occurred, which unless you analyze it very carefully you do not see, is that take or pay contracts really work in effect primarily for very high cost new supplies of gas. The reason those provisions are there is because they are such high costs the people that were going out to drill the wells and put in the facilities had very grave difficulty getting financing for a very high cost, very risky enterprise unless they had some kind of guarantee for their market. So they negotiated contracts simultaneously or in conjunction with their financial commitments. They negotiated contracts with purchasers who signed the agreement during a period of apparent shortage and agreed that they would take this gas, and regardless of whether they took it, they would pay for it. It is not fair to say that they pay for gas they do not take because in reality, in nearly every instance, it is a prepayment. They pay now and get the gas later. They cannot use it all now but they have to pay for it.

Well, if you have two contracts and one is very high cost gas and the other is very low cost gas, and the low cost contract says if you take it, you pay for it, but if you do not take it, you do not have to pay for it, and you have another contract that is a very high cost source of gas, and it says regardless of whether you use it, you have to pay for it, it is predictable that purchasing will take and pay for the highest cost gas that they are required to pay for under the contract whether they use it or not, particularly when both the pipeline and the distribution utility are protected by regulatory practices that allow them to pass their costs through to the consumer.

So what we have done under the NGPA and under the changes in the market since that act was passed is force pipeline purchasers and distributors to accept higher proportions of very high cost gas. The result is the consumers are paying more now than they would if those contracts were not in existence. But the contracts are in existence. That is why the Senator's bill or the committee bill deals with the contract abrogation with respect to take or pay clauses by limiting their applicability. But there are some other things that happen when you do that.

You say to that entity that went to their bank and to their purchasers and put together this package of financing and said, OK, I have a contract of sale to this group of people, they say they will take given volumes of gas at given prices under the contract, and then they say to the bank, this guarantees that I can pay back what I am sinking in this well, then we come back later and we say, oh, but we have changed our mind, we are going to abrogate that contract, we are going to tell the purchaser you do not have to take that much gas and you do not have to pay that price, you can take less of that gas at a price that we will mandate be lower, they have the producer and the bank that lent the money suddenly left with a quite altered financial package, not because they desired it, not because they nogotiated it, not because they agreed to it, and not because it is prudent but because we mandated it because we want to get cheaper gas to the consumer.

We try in our bill to balance that by saying that the price of high cost gas that is under contract will be reduced over a period of time, but it will only be reduced over a period of time. It will not be jerked down immediately. It will be ramped down. That is the terminology that has come to be used. It will be put on a ramp which over a 12-month period will be reduced in price. There is a 60-day period at the beginning of that and a 6-month period at the end of that. So you actually have about 20 months from beginning to end of that process. But that guarantees them some cash flow during this period of time.

We also said in S. 1715 that while this is going on we will start out giving the customers the best of the deal at the outset by limiting the take or pay to 50 percent of the volume, as does the Senator's proposal. But we say because price begins to drop during that period of time, because we mandate that it drop during that period of time, in the second year that take or pay volume will rise to 60 percent, and in the third year it will rise to 70 percent. Those are offsetting provisions. One of the problems with the Jepsen amendment is that the Jepsen amendment does not have any such offset.

What happens during that period of time, as a matter of fact, and what has happened in the market since NGPA was passed, is that the average price of natural gas has closely tracked the market with respect to energy costs. They have to or they lose the market. It lags behind, which means it has been above the energy market, but what they have done is melded low cost gas with high cost gas so that the consumer is paying an average price that approximates market value. Because the price is controlled by statute, and because there are escalator clauses in that statute rising against a market that is falling, a lot of people are abrogating contracts or making a lot of adjustments that are not provided for in the law. But the consumer market overall is tracking, but as I say, lagging and running against the currents in the energy market.

Let me give an example of what happens to the farm consumers and the residential consumers, and I will give the example in my own area because I know it well.

We have a very high proportion of the gas in the Pacific Northwest that comes from Canada. As we started this process, nearly 70 percent of the entire supply came from Canada. I have often said our friends in Canada are blue-eyed Arabs. It did not take them long to raise the price. They

tracked the world energy market prices, and when they did that and world energy prices began to decline they could not for political reasons bring their price down to market levels as rapidly as the market dropped, and the result was that the gas supply in my area of the country became exceedingly expensive.

As it became exceedingly expensive, the industrial users who had alternatives turned to the alternatives. And that is primarily over in the Puget Sound area in the State of Washington where there is heavy industry along the coast. They returned to residual fuel oil. Residual oil is in abundant supply in the market at very much lower cost, and it is just as available and just as usable to them. So these people who had been consuming gas flowing through the gas pipelines changed to residual oil, and the volume of gas flowing through the pipeline dropped. As the volume of gas dropped and dropped dramatically, the fixed overhead of those pipelines did not change, but the unit cost as a result rose. Every unit of gas moving through that pipeline had to bear a higher cost. So in spite of the fact that the energy prices on the average were dropping, the gas prices in that pipeline system rose. They could not drop as the wellhead price did because the cost of distribution became a higher percentage of the total cost, and unit costs rose.

The result has been predictable for almost everyone. The consumers paid more for the gas, the producers of gas got less for their gas, the market began to shrink, exploration activity dropped off, and we have tremendous dislocations in the entire industry served by that pipeline system.

Right now the Canadians are complaining, and I understand they are complaining that they have lost their markets, that somehow there is something wrong with our system in our country that has artificially deprived them of the opportunity to compete in our market, and I would say to them that that is not so much our fault but the result of their own policy that does not allow them to adjust price, and they have, in an effort to recover their market, taken three actions. First, they dropped the price by 11 percent, and they then adopted an incentive price that was designed to stimulate increased consumption to get unit cost down as well as increase volume. And just this morning they announced that the incentive pricing mechanism would be adjusted on a monthly basis rather than on an annual basis. They are trying to get back into a market position in which the competitive forces of the market will require that the consumer interest be protected.

I say to my good friend from Iowa that the amendment which he proposes does not respond to those realities within the production, distribution, and utilization portions of natural gas markets. It fixes a little part. And it fixes it in a way that looks attractive to people in the short run. Indeed, the charts and the data that we have been able to develop will say that yes, it lowers the price in the first year or two but increases the price as well as depressing the supply in the longer run.

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

Mr. McCLURE. I am happy to yield.

Mr. JEPSEN. Mr. President, I sat here and I had the feeling my bill was being operated on surgically and I had been given an anesthesia that I did not realize that I was getting. As I sat here and saw the thing being dissected I want to say to this Senator the Senator's statement is correct with regard to my proposal in that the cost to the consumer is slightly lower from 1983 to 1987, and this was done. As the Senator knows, some price relief is needed for the consumer now. But as the Senator from Louisiana pointed out earlier, we must also be concerned about supply.

So in recognition of both price and supply problems, my bill encourages supply in the later years and price in the earlier years. I agree with the Senator from Idaho that we need to debate these issues on the bill, and I guess I am prepared to do so now. The Senator from Idaho certainly is looked to, as I do, for advice, counsel, and expertise in this area, and his credibility is impeccable, but I remind him that my purpose was to come over here to the Chamber in order to support him for his efforts to proceed to the bill.

The Senator does have many good points and I look forward to discussing and debating them after we take up the bill, and I ask the question: Is it his desire at this time for me to really now—explain my bill? I really never did explain my bill other than a couple sentences. That is not what the Senator desires at this time, is it? He wishes to get on to the bill. This is why I came over to try to help do. Or does he want to discuss the bill?

Mr. McCLURE. No, I would be very happy to get on with the bill. The Senator from Montana has indicated that he does not desire that we get on with the bill right now. I think that I would not want to overextend what the Senator has suggested because I think he also suggested we ought to be debating the general topics during this period of time.

Mr. JEPSEN. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. Yes, I am delighted to yield.

Mr. JEPSEN. All of us seem to have many of these same concerns as we do and so on. By way of direction, so we can move on, specifically—maybe I missed something—what is it that the Senator desires? When can we get on with a bill so that we can start substantively making some progress on this?

Mr. MELCHER. I will answer my friend from Iowa by saying that we probably will not get to the vote on the motion to proceed tomorrow. That will probably occur after the vote on cloture on Thursday.

What I intend to do is to draw the attention of all Senators to this: Let us dig in here and see what you want to do on natural gas, or let us pull the bill down. One or the other.

Mr. JEPSEN. But we do not have the bill before us.

Mr. MELCHER. What the Senator from Iowa just found out is that, indeed, his bill has been surgically destroyed.

Mr. JEPSEN. I hope not.

Mr. MELCHER. That is just the view of a scant number of people on the Senate floor this afternoon, and need not be the final or ultimate case. But I think the Senator from Iowa has got a sort of suspicion, at least, that the managers of this bill are not going to recommend that the Senate vote for this amendment in the nature of a substitute, and I think that it is good service, not only for the Senator from Iowa, but also, it helps the whole process on the Senate floor.

So let us get to the point where we know where we are going and in what direction we can vote for something affirmatively, with the knowledge that it might pass.

Mr. JEPSEN. Mr. President, if the Senator will yield for a question, I did not come over here expecting now, nor in the immediate future, that the managers of the bill would do anything except defend their own bill. That is normal. I did not expect to be received with open arms. That is normal.

I have to admit that I did not expect to have the examination, one-sided, of my bill, because I thought we were in the throes of getting into position where we can have something on which we can proceed meaningfully.

I believe time is of the essence, and I plead with the distinguished Senator from Montana that we move ahead.

As it happens in the legislative Chamber, the modus operandi is to throw something up in the air, and then everybody talk about it and shoot at it, or whatever. First, we have to get some vehicle to do that. Otherwise, we are standing here milking reindeer.

Does the Senator know what that means in Montana? It is not very much. It is nice to know how to do, but it does not accomplish anything. [Laughter.]

Mr. MELCHER. I think the Senator from Iowa is making a great contribu-

tion to the consideration of what should be in the natural gas bill. But I do not believe it can be done rapidly. I think all the features that go into a natural gas bill to correct NGPA, to make it work better for consumers and producers, is very complicated. It takes some time. I do not believe we can make a lot of headway by the Senator from Iowa coming over and discussing his proposal for three-quarters of an hour, give or take a few minutes, and then the opposition describing what is lacking in the proposals, and then have a vote.

I really do not think the Senate is at the state where it can really coalesce around a package that will get a majority vote as yet. Believe me, I mean 53, 55, 56 votes. We may arrive at that, but it will take a couple of days. It may take a week or so, and if it is a good package, it will be worthwhile. If we do not want to put the time and effort into it, it will not be done at all before the time of adjourning this Congress, if it is going to be November 18.

Mr. JEPSEN. I am puzzled by my distinguished friend, the Senator from Montana. I have listened very closely, and I fail to see the rationale of his statement that we are going to do something in haste. I did not say anything about haste. I think the leadership on both sides of the aisle have indicated that they expect this to take quite a few days. We are spinning our wheels if we do not get to it.

Mr. MELCHER. I think it is a waste of time to be considering a bill that has not generated much support, without spending some time to see what can be arrived at to substitute for that bill so that it could receive support. It is as simple as that.

This bill was reported out 11 to 9, and that is without recommendation, by the committee. Apparently, one or two of the 11 votes really were not in support of the bill. They just wanted to get rid of it in the committee and then see what they could do on the floor.

My suggestion is this: Let us see what we can do on the floor, but it will take some time.

Mr. McCLURE. I must inquire of the Senator from Montana what his desires are and what his intentions are, because, as the Senator knows, we have not only this matter pending on the floor of the Senate at this time, but also, we have had Judge Clark before the Committee on Energy and Natural Resources since 9 o'clock this morning. He is still there. There are no Senators there now who wish to ask questions. He is available.

I understand that the Senator from Montana wishes to ask questions of the distinguished nominee for the Department of the Interior post. Judge Clark and Senator WALLOP, who, in my absence, has been chairing the hearing this afternoon, have indicated their willingness to stay there to accommodate the Senator from Montana at this time, if the Senator from Montana desires to go there.

Mr. MELCHER. I thank my friend from Idaho. He is most gracious. I just suggest to the staff that it would be convenient for Judge Clark to return at 9, and that would be agreeable to me, and I will take three-quarters of an hour with him tomorrow.

Mr. McCLURE. I will make arrangements for that.

As the Senator knows, we have a whole list of other witnesses as well, and we had hoped to be able to complete the questioning of Judge Clark today. But the Senator from Montana is understandably busy on this matter here. We will make arrangements to ask Judge Clark to return in the morning, at 9 o'clock.

I say to any other Senator who desires to question Judge Clark that he is there and available right now, and they have been seeking the participation of those Senators who desire to ask him questions on the record. He will return at 9 o'clock tomorrow morning, and I hope we will complete that portion of the hearing very quickly and move on to the balance of the witness list.

Having received the response of the Senator from Montana, and I hope satisfactorily resolving that question, I understand from what the Senator said that it is not his intention to allow us to vote on the motion to proceed to the consideration of the bill today. Am I correct in that?

Mr. MELCHER. Yes. I would prefer that we continue with this tomorrow. I have not been told by the majority leader when he wants to come in tomorrow, but I assume it will be sometime in the morning.

Mr. McCLURE. I think he announced earlier today that it is his intention to come in sometime in midmorning tomorrow, which I think would accommodate the desire of the Senator to participate in the questioning of Judge Clark in the committee hearing and still have time to appear at the appropriate time on this legislation in the morning.

I believe it is also correct to say—and anyone who disagrees can correct me—that we probably are not going to make much further progress on this bill tonight. The majority leader had earlier indicated that we would probably go until approximately 6 o'clock. If there are others who wish to speak on the bill tonight, they should identify themselves at this time, so that they can have that opportunity.

Let me say, while the Senator from Iowa is here, that it was not my intention to really get into the debate on his amendment at this time. I appreciate very much that he would come here and at least present the fact that he has such an amendment and that we should get on with the business of considering it.

I think the remarks of the Senator from Iowa were very constructive in that regard. My own purpose in looking at the amendment was just to illustrate to my friend from Montana, as well as to others who might be listening, that there are issues of substance in each of these alternatives, and we have got to resolve those issues. The only way to resolve those issues is to have a matter before us which we can debate and dispose of. I think the Senator from Iowa agrees with that feeling and I very much appreciate his expression of it.

I would hope that the Senator from Montana—I trust he will sleep well tonight—having had the opportunity to discuss with Judge Clark the issues that he has on his mind and trusting that that exchange between himself and Judge Clark will go well, will arrive on the floor of the Senate tomorrow full of good will and desire to move forward expeditiously and that we then can perhaps move to the motion to proceed to the consideration of this bill and get on with debate of specific provisions.

Mr. MELCHER. Will the chairman yield?

Mr. McCLURE. I am happy to yield to my friend.

Mr. MELCHER. I want to express my appreciation and gratefulness to the chairman for his patience and for his very candid and forthright discussion of the issues before us. I also want to express here on the Senate floor my appreciation for the patience of Judge William Clark, the nominee for Secretary of the Interior, in permitting questioning all this afternoon and all this morning and meanwhile, as the chairman has indicated, to again accommodate the interest of Senators on the committee tomorrow morning at 9.

Mr. BAKER. Mr. President, it would appear to me that there is not much more compelling debate on the motion to proceed this evening. If the manager on this side agrees or Senator MELCHER agrees that there is no more need for time to debate the motion at this time, I would propose to put the Senate in morning business for a brief time before going out.

Mr. President, I see no demur from my friends on the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6 p.m. in which Senators may speak for not more than 5 minutes each.

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a number of items that appear to be cleared for action by unanimous consent. If the minority leader is prepared to consider these items now, we can proceed.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

CORRECTION OF RIEGLE-BINGAMAN AMENDMENT TO HOUSE JOINT RESOLUTION 308

Mr. BAKER. Mr. President, I ask unanimous consent that in the first proviso of the Riegle/Bingaman amendment, No. 2471, as further modified, and which was agreed to yesterday that the term "citizens of" be changed to "citizens in".

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER TO PLACE SENATE CONCURRENT RESOLUTION 82 ON THE CALENDAR

Mr. BAKER. Mr. President, next I am told that this has been cleared and I will state the request for the consideration of the minority leader and other Members.

Mr. President, I ask unanimous consent that the concurrent resolution which I now send to the desk on behalf of the Senator from Alaska (Mr. MURKOWSKI), expressing sympathy and condolences on the tragic killing of Koreans in Burma, be placed on the Calendar.

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

The concurrent resolution is as follows:

S. CON. RES. 82

Whereas the people of the United States and the people of Korea are joined together by bonds of friendship and mutual commitment;

Whereas the people of Korea have recently suffered a grave tragedy through a terrorist attack on October 9, 1983, in Rangoon, Burma, which took the lives of seventeen Koreans, including senior members of the Government of the Republic of Korea; and

Whereas the victims of that attack included several individuals who had lived and studied in the United States, who had wide circles of friends here, and who were known and admired by a number of members of Congress of the United States for their lasting contributions to the strong relationship between our two countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expresses its most profound sympathy and condolence to the families of the Koreans who were the victims of the tragic killing in Burma and to the Korean people;

(2) reaffirms the lasting friendship and solidarity between the people of the United States and the people of Korea; and

(3) condemns this outrageous terrorist act and calls upon the international community to redouble its efforts to combat terrorism and to isolate, censure, and punish the perpetrators of such acts.

UNIFORM SINGLE FINANCIAL AUDIT REQUIREMENTS FOR RECIPIENTS OF FEDERAL ASSISTANCE

Mr. BAKER. Mr. President, I will say to the minority leader that I would propose now to go to S. 1510, which appears to be cleared as well, and to dispose of that matter.

Mr. President, I withdraw the request in respect of S. 1510.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that, after the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR SYMMS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders, there be a special order in favor of the distinguished Senator from Idaho (Mr. SYMMS) of not to exceed 15 minutes.

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

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the execution of the special order, there be a period for the transaction of routine morning business to extend until the hour of 11 a.m. in which Senators may speak for not more than 5 minutes each.

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

PROGRAM

Mr. BAKER. Mr. President, at 11 a.m. the Senate will resume consideration of the motion to proceed to the consideration of Calendar Order No. 330, S. 1715, an act to amend the National Gas Policy Act of 1978. It is anticipated, Mr. President, that we will debate this at some length, based on the representations made by participants today.

It is entirely possible, Mr. President, that during the day tomorrow the leadership on this side may ask the Senate to turn temporarily to the consideration of certain other matters. That is not to slight the Natural Gas Policy Act but rather, in view of the fact that a cloture vote will occur on Thursday and cannot occur before Thursday, that we might be able to do one or two or maybe even three other matters during the day tomorrow if the day is not fully consumed with debate on the motion to proceed.

I would like to see us get to the Treasury-Post Office appropriations bill tomorrow. And we have submitted on this side a unanimous consent request for a time agreement of that matter to minority leader for his consideration and that of other Senators on both sides.

It is possible, Mr. President, that we can reach the intelligence authorization bill tomorrow and there is even a possibility that we might get to another matter tomorrow. But those two, may I say, I would like to reach if there is time tomorrow and if we can temporarily lay aside this matter in order to do that.

I do expect rollcall votes, Mr. President, tomorrow. Certainly if we reach the intelligence authorization bill and Treasury Post Office bill, there will be roll call votes, I would anticipate.

Mr. President, I do not expect tomorrow to be a late evening. I would anticipate that the Senate may be in late on Thursday.

Mr. President, on Thursday, or perhaps Friday it looks like we may get the Department of Defense appropriations bill. I hope we have finished the Natural Gas Policy Act amendment by then but if we have not, as the managers know, it would be the intention of the leadership to attempt to reach the Department of Defense appropriations bill. It is a vitally important measure. It is one that should be passed and should not go on the CR in my opinion and the chances are that we would go to that bill either after natural gas or temporarily displacing natural gas on Thursday or Friday.

I do anticipate, Mr. President—I repeat, I do anticipate—that we will be in session on Saturday in order to consider the Natural Gas Policy Act. And I apologize to my friends in the Chamber, especially the young pages who are showing all sorts of expressions of dissapproval with that announcement. But I expect that that may be necessary, Mr. President, in order to complete the Department of Defense appropriations bill well in advance of the time that we must take up the continuing resolution.

Mr. President, next week—this is a little early to talk with much certainty about next week—but next week we have a number of other matters to deal with, but Friday is a legal holiday. It is Veterans Day. That is the 11th of November. The Senate will not be in session on the 11th, according to the holiday schedule that has been previously published and in Senator's hands for some months. May I say also I would not intend to ask the

Senate to return then on that Saturday, the 12th.

So I expect we will be out the 11th, 12th, and 13th, to resume consideration of the pending business, whatever that may be, on Monday, the 14th of November. But to repeat, I do expect us to be in this Saturday; I do not expect us to be in on the following Saturday.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I have no further business to transact. I see no other Senators seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to and the Senate, at 5:46 p.m., recessed until Wednesday, November 2, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 1983:

THE JUDICIARY

W. Eugene Davis, of Louisiana, to be U.S. circuit judge for the fifth circuit, vice Robert A. Ainsworth, deceased.

Stanlely S. Harris, of Maryland, to be U.S. district judge for the District of Columbia, vice John Lewis Smith, Jr., retired.

G. Kendall Sharp, of Florida, to be U.S. district judge for the middle district of Florida, vice Ben Krentzman, retired.

George E. Woods, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice Patricia J. Boyle, resigned.

DEPARTMENT OF JUSTICE

Joseph E. diGenova, of the District of Columbia, to be U.S. attorney for the District of Columbia for the term of 4 years, vice Stanley S. Harris.

HOUSE OF REPRESENTATIVES—*Tuesday, November 1, 1983*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may Your good gifts be with all those who work in this place that they may know the satisfaction of their labors. Help all to see how contributions to the welfare of people and concern in justice are the marks of the devout and the faithful. Alert us to areas of need where we can use our abilities to ease the burdens of others and so promote understanding and goodwill. O God, help us to be good stewards of Your many graces all our days. Amen.

THE JOURNAL

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

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

Mr. LEWIS of Florida. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LEWIS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 376, nays 32, answered "present" 7, not voting 18, as follows:

[Roll No. 435]

YEAS—376

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Daub
de la Garza
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—32

Bilirakis
Chappie
Clay
Dannemeyer
Daschle
Dickinson
Dorgan
Dreier
Durbin
Edwards (OK)
Emerson
Evans (IA)
Fields
Forsythe
Gejdenson
Goodling
Gregg
Harkin
Latta
Lipinski
Miller (OH)
Roberts
Roemer
Sabo
Schroeder
Sikorski
Solomon
Staggers
Valentine
Walker
Yates
Young (AK)

ANSWERED "PRESENT"—7

Bryant
Davis
Dymally
Jacobs
Oberstar
Ottinger
St Germain

NOT VOTING—18

Anthony
Applegate
Bevill
Collins
Corcoran
Coughlin
Dellums
Fiedler
Lehman (CA)
Martinez
Mitchell
Parris
Pickle
Rostenkowski
Stokes
Tallon
Waxman
Whitehurst

□ 1210

Mr. CLARKE changed his vote from "nay" to "yea."

Mr. DYMALLY changed his vote from "nay" to "present."

Mr. KOGOVSEK and Mr. MOORHEAD changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1220

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

REFERRING H.R. 1232 TO THE CHIEF JUDGE OF THE U.S. CLAIMS COURT

The Clerk called the resolution (H. Res. 69) to refer the bill, H.R. 1232, to the Chief Judge of the U.S. Claims Court.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

There being no objection, the Clerk read the resolution, as follows:

H. RES. 69

Resolved, That H.R. 1232, entitled "A bill for the relief of Fulton Battise, Chief of the Tribal Council of the Alabama Coushatta Tribes of Texas, and Ernest Sickey, Chairman of the Tribal Council of the Coushatta Tribe of Louisiana, and all other enrolled members of the Alabama Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana, respectively," now pending in the House of Representatives, together with all of the accompanying papers, is hereby referred to the Chief Judge of the United States Claims Court and the Chief Judge of the United States Claims Court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress whether the claim of the Alabama Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana is legal or equitable in character, and the amount of damages, if any, which may be legally or equitably due from the United States to the claimant, the statute of limitations, the plea of res judicata, laches, any lapse of time, or any prior decision of this claim by any court or commission of the United States to the contrary notwithstanding. The Chief Judge of the United States Claims Court is directed to consider and to make a part of the record in this proceeding the records (including motions and briefs) of the previous trial of this case in the Indian Claims Commission.

With the following committee amendment:

Page 2, line 7, strike ", and" and all that follows through "Commission" on line 21.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE LEASE TERMS OF A CERTAIN FEDERAL OIL AND GAS LEASE

The Clerk called the bill (H.R. 3618) to extend the lease terms of Federal oil and gas lease numbered U-39711.

There being no objection, the Clerk read the bill, as follows:

H.R. 3618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any decision to the contrary heretofore made by the Secretary of the Interior of the United States or his authorized agents or representatives, United States oil and gas lease numbered U-39711 shall be held not to have terminated by operation of law or otherwise on January 30, 1980, but shall be deemed to be in full force and effect as having been capable of producing oil and gas prior to the expiration date of the lease and the term of said lease shall be extended from that date forward for so long after the date of enactment of this act as oil and gas is produced in paying quantities. The lessor shall be granted a reasonable time to install production equipment and facilities on said lease: *Provided*, That within thirty days after the receipt of written notice from the Secretary of the Interior the lessee shall tender payment of back rentals at the rate of not less than $5 per acre per year. Notice shall be given by the Secretary within thirty days after the effective date of this Act. The Secretary shall include in the reinstated lease a future rental requirement of not less than $5 per acre per year and a future royalty rate requirement of not less than 16⅔ per centum: *Provided, however*, That except as specifically modified herein as to such lease, all other provisions of the Mineral Lands Leasing Act of 1920, as amended, shall be applicable as to such lease.

With the following committee amendments:

Page 2, lines 3 and 6, change the phrase "oil and gas" to read "oil or gas".

Page 2, line 7, change "lessor" to "lessee"; and on line 8, delete "a reasonable time" and insert "six months".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THEDA JUNE DAVIS

The Clerk called the bill (H.R. 743) for the relief of Theda June Davis.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ALLEN H. PLATNICK

The Clerk called the bill (H.R. 1558) for the relief of Allen H. Platnick.

There being no objection, the Clerk read the bill, as follows:

H.R. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Allen H. Platnick, of Fairchild Air Force Base, Washington, $3,542.52, in full settlement of his claims arising between the dates of September 9, 1978, and November 24, 1978, against the United States for the expenses of temporary quarters, subsistence, and storage of goods for Mr. Platnick and his family and for the expenses of renting a car to enable Mr. Platnick to commute from his temporary quarters in Spokane, Washington, to Fairchild Air Force Base to investigate his employment status. Such costs were incurred by Mr. Platnick after agents of the United States Army misinformed Mr. Platnick with respect to the availability of a position at Fairchild Air Force Base, and agents of the United States Air Force withdrew its offer to Mr. Platnick of a position at Fairchild Air Force Base.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$3,542.52" and insert in lieu thereof "$1,756.02".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LA PAZ ENTERPRISES, LTD.

The Clerk called the resolution (H. Res. 57) to refer H.R. 744 to the chief judge of the U.S. Claims Court.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 57

Resolved, That H.R. 744, entitled "A bill for the relief of La Paz Enterprises, Limited", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with the provisions of section 2509 of such title.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTATE OF ELIZABETH SCHULTZ RABE

The Clerk called the bill (H.R. 2389) for the relief of the estate of Elizabeth Schultz Rabe.

There being no objection, the Clerk read the bill, as follows:

H.R. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this section, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury or his delegate shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1954 (relating to the imposition of estate tax) upon the estate of Elizabeth Schultz Rabe for the conveyance by the estate to the United States of real property known as parcel numbered 4 containing 97.60 acres, more or less, located in the county of Douglas, State of Nevada, and described as follows:

The northeast quarter of the southwest quarter, the northwest quarter of the southeast quarter, and a portion of the southeast quarter of the northwest quarter of section 23, township 13 north, range 18 east, Mount Diablo baseline and meridian, more particularly described as follows:

All that portion of the southeast quarter of the northwest quarter excepting therefrom the following:

Beginning at the United States Forest Service Brass Cap, being the C-N 1/16 corner of section 23; thence south 0 degrees 45 minutes 24 seconds west 500.00 feet to an iron pipe; thence south 44 degrees 50 minutes 02 seconds west 945.52 feet to an iron pipe; thence north 89 degrees 46 minutes 12 seconds west 301.78 feet to a point; thence tangent north 20 degrees 28 minutes 20 seconds east on the arc of a circular curve to the left with a radius of 800 feet through a central angle of 40 degrees 44 minutes 50 seconds an arc distance of 568.94 feet to a point; thence north 20 degrees 02 minutes 42 seconds west 683.17 feet to a point; thence south 88 degrees 35 minutes 38 seconds east 1206.29 feet to the point of beginning, containing 22.40 acres, more or less.

(b) The amount allowed as a credit under subsection (a) shall be equal to the lesser of—

(1) fair market value of the real property transferred by the estate as of the valuation date used for purposes of the tax imposed by chapter 11 of such Code, or

(2) the Federal estate tax liability (and interest thereon) of the estate.

(c) The provisions of this section shall apply only if the personal representative of the estate executes a deed (in accordance with the laws of the State in which such real property is situated) transferring title to the United States but only if such title is satisfactory to the Attorney General or his delegate.

(d) The provisions of this section shall apply only if the real property transferred is accepted by the Secretary of Agriculture and added to the Toiyabe National Forest. The lands shall be transferred to the Secretary of Agriculture without reimbursement or payment from the Department of Agriculture.

(e) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be offset by the credit provided in this section for any period before the date of such transfer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF NELL J. REDFIELD

The Clerk called the bill (H.R. 1428) for the relief of the estate of Nell J. Redfield.

There being no objection, the Clerk read the bill, as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this section, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury or his delegate shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1954 (relating to the imposition of estate tax) upon the estate of Nell J. Redfield for the conveyance by the estate to the United States of real property located within or adjacent to the boundaries of the Toiyabe National Forest.

(b) The amount allowed as a credit under subsection (a) shall be equal to the lesser of—

(1) fair market value of the real property transferred by the State as of the valuation date used for purposes of the tax imposed by chapter 11 of such Code, or

(2) the Federal estate tax liability (and interest thereon) of the estate.

(c) The provisions of this section shall apply only if the trustees of the trust administering the assets of the estate execute a deed (in accordance with the laws of the State in which such real property is situated) transferring title to the United States but only if such title is satisfactory to the Attorney General or his delegate.

(d) The provisions of this section shall apply only if the real property transferred is accepted by the Secretary of Agriculture and added to the Toiyabe National Forest. The lands shall be transferred to the Secretary of Agriculture without reimbursement or payment from the Department of Agriculture.

(e) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reasons of the provisions of this section.

With the following committee amendment:

Page 2, lines 2 and 3: Strike the words "or adjacent to".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT TODAY AND TOMORROW, NOVEMBER 1 AND 2, 1983, DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday and Wednesday, November 1 and 2, 1983.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TRIBUTE TO THE COUNTY OF NEW YORK ON ITS 300TH ANNIVERSARY

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

Mr. WEISS. Mr. Speaker, I rise today in order to pay tribute to the county of New York on its 300th anniversary. I share the honor of representing the county, better known as Manhattan, with my colleagues, Representatives RANGEL and GREEN.

Manhattan has played an important role in the history of this Nation. For the past 300 years, it has served as the gateway to America for millions of immigrants. From around the world, these people brought their unique pasts and shared aspirations for a better future. Together, they enriched our culture and molded our history. Manhattan has nurtured the many influences that have shaped our national heritage.

The streets of Manhattan have served as pathways for many who have contributed to America's greatness. Wall Street is the symbol of this country's international financial prowess. Broadway is synonymous with the American theater. From the jazz clubs to the opera, the symphony, and the dance, Manhattan has supported the performing arts. Many of America's finest authors and visual artists have called Manhattan home. Seventh Avenue and the garment district have typified the vigor of American industry. Manhattan harbor has contributed to this country's stature in international trade, exporting American agricultural wealth and technological innovation.

For three centuries, Manhattan has continued to meet and serve the changing needs and demands of our Nation. I am proud to salute New York County on its 300th birthday.

MISS LILLIAN'S DEATH IS A LOSS FOR ALL AMERICANS

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

Mr. RATCHFORD. Mr. Speaker, a bright light went out in America this weekend. "Miss Lillian" Carter was the very embodiment of warmth, and humor, and absolute love for the American people. And how we all loved her, too.

Miss Lillian was a vibrant folk hero during the decade of the self-centered "non" hero. Frank, outspoken, uninhibited, she brought warmth, fun, and joy everywhere she went.

I spent a day campaigning with Miss Lillian in 1978, and it was wonderful. Everywhere we went, people reached out to her. And she had a pointed opinion on everything—the politics of the day, sports, and above all, people.

What an extraordinary, wonderful person was Lillian Carter. Her death is a loss for all Americans.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be permitted to meet today to receive testimony while the House is operating under the 5-minute rule.

The SPEAKER pro tempore (Mr. SIMON). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REPORT ON RESOLUTION DISMISSING CONTEST OF ARCHER VERSUS PACKARD

Ms. OAKAR, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-452) on the privileged resolution (H. Res. 305) dismissing the election contest against RON PACKARD, which was referred to the House Calendar and ordered to be printed.

LEGISLATION TO FREEZE FEDERAL SPENDING AT CURRENT LEVELS

(Mr. DORGAN asked and was given permission to address the House for 1 minute.)

Mr. DORGAN. Mr. Speaker, today I am introducing legislation that, if adopted, would freeze all Federal spending at its current level in an effort to try to control the ballooning Federal deficit.

In the year just ended, the Federal deficit was $207 billion. Economists predict that even with healthy economic growth throughout the 1980's, the Federal deficit will remain at $150 billion per year or more. I, for one, do not believe this country can stand that sort of fiscal irresponsibility.

These deficits are the fault of both the President and the Congress, and neither will take responsibility. Last year, the President sent us a budget requesting a $189 billion Federal deficit, and unfortunately, Congress did nothing substantially to change it. Now the President and the Treasury Secretary say that deficits really do not matter. Well, if they believe that, they have taken a vacation from good sense. Everyone understands that deficits do matter. Deficits cause higher interest rates and, inevitably, will choke off economic recovery.

A spending freeze is tough medicine, but that is what it will take to get us back on track. I believe we ought to freeze every dollar of Federal spending—that includes defense spending, domestic spending—and we should not allow another penny increase in spending for any item unless it is accompanied by an increase in revenues to pay for it or other spending cuts to compensate for it.

That is the only way we are going to whittle the Federal deficit down and create the kind of economic conditions under which we will have reasonable interest rates and long-term stable economic growth.

There seems to be a political paralysis on both sides on this issue, and it is time for some of us in this body to stand up and tell the President and congressional leaders that this fiscal policy is mortgaging the future of America, and we cannot let you do it anymore.

The most important social program in this country is a strong and healthy economy because that provides the jobs and profits that make everything else possible. But make no mistake about it—this country cannot and will not have a strong and healthy economy with the Federal deficits that the President is now proposing and that Congress is now accepting. It is time to change our ways, and I hope that Congress will pass legislation of the type that I and others have introduced calling for spending freezes and more fiscal responsibility.

AWAITING A REPORT FROM THE PRESIDENT'S TASK FORCE ON HUNGER

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, some 90 days ago, on August 2, President Reagan in a memorandum to Edwin Meese called for the creation of a task force to examine the extent of America's hunger and to determine its causes. He instructed Mr. Meese that this task force should complete its work and report back to him within 90 days.

Those 90 days have lapsed. In that memorandum Mr. Reagan said, "I have seen reports in the press in past weeks of Americans going hungry." He went on to say, "I admit to being perplexed by these accounts."

Mr. Speaker, I am anxious to know if that task force has reported to him and, if it has, if it has reminded him that people are indeed hungry because between 2 million and 3 million American children from eligible homes have lost out on school lunch programs.

I wonder if the task force has advised him that last year 2,700 schools had to drop out of that program precisely because of new rules promoted by the White House.

I wonder if that task force has reported to the President that because of his restrictions upon the women, infants, and children's feeding program, many thousands fewer have been allowed to participate in that program.

So, Mr. Speaker, as that period of 90 days expires, I am anxious to know if the President has been advised and whether his perplexities as to the cause of hunger are to any degree relieved.

REAUTHORIZATION WOULD REVIVE AND DEPOLITICIZE CIVIL RIGHTS COMMISSION

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

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to express my concern and dismay over the Reagan administration's apparent attempt to kill the Civil Rights Commission.

The Commission officially went out of business on September 30. At this very moment, the Commission is engaged, not in reviewing the effectiveness of our civil rights laws but in the process of closing up shop.

It will quit operating altogether on November 29, unless Congress reauthorizes its existence.

On August 4, the House passed H.R. 2230, a bill which would extend the life of the Commission through 1988. This bill included an amendment that provides that, effective with the date of enactment of the bill, the President may remove a member of the Commission only for neglect of duty or malfeasance in office. This amendment, passed by an overwhelming majority of House Members, was included to return this Commission to the nonpartisan status it enjoyed prior to this ad-

ministration's attempts to politicize it. Since August 4, this bill has been on the Senate Calendar and, as of yet, no action has been taken.

The administration has made no attempt to use its influence in the Senate to bring this bill to the floor. Instead, on Tuesday of last week, President Reagan fired three of the six Commissioners. Since he appointed two others earlier in his term, that leaves only one pre-Reagan appointee on the Commission. This action on the part of the President is disappointing and discouraging but not surprising. This administration has consistently attempted to politicize a Commission with a proud history and tradition of bipartisanship. This represents a great step backward for the gains that have been made in civil rights.

I call upon the Senate majority leader, Mr. BAKER, to bring the Civil Rights Commission reauthorization to the Senate floor for immediate consideration. We must not allow this Commission to die.

THE U.S. PRESENCE IN LEBANON

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

Mr. SLATTERY. Mr. Speaker, we should heed the words of Lebanese President Amin Gemayel when he says, "The American marines did not come to Lebanon to fight our war, but to help us establish peace and restore democracy. Your young men are not in Lebanon to engage in combat."

I am beginning to fear that President Reagan does not understand that fact. Instead, he seems to be changing our Lebanese presence into a test of American manhood, or worse, into a Soviet-American showdown.

To transform the bloody factional struggle in Lebanon into an East-West confrontation is to substitute simplistic ideology for sound foreign policy. Once again, we would be allowing our adversaries to set our Nation's agenda.

The administration should listen carefully to what Mr. Gemayel is saying. Our marines are not serving in a combat role.

Our first priority should be the safety of our forces in Beirut, and if it becomes clear there is no peace to keep, the marines should be withdrawn to a more secure place.

If the conflicting interests in Lebanon refuse to negotiate, the United States cannot prevent further bloodshed. But we can prevent the senseless loss of more American lives in a fanatical civil war that we do not seem to understand.

VISA DENIALS LIMIT POLITICAL EXPRESSION ON NORTHERN IRELAND

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

Mr. BIAGGI. Mr. Speaker, as chairman of the 102-member bipartisan ad hoc Congressional Committee for Irish Affairs, I take note of the visit to Washington today of the Secretary of State for Northern Ireland, Mr. James Prior.

I focus on his visit because of certain ironies I see associated with it. James Prior is free to enter the United States and espouse the British position on Northern Ireland. The Reverend Ian Paisley is able to gain entry into the United States and espouse his views on Northern Ireland. Yet representatives from another important segment of political thought from Northern Ireland are barred from our shores. The Department of State—no doubt with both the advice and consent of the British Government, has systematically denied visa applications from representatives of the Sinn Fein Political Party—a legally sanctioned political party in Ireland—and one which participates in elections.

It is wrong for the Department of State to impose a gag rule over what the Irish American community in this Nation should be allowed to hear about the tragedy in Northern Ireland. It is nothing more than censorship by visa denial. One does not have to agree with a particular position of a group or organization to advocate for a more equitable visa policy by our Government toward political figures from Northern Ireland. The present policy is an anathema to our democratic process. The American people have a right to hear all sides and with openness there will be truth.

PROTECT TELEPHONE USERS BY CONGRESSIONAL ACTION

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

Mr. BOUCHER. Mr. Speaker, the AT&T breakup on January 1, 1984, will effect every American who uses the telephone. Proposed rate increases and FCC access charges threaten to drive the cost of telephone service beyond the reach of millions of Americans.

In an effort to encourage competition in the telephone industry, the Justice Department negotiated an antitrust settlement with AT&T requiring AT&T's divestiture of its local operating companies. One result of the breakup is that local telephone companies will lose the subsidies they previously received from AT&T's lucrative long distance network. Many local operating companies now maintain that the loss of this subsidy will force them to boost local rates in order to cover the actual cost of providing basic residential and business service.

Already, local operating companies across the country have filed for rate increases totaling approximately $7 billion. If granted, rate increases of this unprecedented magnitude could, in some cases, result in a doubling or even tripling of local telephone rates. In my district, rate increases averaging 50 percent have already been requested.

In addition to these potential increases, the FCC has announced the imposition of a $2 charge on every consumer's monthly telephone bill effective April 1, 1984. This so-called access fee, which charges customers for access to long-distance service even if it is not used, is intended to replace the lost long-distance subsidies. The FCC's monthly access charge will rise to $3 in 1985 and to $4 in 1986. Businesses will be charged $6 per month for each telephone line.

The public's apprehension concerning increased telephone bills is reasonable, and I have heard from many of my constituents who fear that deregulation may make telephone service prohibitively expensive for them. Consumers are calling on Congress for protection.

Congress, I believe, must reaffirm its historic commitment to a policy of universal telephone service at affordable cost for all Americans. Under this policy, the telephone has become an indispensible element of modern American life, part of a massive communications network that is essential to commerce and to our society.

Rural telephone customers will be hardest hit because of the high cost of providing telephone service in rural and sparsely populated areas. For the elderly and other rural users, the telephone is a lifeline to relatives, friends, job opportunities and local emergency services. Senior citizens and other working families cannot afford to be left on hold much longer. Congress must act immediately to protect telephone users to block the FCC access charge for residential customers.

Last week, the Energy and Commerce Committee approved legislation reaffirming the doctrine of universal telephone service, but the clock is ticking. Congress is scheduled to adjourn in 18 days, and if we adjourn without enacting telephone legislation, consumers will have to foot the bill.

To this end, I have cosponsored H.R. 4102, the Universal Telephone Service Preservation Act, which would repeal the FCC decision to impose a long-distance access charge on residential customers. This bill would also establish a universal service fund to insure that

service in rural and other high-cost areas remains affordable. In addition, the bill requires the creation of special lifeline rates for low-income residential customers.

I urge my colleagues to support the Energy and Commerce Committee's proposal to assure telephone service at a reasonable cost and to protect the American consumer.

□ 1240

THE ROLE OF THE MARINES IN LEBANON

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

Mr. HERTEL of Michigan. Mr. Speaker, as a member of the House Armed Services Committee, last week I requested that we have a hearing on the Beirut marine installation and the security thereof of that base.

Today we began a hearing at 10 a.m. with the full Armed Services Committee and General Kelley told us that their mission was presence. He said that the mission of marine presence is not in any military dictionary nor any military manual.

The general went on to tell us that "terrorists will target marines in months to come." That is a direct quote from the Commandant of the Marines.

General Kelley then said, "We cannot stop this type of attack."

I call upon the administration to change the role of the Marines and the mission of the Marines before we lose more good men in Lebanon.

PASS THE DOMESTIC AUTO CONTENT BILL

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

Mr. SHARP. Mr. Speaker, the Japanese Government has announced that it will limit the number of Japanese cars sold in America next year to 1.85 million.

This announcement is all the more reason why we must pass the domestic auto content legislation.

First, Mr. Speaker, this so-called voluntary quota actually will increase the number of Japanese cars sold in America next year. The previous voluntary limit was 1.68 million.

Second, Mr. Speaker, we still see no action to bring the yen more in line with the value of the dollar and, consequently, it is harder for us to sell there and easier for them to sell here.

Third, Mr. Speaker, we see no real action to change the tax rebate system in Japan which subsidizes exports to the United States; but what we do see, unfortunately, is more action by U.S. auto companies to buy and to build abroad.

Mr. Speaker, let us not be confused by the Japanese announcement. It is not progress. Let us move immediately to pass the auto content legislation.

PERSISTENT QUESTIONS ABOUT GRENADA

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

Mr. BONKER. Mr. Speaker, it has now been 1 week since U.S. forces invaded the tiny island of Grenada, and yet I am not sure the Congress and the American people fully understand the motives which prompted the President's action and all the circumstances surrounding the attack and our being there today.

Questions persist. Was it necessary to use military force? Were diplomatic options available? Why was the media controlled, and were official reports sufficiently fair and complete? Why have official reports been so sketchy and inaccurate about the number of Cubans on the island, U.S. casualties, including those inflicted on ourselves, the unfortunate bombing of a hospital and possibly other civilian structures? Other questions about the violations of the OAS charter and other treaties and the persistent criticism by our allies have been raised.

Mr. Speaker, I am pleased to see that you are sending a delegation to Grenada on a fact-finding mission; but I urge that you go one step further. I urge you, Mr. Speaker, to establish a special commission to investigate U.S. policy and the invasion of Grenada.

THE DUN STOPS HERE

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

Mr. ALEXANDER. Mr. Speaker, yesterday, as it must come to all people, economic reality came to Ronald Reagan. As the Chief Executive Officer of this Nation, he is responsible for our fiscal policy, and when the Republican-dominated Senate voted down his request to increase the national debt ceiling, it signaled to him unmistakably that he must begin to take his responsibility seriously.

Referring to yesterday's vote in the Senate, Senator BOB DOLE, chairman of the Finance Committee said, "This may get the attention of the White House."

Instead of asking for an increase in the administration's credit line, Mr. Reagan would be well advised to listen to the advice of Mr. DOLE who seems to be saying to the President that he needs a new sign in the Oval Office, which reads, "The dun stops here."

SENSELESS VIOLENCE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, it is extremely sad and distressing to learn that a U.S. bomb inadvertently killed 20 individuals who were mentally ill on Grenada.

I saw Red Cross hospitals with children and elderly in Beirut destroyed about a year and half ago. Many children and elderly were killed then also.

What is the lesson of such senseless violence and war? That is the way war is. Whenever violence, like the violence in Grenada takes place, mostly innocent men, women, and children, are victimized.

When will we as a nation use our super power status for peace, for diplomacy, for negotiation?

Military solutions are never the answer. Let us give our people and the people in the global community a sense of hope. Let us work for peace, not war.

Let there be no more innocent people like these people in Grenada in that hospital who were killed.

It is senseless. It is immoral. Let us use our super power status for peace.

HEADS SHOULD ROLL

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

Mr. LUKEN. Mr. Speaker, I would like to express my concern, concern over the fact that this House is scheduled to vote on several measures to limit the involvement of U.S. troops in military adventures on foreign soil in the next few days. I support this legislation, which would limit the duration of U.S. involvement in both Grenada and Lebanon.

I believe that the War Powers Act should be invoked, requiring President Reagan to bring home the troops in Grenada within 60 to 90 days, unless Congress authorizes an extension. This will open the door for a factfinding mission, especially important to find the facts in view of the erroneous reports by our military forces on such things as the hospital shelling and the strength of Cuban forces in Grenada.

In the same vein, I oppose the Marines staying in Lebanon after March 1, 1984, unless they have a military mission assigned.

We have two options; one, withdraw the Marines or give them a combat mission.

Also, on the Lebanon situation, finally, I think heads should roll when it is determined who was responsible for the outrageous lapse of security resulting in over 230 American deaths.

WHO IS THE SINNER?

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

Mr. MICHEL. Mr. Speaker, in an interview in the New York Times this morning, Speaker O'NEILL is quoted as saying about President Reagan: "It's sinful that this man is President of the United States."

I am willing to concede that any leader of the majority knows more about sin than we Republicans do, but I am somewhat puzzled by the Speaker's uncharacteristically harsh outburst.

I do not pretend to have the Speaker's deep theological knowledge, but I do know something about our political process.

Ronald Reagan is President of the United States because in a free election he defeated the Speaker's candidate and leader, Jimmy Carter.

I speak only as a layman, but it seems to me that getting rid of the Carter administration is an act of grace, not a sin.

Perhaps it might be better for all concerned if the Speaker refrained from making spiritual judgments.

"Judge not, lest ye be judged," Mr. Speaker.

THE LATEST LIBERAL FANTASY

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

Mr. SOLOMON. Mr. Speaker, reading the papers and listening to the speeches around here lately, I am beginning to think my liberal colleagues have all enrolled in a creative writing class. Every day those who oppose President Reagan are busy dreaming up new excuses for attacking his decisive action in the Caribbean, or his commitment to our vital interests in Lebanon.

The latest fantasy is the demand for more access to information before we will trust the President's statement of Soviet and Cuban involvement in Grenada. What was the President supposed to have done, let NBC News turn the invasion into an Army version of "Hill Street Blues," or maybe appoint Dan Rather or Sam Donaldson to the Joint Chiefs of Staff?

The first casualty in all this, Mr. Speaker, is not the first amendment. It is the gigantic collective ego of the media, who have just learned that they are not the fourth branch of Government after all.

Interestingly enough, Mr. Speaker, reaction to the President outside the Halls of Congress is much different. Young men are joining the Marine Corps in record numbers. Servicemen are reupping all over the branches of the service, and veterans are reenlisting, and I am so very proud of all of them. Unlike some of us around here, they would rather lend a hand than point a finger.

□ 1250

PRIVATE MAYNARD'S SACRIFICE IS NOT IN VAIN

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

Mr. HAMMERSCHMIDT. Mr. Speaker, in the midst of a very personal tragedy and grief, one of my constituents from the Third Congressional District of Arkansas, Pfc. Marlin R. Maynard, was one of the first, if not the first, casualties on the Island of Grenada. He was a member of the famed U.S. Army Rangers. Preparations are being made for his interment at the Veterans' Administration Cemetery at Fort Smith, Ark. He will be given full military honors. At his father's specific request, the Department of Defense will send fellow Rangers to the funeral to be a special Guard of Honor.

Private Maynard often expressed his great pride at being a Ranger. He felt that he was contributing greatly to his country by wearing its uniform. He knew the dangers inherent in being a Ranger but he willingly accepted those dangers as his personal contribution to a better America. He was a good soldier who paid the supreme sacrifice in doing what he thought was right for his country.

Private Maynard's parents are Mr. and Mrs. Herschel and Gladys Maynard of Coal Hill, Ark. Even as they grieve the loss of their beloved son, they have expressed their continuing belief that he died in the cause of freedom. They have stated that they believe our President was right in sending our troops into Grenada and that in fact he had no honorable alternative.

They mourn deeply the loss of Private Maynard, but they have communicated to me their great pride that their son so loved his country that he was willing to sacrifice his life for its cause. They share that love of country and they too believe in that cause.

Mr. Speaker, I know that all Members of Congress also grieve at the loss of this fine young man. I know, too, that all of us send our deepest sympathy to his family in this very troubled time. Mr. and Mrs. Maynard are the finest citizens and I am proud that they are my constitutents.

ACT ON IMMIGRATION REFORM

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

Mr. LEWIS of Florida. Mr. Speaker, I am disappointed with your decision to block the Simpson-Mazzoli immigration reform bill from reaching the House floor this year.

Although I do not support every provision in this bill, I do feel it is essential that House Members have the opportunity to debate this issue before we adjourn. I hope you will change your mind, Mr. Speaker, for the greater good of all Americans.

The United States must regain control of its borders. Each day our borders are openly violated and our immigration laws mocked. Every day we delay action on this bill, we lose ground. Federal, State, and local budgets—school and welfare budgets—cannot continue to support an unchecked flow of illegal immigrants across our borders. Even worse, there are 10 million unemployed Americans competing with millions of illegal aliens for scarce jobs.

A recent poll by Hart and Tarrance revealed that 57 percent of Hispanic citizens favor tougher immigration laws. Another poll found that 60 percent of all Hispanic Americans and 66 percent of Hispanic voters clearly support tougher immigration control.

I realize that partisan politics is unfortunately part of this institution, but immigration reform must be considered if the United States intends to set its own immigration policy. We need to address this vital issue for the future economic well-being of this Nation.

HOPE SPRINGS FROM ELECTION OF RAUL ALFONSIN IN ARGENTINA

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

Mr. LAGOMARSINO. Mr. Speaker, the election victory in Argentina of Raul Alfonsin and his Radical Party offers hope to the people of his country that they may begin to emerge from the serious political and economic crises they have faced over the past 7 years.

Alfonsin's stunning win over the Peronist Party candidate marks a significant change from the political traditions in Argentina of the past 40 years.

With major problems facing him in the months and years ahead, Alfonsin will have to translate his victory into an effective solution to the economic and foreign debt crises as well as resolving the questions of the thousands of disappeared. He must do this in such a way so as not to provoke the military to intervene once again.

We in the United States look with great satisfaction at the step taken in Argentina to return to fully functioning democratic society. We can only

hope that President-elect Alfonsin will succeed and that relations between our two countries will once again reflect the warm, friendly cooperation that had been our previous tradition.

EXPAND SPOUSAL IRA OPPORTUNITIES

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

Mr. MOORE. Mr. Speaker, in hearings before the Committee on Ways and Means last week the administration announced its endorsement of individual retirement account expansion to provide noncompensated homemakers and divorced taxpayers who receive alimony with the same opportunity to construct their own retirement income security now restricted to taxpayers on the basis of earned income.

I am today introducing legislation to comply with the administration's recommendations and help fulfill a campaign many of us have undertaken for some years originally brought to our attention by our colleague in the other body from Virginia (Mr. TRIBLE) in writing his Homemaker Retirement Act. It and the bill I am introducing today would permit homemakers to count their spouses' earnings as their own for purposes of establishing an IRA. Specifically, my bill would permit a noncompensated spouse to make a $2,000 maximum annual deductible IRA contribution if his or her spouse earned at least $4,000 and do so even though the working spouse also made a $2,000 IRA contribution. Current spousal IRA opportunities are too restrictive providing only an extra $250 tax exclusion incentive for setting up a retirement income security program for two at $2,250 in maximum annual contributions instead of for one at $2,000. This disparity deserves correction.

Similarly, divorced homemakers receiving alimony who do not work due to child care responsibilities or other reasons should not be totally denied IRA eligibility as is now the case if the divorcee has no compensation. My bill permits alimony to be used on the same basis as compensation for determining IRA eligibility.

PRESIDENT REAGAN MADE THE RIGHT DECISION ON GRENADA

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

Mr. WYLIE. Mr. Speaker, I want to reiterate my strong support for President Reagan's decision to go into Grenada.

On Thursday evening, the President spoke to the Nation on Lebanon and Grenada. I thought he made a reasoned and reassuring talk which marked him as a strong leader doing what he felt was in the best interests of the United States.

I agree with the President that it would be a mistake to pull out of Lebanon in the face of a terrorist attack. This would put a premium on such attacks and make us vulnerable all over the world.

The decision to go into Grenada to me was obviously a correct one. The fact that 600 Cuban construction workers turned out to be over 1,000 military personnel and the presence of a four-story building filled with ammunition justifies this decision.

Grenada's strategic value is far out of proportion to its size. The island is at the entrance to a deep water channel through which tankers carrying 56 percent of all U.S. imported oil enters the Caribbean, so even if the Organization of Eastern Caribbean Nations had not asked us to come in, and even if there had not been 1,000 Americans on the island, Grenada is clearly on our turf, and the President was right.

Mr. Speaker, I yield back the balance of my time.

ATTACK ON THE PRESIDENT

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

Mr. WALKER. Mr. Speaker, it is apparent from your remarks in the New York Times this morning that the political rhetoric of 1984 is going to get plenty rough.

It becomes clear that you are finding that you can no longer sustain rational opposition to the President's policies, so you have decided to unleash irrational personal attacks on the President, his family, and the people within his administration.

You said, and I quote:

> It is sinful that this man is President of the United States.

If that is acceptable political dialog, then Jim Watt by comparison looks almost like a saint. Politics that nasty and that personal—and I quoted but one of several comments that you used in that interview where you attacked the President's character—politics that nasty and that personal discredits you and the high office that you hold.

I remember standing here several months ago and criticizing a Republican colleague who had launched a personal attack on you; but it is obvious that you are capable of the same kind of language, but your remarks may be only a sample of what is to come.

A party grown as politically irresponsible as the party you lead can be expected to use irresponsible and insulting language throughout the coming political year.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, is it in order for any Member of the House to address a Speaker pro tempore who is occupying the chair and make charges that were directed at the Speaker himself?

It would appear to be improper. I would think, under the rules of the House.

The SPEAKER pro tempore. The Chair is advised that the remarks are directed to the Chair, whoever the occupant of the chair is.

Mr. STRATTON. But the Chair has not been interviewed in the New York Times this morning, has he?

The SPEAKER. pro tempore. The Chair has not.

Mr. STRATTON. Well, but the gentleman from Pennsylvania seems to have been disturbed about the altering of the record, and I thought it was important that we direct the remarks toward one Member, specifically to that Member, and not to confuse it with some temporary outkickment of the chair.

The SPEAKER pro tempore. I thank the gentleman from New York for coming to my defense.

JAPAN'S UNFAIR TRADE IMBALANCE

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

Mr. BURTON of Indiana. Mr. Speaker, the Japanese have announced they will limit the export of their automobiles to the United States next year to 1.85 million vehicles.

That is still a big increase over what they have been sending for the past 2 years.

One of the reasons we have an imbalance of trade is because countries like Japan take unfair advantage of us by giving tax advantages to their industries for selling abroad, and by limiting imports by putting excessively high tariffs and trade barriers against them. We face critical problems in the American auto industry and if we are going to save it we must reconsider our trading conditions. We must find a way to reduce the burden on U.S. exports and to equalize the burden on imports if we hope to compete. We must do our part to get unemployed U.S. auto workers back on the job and keep them there.

□ 1300

EXPERIENCE OF STUDENTS ON GRENADA

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

Mr. GOODLING. Mr. Speaker, on Friday, a constitutent called my Washington office and asked whether I would like to speak to one of the students who had just returned from Grenada. The student, a California resident, was flown to my district because her mother was visiting relatives at the time in York, Pa. I met the young lady Saturday morning in my York district office and can only say that if all the students are as articulate, intelligent, and determined, the future should be bright for this country.

First, I asked her to describe the situation in Grenada when she arrived as a student. Basically, she said the Grenadians are very friendly people but the students had very little contact with the political activities that may or may not have been taking place. I then asked her what her concerns were and what she knew of the change of governments during the 10 days before the American forces arrived. She indicated that the masses were extremely upset and anxious about the murder of the Prime Minister and the Cabinet but the only thing the students heard were reports broadcast on the revolutionary radio station. It was these broadcasts, she said, that caused considerable fear among the student body because they were very bellicose and constantly encouraged all Grenadians to "arm to repel any invasion."

These radio broadcasts, plus the curfew and particularly the statement that they would be shot on sight if the curfew were broken, caused real concern among the students about their safety. The university leadership, however, told them that they were not in danger and that if they decided to leave they would lose their tuition and not be allowed to continue their medical education. The student indicated that she is not sure if he made the statement out of fear of the university collapsing financially or whether he did it to calm and reassure the student body because of the tenuous situation in Grenada.

She then indicated a U.S. State Department representative spoke to the students and told them that they would have to choose whether to leave or remain on the island. Heretofore, they had the impression that they could leave the island, but they had no means of leaving it. The representative assured them transportation would be available; this of course, was after the American troops landed. She said no one told them they had to leave.

They were told that when they arrived in South Carolina there would be a debriefing by the State Department. Most of the students said, "Oh my, are they going to take a couple of hours to tell us what we should or should not say?" The student said they were all quite surprised because they were debriefed for 5 minutes by a State Department official who merely said that when they left, they could expect to be met by many reporters waiting for them "from all extremes" and that they were to be themselves and say what they knew and to give their honest impressions. She could not say enough about the professional manner in which both the State Department and the military handled the situation. I have a feeling that because of this experience, this group of citizens will be much more concerned and much more involved in the political processes then they have been to date.

GOLD MEDAL FOR ADM. HYMAN G. RICKOVER

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

Mr. HORTON. Mr. Speaker, pursuant to Public Law 97-201, a gold medal was presented today to a truly outstanding American, Adm. Hyman G. Rickover. As a member of the National Board of the Rickover Foundation, and as a longtime friend, I would like to extend my heartfelt congratulations to the admiral on receiving this medal.

This gold medal has been bestowed upon the admiral in recognition of his long and dedicated service to this country. His 63 years in the U.S. Navy, and his many achievements throughout that time, attest to his dedication and devotion to this country and to the development of nuclear power. As many of my colleagues are aware, Admiral Rickover has become known as the "Father of the Nuclear Navy" due to his leadership in the development of nuclear propulsion systems for naval vessels. There is no doubt that his contributions as a pioneer in this area have revolutionized naval warfare. Beyond this involvment with the naval nuclear program, Admiral Rickover has been involved in the commercial use of nuclear power and has worked extremely hard to promote the safe use of nuclear energy for commercial civilian purposes. Furthermore, the admiral has served for many years as a trusted adviser to the Congress on issues ranging from defense to the environment. I greatly respect both his views and his accomplishments and can think of no one more deserving to be honored with a gold medal than Admiral Rickover.

To be associated with the admiral and to serve on the National Board of the Rickover Foundation is a source of great pride for me. I look forward to working with this great American in the years ahead and extend again my congratulations.

FAIR DEPOSIT AVAILABILITY ACT

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

Mr. CARPER. Mr. Speaker, anyone who has deposited a check, waited a few days and then written checks to pay his or her bills, only to have those checks returned stamped "unpayable because of uncollected funds" understands the motivation behind the bill I introduced recently with bipartisan support—the Fair Deposit Availability Act.

Our bill encourages banks to cut down the unnecessary length of time they take to clear checks. It does not mandate shorter check holding periods. It does, however, allow the marketplace to work to its fullest by requiring that banks apprise their customers of their check holding policies when customers open accounts and by requiring the banks to print their check holding policies on their deposit slips.

H.R. 4187 also stipulates that banks must pay interest on interest-bearing accounts as soon as the banks are granted provisional credit for the check—usually within 1 or 2 days. The bill further requires banks to make available funds to customers depositing U.S. Government checks as soon as the banks have the use of the funds—usually the same or next day.

I believe our bill addresses the check holding problem in a fair way. The Fair Deposit Availability Act takes into consideration the needs of the consumers and the banks, and it gives consumers the use of their money as soon as possible without imposing unreasonable requirements on the banks.

I welcome my colleagues on either side of the aisle to join in the cosponsorship of H.R. 4187.

NOMINATION OF WILLIAM CLARK FOR SECRETARY OF THE INTERIOR SHOULD BE QUESTIONED

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

Mr. LEVINE of California. Mr. Speaker, today the other body begins consideration of William Clark's nomination as Secretary of the Interior. It

is hard to exaggerate the significance of these hearings.

The Department of the Interior is one of the most important departments in the Federal Government. It is responsible for protecting our remaining wilderness areas, forests, wildlife refuges, and the Outer Continental Shelf.

The outgoing Secretary, James Watt, was forced out of office in large part because he acted not as a steward for the environment but as its auctioneer.

Serious questions have been raised about Judge Clark's qualifications to serve as Secretary of the Interior, the policies he will pursue, and his past conduct as a member of the California Supreme Court.

Two more years of the Reagan-Watt policies would further jeopardize our most precious natural resources. If Mr. Clark is allowed to pursue the policies of his predecessor I fear that irreparable harm will be done to our fragile wilderness areas.

Unless Mr. Clark is willing to repudiate the policies of his predecessor, and demonstrate at least a preliminary understanding of the most sensitive natural resource issues, I would urge my colleagues in the other body to reject his nomination.

ACTION ON DEBT CEILING CHANCE TO DO SOMETHING ABOUT DEFICIT

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

Mr. NELSON of Florida. Mr. Speaker, last week 198 of us voted against the rule to consider the reconciliation package because the Rules Committee had not provided the opportunity to offer an amendment authored by our colleague from California (Mr. MILLER) for a budget spending freeze and then a pay-as-you-go basis for additional budget spending.

Many of us opposed that rule. We were not successful. But we did have 198 votes.

There are a lot of us who would like to be on record as having tried to do something about this $200 billion deficit crisis. That opportunity may come this week or next, for we are going to face having to raise the national debt ceiling. It might be a timely and convenient vehicle.

COMMENDING THE PERFORMANCE OF U.S. ARMY RANGERS IN GRENADA

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

Mr. DICKS. Mr. Speaker, regardless of one's position on the wisdom of the U.S. military action in Grenada, I believe every American owes a debt of gratitude to the courageous performance of our servicemen in the operation. Quite simply, they were magnificent.

Particular commendation must go to the elite Army Ranger troops dispatched from Fort Lewis, Wash., and Fort Stewart, Ga. These brave men parachuted into Grenada at 6 a.m. in the face of heavy antiaircraft fire. They faced Cuban construction workers that in fact were professional soldiers. As they descended machine gun fire pierced their parachutes. They were forced to jump from 500 feet, lower than any American troops have jumped since World War II.

Once they reached the ground, the resistance continued as armored personnel carriers appeared within 400 yards of their positions and mortar fire was laid upon them. In the words of one of this highly trained force, "They were waiting for us." Our hearts go out to the families of those who gave their lives, to the wounded.

Despite this heavy resistance, by 7:15 a.m. the Rangers had cleared the runway of the Point Salines airstrip of pipes, boulders and vehicles which the Grenadians and Cubans had placed there so that C-130's could land to bring reinforcements. Hundreds of Cubans had thrown down their weapons and surrendered to superior U.S. firepower.

But the Ranger's job was not done. They immediately proceeded to insure the safety of American students at the True Blue campus of St. George's Medical School. When they arrived, the students applauded with joy and relief.

The performance of the Rangers and others who participated in this action is testimony to the quality of our Armed Forces. It is an effective refutation of the concerns of the "hollow Army" of a few years ago. I believe that the improvements we have approved in military compensation, including the Nunn-Warner retention package, have played an important part in the improvement of our force quality. The stronger support for the job they do in the Congress and the public is another important factor.

The events in Grenada serve as a reminder of the importance of maintaining quality forces and the support necessary to make sure they stay that way.

INVOKING WAR POWERS RESOLUTION REASSERTION OF CONGRESSIONAL PREROGATIVES

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

Mr. DERRICK. Mr. Speaker, very shortly we will be considering a resolution which says that the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were sent into Grenada.

It is important to keep in mind that, by this resolution, we do not seek to pass judgment on our involvement in Grenada. What the resolution would do is to firmly assert congressional prerogatives which can be exercised in the coming months.

Recent events in Lebanon have served to focus our attention on the tremendous potential costs involved in the use of U.S. troops in unstable areas—even when our troops are allegedly for peacekeeping purposes.

Our mission in Lebanon is still undefined. Our marines—the proudest and most elite soldiers in the free world—remain in an unprotectable, unpredictable, and volatile situation.

No one person should have the ability to commit American lives and resources in such situations. It is imperative that Congress reassert its role in this decisionmaking process. As elected representatives of the families of the victims of recent events in both Lebanon and Grenada, we shirk the public trust we have been granted to do anything less.

□ 1300

THE PEOPLE OF THE VIRGIN ISLANDS SUPPORT THE ACTIONS TAKEN IN GRENADA

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

Mr. DE LUGO. Mr. Speaker, today is a special day in the U.S. Virgin Islands. It is Liberty Day, and on this day, November 1, in the year 1915, the first edition of the Herald was published on St. Croix, the first free press in the Virgin Islands, which was then the Danish West Indies.

This achievement came about through one of our finest native sons: D. Hamilton Jackson. Lawyer, educator, labor leader—he traveled to Denmark to make a case before King Christian X and the Danish Parliament for the abolition of government subsidized and controlled press. His mission was successful, and through the newly free press, he secured for the people the right to organize, the right to end oppression, the right to a better life. He brought about, as Mavis Brady Donovan of the Virgin Islands Department of Education put it in her paper on D. Hamilton Jackson, "A renaissance in Virgin Islands history."

The significance of this day is heightened for the people of the U.S. Virgin Islands by all that has happened in our neighboring island of Grenada. In view of that significance,

11-059 O-87-46 (Pt. 21)

the people of the Virgin Islands have chosen this day to send to the President a cable supporting the actions taken in Grenada. The message underscores both our ties to the United States, and to our fellow West Indians in the English-speaking Islands of the eastern Caribbean.

That cable has been signed by 3,000 people in the U.S. Virgin Islands.

HOSPICE CARE: A DAY OF RECOGNITION

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

Mr. PANETTA. Mr. Speaker, today hospice care becomes an official part of the Federal health care system. This program authorizing the Congress to provide medicare reimbursement for hospice care is scheduled to be implemented. As you know, the Congress acted wisely last year in adopting legislation I sponsored along with Representative GRADISON to provide medicare coverage for hospice care. The implementation of the hospice program will seek to allow the medicare program to begin to address the unique needs of the terminally ill through the delivery of compassionate and humane care.

An article in the Washington Post on yesterday which indicated that beyond the recognition of hospice care by Federal policies, coverage for hospice care by private insurers is also on the increase. It was reported that 50 of the 97 Blue Cross-Blue Shield plans now offer some type of hospice benefit. In addition, a survey by the Health Insurance Institute showed that 30 percent of 4,120 new or amended group health plans covered hospice. Private insurance plans are certainly to be commended for their increased recognition of hospice care.

While today is a proud day in the hospice community, the recognition of hospice care did not just happen. The dedication of many nurses, physicians, ministers, volunteers, and other persons working with hospice programs have been the lifeblood and cornerstone in bringing the well deserved attention to this type care. I look forward to the implementation of this program and the benefits it will provide to many terminally ill patients, their family members, the Federal health care system, and the Federal budget as well.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 1, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:56 a.m. on Tuesday, November 1, 1983, the following message from the Secretary of the Senate: That the Senate agree to the amendments of the House of Representatives to the joint resolution, S.J. Res. 57, entitled, "Joint Resolution to designate the week of November 2, 1983 through November 9, 1983, as 'National Drug Abuse Education Week'."

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk,
House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution earlier today: House Joint Resolution 57, joint resolution to designate the week of November 2, 1983 through November 9, 1983, as "National Drug Abuse Education Week."

INCREASING THE MAXIMUM AMOUNT COMMITTEE ON POST OFFICE AND CIVIL SERVICE MAY ALLOCATE FOR CONSULTANT SERVICES

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 342) increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That, notwithstanding section 3 of House Resolution 127, Ninety-eight Congress (agreed to March 22, 1983), of the amount provided under section 2 of such resolution for investigations and studies by the Committee on Post Office and Civil Service, no more than $200,000 may be used by such committee for consultant services.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, the Committee on House Administration unanimously approved this resolution on October 25. House Resolution 342 responds to a technicality under the Legislative Reorganization Act of 1946. That act requires there be limits on funds which committees budget for contracts with consultants.

The Post Office and Civil Service Committee has determined it needs the flexibility of a $200,000 limit. It originally set a $100,000 limit which was approved in House Resolution 127.

The committee hopes to design an economical and effective supplementary retirement program for Federal employees who will be covered by social security by virtue of being hired after December 31, 1983. House Resolution 342 helps it attain that objective. Its purpose is to allow the committee to complete a highly technical study of the retirement program by a carefully selected organization of professional consultants.

House Resolution 342 simply allows the Post Office and Civil Service Committee to shift funds, already authorized, from one category to another. It does not add a penny to its authorized expenditures. I urge its adoption by this House.

Mr. Speaker, I yield for purposes of debate only to the ranking minority member of the subcommittee, Mr. BADHAM.

Mr. BADHAM. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me.

On our side we certainly have no objection to this resolution.

As the chairman of the subcommittee, the distinguished gentleman from Illinois said it is merely a transfer of funds from one account to another.

However, the $100,000 in question was designed to carry on the study for a maximum $345,000 with Hay Associates Management Consultants to design a supplemental pension program, as the gentleman said, for civil service employees.

In the report language is quoted the following:

> At that time we did not anticipate the investigation being conducted by the Subcommittee on Human Resources for which a consulting contract for a maximum of $20,000 has been approved.

I would like to ask the gentleman, and I stress that it is certainly our understanding that this $100,000 transfer authority for the civil service pension consultant program in no way will add any money to the Subcommittee on Human Resources for continuing investigations into things that do not relate to pension matters.

Mr. ANNUNZIO. The gentleman from California is absolutely correct. That is my understanding when I asked the chairman of the Committee on Post Office and Civil Service.

Mr. BADHAM. Mr. Speaker, I thank the gentleman for his assurances. I have no further comments. I have no further requests for time. I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING AMOUNTS FROM CONTINGENT FUND OF THE HOUSE FOR EXPENSES BY STANDING AND SELECT COMMITTEES OF THE HOUSE

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 347) providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by standing and select committees of the House from January 3, 1984, through March 31, 1984, and ask unanimous consent for its immediate considering.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That (a) for continuance of necessary investigations and studies by the standing and select committees of the House, there shall be paid out of the contingent fund of the House in accordance with subsection (b) such sums as may be necessary for the period beginning at noon on January 3, 1984, and ending at midnight on March 31, 1984.

(b) Each committee referred to in subsection (a) shall be entitled for each month in the period specified in subsection (a) to 9 per centum of the annualized amount made available under expense resolutions for such committee for the first session of the Ninety-eighth Congress.

SEC. 2. The authority of a committee to incur expenses under this resolution shall expire upon agreement by the House to the primary expense resolution for such committee.

SEC. 3. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. HAWKINS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BADHAM. Mr. Speaker, reserving the right to object, I will not object.

I thank the distinguished chairman of the committee.

Mr. Speaker, we support the resolution on this side. I would ask the gentleman, after I withdraw my reservation, that he explain the resolution and its necessity.

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

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

Mr. HAWKINS. This chairman will be glad to do so.

Mr. BADHAM. Mr. Speaker, I thank the chairman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. HAWKINS) is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker, House Resolution 347 is the usual resolution to fund standing and select committees while the primary expense resolutions are considered by the committee and the full House next year.

The authority to incur expenses under the resolution will expire as soon as the House agrees to the primary expense resolution covering the activity of that particular committee. Any expenses incurred under this resolution are taken out of the primary expense resolution when adopted. In each of the months covered by the resolution, each committee may spend no more than 9 percent of the annualized amount made available during the 1st session of the 98th Congress.

□ 1320

The annualized amount is used because one committee was in existence for less than 1 full year.

Mr. Speaker, this is the usual resolution. There has been no controversy on it. And I would certainly ask for its adoption.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING LIBRARIAN OF CONGRESS TO STUDY CHANGING ROLE OF THE BOOK IN THE FUTURE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 59), to authorize the Librarian of Congress to study the changing role of the book in the future.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

The Senate concurrent resolution was concurred in.

S. CON. RES. 59

Whereas this Library beginning as a small collection of books has now grown to over one hundred and eighty million items in all formats encompassing all areas of knowledge;

Whereas eighteen million of these items are conventional books which throughout history have been the most powerful and democratizing learning devices known to mankind;

Whereas the book is now among the least expensive and most widely accessible means to liberty and learning;

Whereas advances in technology over the last two decades have in many ways complemented the book as a learning tool;

Whereas rapidly advancing technologies and electronic printing and publishing are revolutionizing the world of learning and the role of the book in the future; and

Whereas the Congress in 1977 established the Center for the Book in the Library of Congress to study the development of the written record in our society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) a timely study of the changing role of the book in the future is highly desirable;

(2) the Congress authorizes the Librarian of Congress, under the auspices of the Center for the Book of the Library of Congress, to conduct such an inquiry;

(3) in conducting such a study, the Librarian of Congress shall seek the advice and assistance of persons highly knowledgeable about the role of the book in civilization and the influence of new technologies on the future of the book;

(4) such person should include scholars, authors, educators, publishers, librarians, scientists, and individuals in computer technology, industry, and labor; and

(5) the Librarian of Congress should transmit the results of such a study to the Congress of the United States not later than December 1, 1984.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. HAWKINS: On page 1, in the second clause of the preamble, strike out "one hundred and".

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

INCREASING AMOUNT AUTHORIZED TO BE EXPENDED FOR EMERGENCY RELIEF FOR HIGHWAYS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3103), to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1984, there is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

SEC. 3. The proviso in the first sentence of subsection (b) of section 25 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one of more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-10 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 7. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-11 of the Committee on Public Works and Transportation of the House of Representatives.

(b) Section 103(e)(4) of title 23, United States Code, is amended—

(1) in the fifteenth sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984";

(2) in the sixteenth sentence by striking out "1984" and inserting in lieu thereof "1985", by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and";

(3) in the twenty-first sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984"; and

(4) in the twenty-second sentence by striking out "1984" and inserting in lieu thereof "1985", by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and".

(c) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fisal year. The sums apportioned and the sums allocated under this paragrah for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(d) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

SEC. 8 (a)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 303 of such Act is amended by striking out "(a)" the first place it appears.

(5) Section 414(c)(2) of such Act is amended by striking out "422" and inserting in lieu thereof "411".

(6) Section 415 of such Act is hereby repealed.

(7) The third sentence of section 108(d) of such Act is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(b)(1) The analysis for chapter 1 of title 23, United States Code, is amended (A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The first sentence of section 120(f) of such title is amended by striking out "; *Provided,*" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(3) Section 120 of such title is amended by redesignating the second subsection (i), and subsections (j) and (k) as subsections (j), (k), and (l), respectively.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(8) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(c) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to ———" after "grant a permit".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any, available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

"(2) the amount of obligation authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.".

(2) Section 145(e) of such Act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on public highways built after such date with speed limits posted at 55 miles per hour,".

SEC. 9. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by striking out in the fourth sentence "provided in an appropriation Act" and by striking out the sixth and eighth sentences of such section.

(b)(1) Section 5(h)(1) of such Act is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(o) of such Act is amended by striking out "1982" and inserting in lieu thereof "1983".

(c) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(d) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(e) Section 17(d)(4) of such Act is amended by striking out "; and".

(f) Section 21(a)(2)(B) of such Act is amended by inserting before the period at the end thereof the following: ", and such funds remain available until expended".

SEC. 10. Section 4(d) of the Urban Mass Transportation Act of 1964 is amended—

(1) in the first sentence by striking out the comma after "September 30, 1981" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "There are authorized to be appropriated to carry out the functions of section 11(b) of this Act for the fiscal year ending September 30, 1984, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000, and, out of the Mass Transit Account of the Highway Trust Fund, $2,500,000; for the fiscal year ending September 30, 1985, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; for the fiscal year ending September 30, 1986, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under the preceding sentence shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.".

SEC. 11. Subsection (b) of section 165 of the Surface Transportation Assistance Act of 1982 is amended by inserting "or" after the semicolon at the end of clause (3).

SEC. 12. Notwithstanding any other provision of law and the Secretary of Transportation's decision on Interstate Highway 66, Fairfax and Arlington Counties, Virginia, dated January 5, 1977, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out a demonstration project on Interstate Highway 66 in Fairfax and Arlington Counties, Virginia, for a period of not less than twelve months commencing within sixty days of the enactment of this section. The Commonwealth of Virginia shall restrict the use of such highway between I-495 and the District of Columbia to high-occupancy vehicles carrying three or more passengers during the hours of 7 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, on eastbound lanes and during the hours of 4 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays, on westbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

SEC. 13. (a)(1) The Secretary of Transportation (hereinafter in this section referrred to as the "Secretary") shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project to complete a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey. Such project shall be a project which the Secretary estimates could be completed under normal procedures and open to traffic in 1992 and for which most of the right-of-way is acquired before the date of enactment of this Act.

(2) Not later than 180 days after completion of the demonstration project under paragraph (1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under paragraph (1).

(b)(1) The Secretary of Transportation shall carry out a highway project to demonstrate the economic and safety benefits of providing improved access from an economic growth center in an urban area to a recently completed four lane highway. Such project shall include the following construction projects on the Federal-aid urban system in Altoona, Pennsylvania: (A) Juniata Gap Road from Cherry Avenue to Chestnut Avenue, and (B) Chestnut Avenue from Spring Run to the four lane portion of Chestnut Avenue.

(2) Not later than six months after completion of the demonstration project under paragraph (1), the Secretary shall submit to Congress a report on the results of such project, including the economic and safety benefits derived from such project.

(c)(1) The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(2) Not later than one year after completion of the demonstration project under paragraph (1) of this subsection, the Secretary shall submit a report to Congress on the results of such project.

(d) The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commerical center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(e) The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota.

(f) The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an Interstate highway in the vicinity of Dry Ridge, Kentucky, with a Federal-aid primary highway in the vicinity of Owenton, Kentucky.

(g) The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway

access to an airport which is projected to incur a substantial increase in air service.

(h) Not later than 180 days after completion of each demonstation project under subsections (d), (e), (f), and (g) of this section, the Secretary shall submit to Congress a report on the results of such project.

(i) There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a) of this section, not to exceed $50,000,000 for the fiscal year ending September 30, 1984:

(2) to carry out subsection (b) of this section, not to exceed $8,000,000 for the fiscal year ending September 30, 1984;

(3) to carry out subsection (c) of this section, not to exceed $12,000,000 for the fiscal year ending September 30, 1984;

(4) to carry out subsection (d) of this section, not to exceed $8,500,000 for the fiscal year ending September 30, 1984;

(5) to carry out subsection (e) of this section, not to exceed $3,000,000 for the fiscal year ending September 30, 1984;

(6) to carry out subsection (f) of this section, not to exceed $20,500,000 for the fiscal year ending September 30, 1984; and

(7) to carry out subsection (g) of this section, not to exceed $38,000,000 for the fiscal year ending September 30, 1984.

(j) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 percent of the total cost thereof, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 14. Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs emergency motorist-aid call boxes,".

SEC. 15. Notwithstanding any other provision of law, the State of Massachusetts may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning and design of the alternative for any Interstate route which is recommended in any final environmental impact statement (1) submitted by such State in September 1983, and (2) approved by the Secretary of Transportation thereafter.

SEC. 16. The second sentence of subsection (a) of section 127 of title 23, United States Code, is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer before September 1, 1988, thirty feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer on or after September 1, 1988)".

SEC. 17. Section 131(m) of title 23, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986. All provisions of this chapter that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

SEC. 18. Section 105(c) of the Surface Transportation Assistance Act of 1982 is amended by striking out "97-61" and inserting in lieu thereof "98-25".

SEC. 19. Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of State route 73 in Orange County, California, from its interchange with Interstate route I-405 to its interchange with Interstate route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project. If the fair market value of such lands exceeds the non-Federal share of such relocation and construction project, then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California. To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share. In no case shall the amount of Federal-aid reimbursement to the State of California on account of such relocation and construction project exceed the actual cost to the State for such project.

SEC. 20. (a) "Upon repayment by the State of Ohio or the Ohio Turnpike Commission to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highways funds received for construction of interchanges or connections with the Ohio Turnpike pursuant to an agreement entered into under section 129(d) of title 23, United States Code, the State of Ohio and the Ohio Turnpike Commission shall be free, until October 1, 1990, of all restrictions with respect to the imposition and collection of tolls or other charges on the Ohio Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid highway funds of the same class last apportioned to the State of Ohio. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

SEC. 21. Notwithstanding any other provision of law, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia and the District of Columbia, shall carry out a demonstration project on Interstate Highway 395 in Virginia and the District of Columbia for a period of not less than twelve months commencing within sixty days of the enactment of this section. The Commonwealth of Virginia and the District of Columbia shall restrict the use of the express lanes on such highway to vehicles carrying four or more passengers during the hours of 7 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, on northbound lanes and during the hours of 4 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays, on southbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia and the District of Columbia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

SEC. 22. Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning and design of United States Route 71 in Arkansas from I-40 to the boundary between Arkansas and Missouri.

SEC. 23. The facility owned by the Can-Am Warehouse Company located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

SEC. 24. Section 10706(b)(3)(D) of title 49, United States Code, is amended by striking out "January 1, 1984, except that such date shall be July 1, 1984, if the Motor Carrier Ratemaking Study Commission does not submit its final report under section 14(b)(4) of the Motor Carrier Act of 1980 on or before January 1, 1983." and inserting in lieu thereof "July 1, 1986.".

SEC. 25. (a) Upon repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, such Turnpike shall be free, until October 1, 1990, of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof contained in title 23, United States Code, or section 131, of the Federal Highway Act of 1970, or any regulation of agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Turst Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure

in accordance with the provisions of title 23, United States Code.

SEC. 26. This Act may be cited as the "Surface Transportation Technical Corrections Act of 1983".

SEC. 27. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out the comma after "Secretary".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways".

(c) Section 411 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, believes that such segment is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such belief and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit all evidence supporting such belief with such notification.

"(2) If the Secretary determines that any segment of the Interstate System for which a Governor requests an exemption under this subsection is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than forty-five days after receipt of notification under paragraph (1) with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining whether an alternative route exists which (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) which serves the area in which such segment of the Interstate System is located.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i))" after "Interstate and Defense Highway System".

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so in order that I may ask of the distinguished subcommittee chairman, the gentleman from California, whether the amendment as submitted to the desk has the material on lines 5, 6, and 7 on page 12, beginning with the word "and" on line 5 and all of lines 6 and 7 deleted from it, as is indicated in the printed copy that was tendered to me?

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

Mr. FRENZEL. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

I would like to respond to the gentleman and say that that language has been deleted. That is not before us at the present time.

Mr. FRENZEL. Mr. Speaker, in view of the deletion of the amendment to the Buy American section of the act, I have no further objection to the work of the committee.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. ANDERSON)?

Mr. STARK. Mr. Speaker, reserving the right to object, I make this reservation in order to congratulate the subcommittee chairman of the Subcommittee on Surface Transportation and the full Committee on Public Works and remind the gentleman that great violence was done in northern California last winter. Largely it was the fault of the southern California delegation who left a void in Alameda County by stealing the Oakland Raiders. This bill will go a long way to patch over those differences and fill a pothole or two in northern California.

Mr. Speaker, I commend the gentleman and his committee for improving north-south relations in California.

Mr. Speaker, I would like to also voice my support for a provision that is included in the Senate-passed bill, although not in today's amendment. This provision will qualify all mileage that is already a part of our Interstate System, known as nonchargeable mileage, to become eligible for Federal 4-R funds. This provision, and I thank the subcommittee chairman for his support, will aid 19 States in their efforts to adequately maintain their Interstate segments. The provision provides these States with necessary flexibility in their use of Interstate maintenance and rehabilitation funds. It does not change the amount of Interstate 4-R funds available to States, but would simply allow them to use their 4-R apportionments on nonchargeable segments. I thank the chairman for his support of this provision and for his hard work of this emergency legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. ANDERSON)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. SHUSTER. Mr. Speaker, reserving the right to object, and I do not intend to do so, rather I make this reservation for two purposes. First, to state my strong support for the bill. Second, to ask the distinguished chairman of the subcommittee if he would explain where we stand.

I rise in strong support of this substitute to H.R. 3103, the Surface Transportation Technical Corrections Act of 1983. In the short time we have before the recess of this session of Congress, this substitute is a fair and reasonable reflection of the will of the House. For those policy changes or special circumstances that need to be addressed, there will be a major highway bill early next year. In fact, we have provided for a 1-year approval of the Interstate cost estimate to insure that this House keeps its fingers fully on the pulse beat of the highway and mass transit programs.

The Senate worked its will on this legislation less than 1 week ago. We are optimistic that a fair accommodation can be reached with the Senate in a short period of the time and that this legislation can be on its way to the White House in the very near future. It is important that this legislation be expedited in order to insure that Interstate construction funds in nearly 20 States can once again begin to flow.

I have asked Chairman ANDERSON for his views on section 13(b) regarding the demonstration project to be constructed on the Federal-aid urban system in Altoona, Pa., relating to the segments of the Juniata Gap Road from Cherry Avenue to Chestnut Avenue and Chestnut Avenue from Spring Run to the four-lane portion of Chestnut Avenue, that should additional portion of the highways in the immediate area be logically included in this project to demonstrate the economic and safety benefits that it would be proper to proceed with these segments if these additions do not exceed the authorization level of this project. The chairman concurs that that is the intent of the committee.

It is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be

necessary to assure the expeditious completion of this project.

Therefore, I strongly urge my colleagues to support this effort with every assurance that a major highway bill will be considered in 1984.

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

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

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, on June 13, this body passed H.R. 3103, by a voice vote, increasing the authorization for our highway emergency relief program by $150 million. Because of the enormous damage caused by storms and natural disasters around the country, the existing authorization simply was not sufficient to meet existing needs, a fact which was recognized by the administration.

The other body, in taking this bill up in the past few days, added several items to what had seen a simple emergency relief bill. Chief among these additions is the approval of the interstate cost estimate. On October 1 of this year, the authority of the Secretary of Transportation to distribute interstate construction funds among the States expired. The Department of Transportation notified me this morning that 19 States have run out of these interstate funds. These 19 States need us to approve an interstate cost estimate. They are Washington, Nebraska, Oklahoma (which has $1,000 remaining), Iowa, Utah, Illinois, Alabama, Missouri, Virginia, Minnesota, Florida, Georgia, Texas, Kansas, North Dakota, Arizona, Nevada, Montana, and Wisconsin.

This bill approves the cost estimate for a single year—through next September 30, 1984.

Mr. Speaker, this bill also contains a number of purely technical amendments to Public Law 97-424, the Surface Transportation Assistance Act of 1982. There are, additionally, a limited number of provisions related to specific projects in various parts of the country. Although it is clearly my intent, and the intent of the committee, to draft a highway-transit bill next year, there are a very few items of a critical or time-sensitive nature which have been included in this substitute.

Mr. Speaker, I say to our colleagues, that for 19 States, it is critical that interstate construction funds be distributed, to disaster-riddled sections of our country, it is essential that the emergency relief program be increased; and for the smooth implementation of the highway program, we should enact the technical provisions included in this substitute. I commend it to our colleagues and urge its adoption.

EXPLANATION OF THE COMMITTEE SUBSTITUTE

1. The enacting clause provides an additional $150 million in contract authority for fiscal year 1984 for emergency relief projects on the Federal-aid highway system.

2. Section 2 adds a new subsection (d) to section 125 of title 23 which makes the Territories eligible for emergency relief assistance. Subsectioin (b) imposes a $5 million annual limitation on emergency relief funding for the Territories. Subsection (c) makes the foregoing amendments retroactive to April 15, 1983, to cover a recent disaster.

3. Section 3 provides that the additional $150 million authorized by this bill shall not be subject to the $30 million limitation imposed on each State for each disaster.

4. Section 4 makes it clear that a certain highway construction or reconstruction project to alleviate flooding conditions in the vicinity of Carencro, La., would be eligible for emergency relief assistance. A $2 million limit is placed on the amount of Federal assistance for this project.

5. Section 5 makes it clear that the Devil's Slide area on Route 1 in San Mateo County, Calif., would be eligible for emergency relief assistance.

6. Section 6 directs the Secretary to apportion Interstate construction funds authorized for fiscal year 1985 using apportionment factors contained in revised Table 5 of Committee Print 98-10 of the House Committee on Public Works and Transportation.

7. Section 7 directs the Secretary to apportion 50 percent of fiscal year 1984 Interstate transfer funds appropriated for transit projects using apportionment factors contained in Committee Print 98-11 of the House Committee on Public Works and Transportation. Subsection (b) would require the Secretary to submit proposed apportionment factors for highway and transit substitute projects in odd-numbered fiscal years after fiscal year 1983, rather than even-numbered fiscal years as currently authorized, to be consistent with the two-year cycle for submission of the Interstate Cost Estimate to Congress.

Subsection (c) is a technical amendment providing a period of availability for allocated Interstate transfer funds which is identical to the period of availability provided for apportioned Interstate transfer funds. Subsection (d) is a technical amendment to section 103(e)(4) to correct a misspelled word ("designated").

8. Subsection 8(a) contains a series of purely technical amendments to the STAA. Paragraph (1) changes the second section 126 of the STAA (Bicycle Transportation) to section 126A to avoid having duplicative section numbers. Paragraph (2) strikes out "(a)" the first place it appears in section 133 of the STAA (Vehicle Weight, Length, and Width Limitations) as there is no subsection (b) to section 133. Paragraph (3) corrects a misspelled word ("apportioned") in section 163 of the STAA (Use of High Occupancy Lanes). Paragraph (4) strikes out "(a)" the first place it appears in section 303 of the STAA (Block Grants) as there is no subsection (b) to section 303. Paragraph (5) corrects an incorrect reference to a section number in section 414 of the STAA (Splash and Spray Suppressant Devices). Paragraph (6) repeals section 415 of the STAA (Report Regarding Longer Combination Motor Vehicles) since a virtually identical provision was included in section 138 of the STAA. Paragraph 7 corrects a reference in section 108(d) of the STAA.

Subsection (b) contains a series of purely technical amendments to title 23, U.S. code. Paragraph (1) updates the analysis for Chapter 1 of title 23 relating to sections 127 (Vehicle Weight Limitations) and 146 (Carpool and Vanpool Projects). Paragraph (2) strikes out a redundant provision in section 120(f) of title 23 providing a 100% Federal match for emergency relief projects on Federal lands highways. Paragraph (3) reletters subsections of section 120 of title 23 (Federal share payable) to avoid having two subsections lettered (i). Paragraph (4) contains a change to the first sentence of section 122 of title 23 (Payment to States for bond retirement) to conform to a change in the same sentence made by the STAA. Paragraph (5) amends section 125 of title 23 (Emergency relief) to eliminate inappropriate references to a Federal aid program structure contained in last year's Senate passed version of the STAA which was dropped in conference. Paragraph (6) adds language to section 144 of title 23 (Bridge replacement and rehabilitation) restoring provisions inadvertently omitted to provide a normal 4-year period of availability for apportioned bridge funds with provision for reapportionment of funds not obligated within the period of availability. Paragraph (7) amends section 204(b) of title 23 (Federal lands highways program) to add mention of the Secretary of Transportation inadvertently omitted in the second sentence. Paragraph (8) corrects a reference in the last sentence of section 402(j) of title 23 (Highway safety programs).

Subsection (c) amends section 104 of the Marine Protection, Research, and Sanctuaries Act of 1972 (as added by section 424 of the STAA) to add the phrase "to ", which was inadvertently omitted. Subsection (d) would codify section 111 of the STAA (Vending machines) in title 23 and eliminate a cutoff date of October 1, 1983, inadvertently included in section 111 which imposes a time restriction on the placement of vending machines in rest and recreation areas on rights-of-way of the Interstate System.

Subsection (e) would amend section 145 of the STAA (Temporary matching fund waiver) to correct a limitation on the dollar value of funds waived from the matching requirement, which change would allow effective use of two fiscal year's additional funds, as intended, rather than one year's additional funds. The section also corrects a reference to the Federal-aid primary apportionment formula for the redistribution of funds deducted from a State's non-Interstate apportionment in fiscal year 1985 and 1986 as an alternative to repayment in cash.

Subsection (f) would amend sections 154(e) and 141(a) of title 23 relating to the 55-MPH speed limit to close a potential loophole in the law which might permit a State to avoid enforcement of the 55-MPH speed limit with impunity.

9. Section 9 contains a series of technical amendments to the Urban Mass Transportation Act (UMTA). Subsection (a) amends section 3(a)(4) of UMTA (Letters of intent) by repealing archaic language which is inconsistent with the creation of contract authority for discretionary capital grants under the STAA. Paragraph (1) of subsection (b) corrects a misspelled word in section 5(h)(1) of UMTA. Paragraph (2) corrects a misspelled word in section 5(j)(1) of UMTA. Paragraph (3) corrects a provision to recycle unused section 5 funds to section 9 to include section 5 funds apportioned in fiscal year 1983 as well as section 5 funds apportioned prior to fiscal year 1983 as provided by the STAA. Subsection (c) corrects an

error in section 9(1)(3) of UMTA, the so-called 3 for 2 trade-in of capital for operating funds, to give priority in the distribution of the remaining capital dollar to urbanized areas that received less in Section 9 funds in fiscal year 1984, rather than 1983 as provided by the STAA, than they received in Section 5 funds in fiscal year 1982. This change is necessary because Section 9 funds are first apportioned in fiscal year 1984. Subsection (d) reletters a subsection in section 16 of UMTA to avoid having two subsections lettered (c). Subsection (e) amends section 17(d)(4) of UMTA by striking a superfluous word. Subsection (f) corrects an error of omission in section 21 of UMTA by providing a period of availability for section 3 discretionary funds.

10. Section 10 amends Section 4(d) of the Urban Mass Transportation Act of 1964 to convert the simple authorization for the University Transportation Centers program to contract authority to be funded half from the Mass Transit Account of the Highway Trust Fund and half from the Highway Trust Fund (other than the Mass Transit Account).

11. Section 12 contains provisions to liberalize high occupancy vehicle restrictions currently in effect on I-66 in the Washington Metropolitan area.

12. Section 13 authorizes several highway demonstration projects. Subsection (a) authorizes $50 million to demonstrate how the design and construction of a highway project in Passaic County, N.J., can be accelerated using procedures adopted to carry out section 141 of the Federal-aid Highway Act of 1976 and established pursuant to section 129 of the Surface Transportation Assistance Act of 1982. The Committee intends that this project be carried out on Route 21 in Passaic County, New Jersey. The final report on the project should explain the time savings, a description of the procedures used to accelerate design and construction, an explanation of how the techniques differed from those used on the project authorized by section 141 of the Federal-aid Highway Act of 1976, and an analysis of the costs and benefits of the accelerated completion.

Subsection (b) authorizes $8 million to carry out a highway project in Altoona, Pa., to demonstrate the economic and safety benefits of providing improved access from an economic growth center in an urban area to recently completed 4-lane highway.

Subsection (c) authorizes $12 million for a highway project on Route 219 in the vicinity of Johnstown, Pa., to demonstrate methods by which such project enhances highway safety and economic development in an area of high unemployment.

Subsection (d) authorizes $8.5 million for a highway project in the vicinity of Fort Smith, Ark., to demonstrate the economic growth and development benefits and the benefits of improving traffic signalization for the project.

Subsection (e) authorizes $3 million for a project in Moorhead, Minn., to demonstrate the economic and safety benefits of constructing a grade separation between a railroad line and a highway.

Subsection (f) authorizes $20.5 million to carry out a highway project to demonstrate methods of improving traffic flow on State Route 22 in Kentucky between U.S. 127 and I-75.

Subsection (g) authorizes $38 million to carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernadino County, Calif., to demonstrate methods of improving highway access to an airport projected to incur a substantial increase in traffic.

This section provides contract authority and 100 percent Federal financing for those projects. Sums are available until expended and shall not be subject to any obligation limitation.

13. Section 14 authorizes the use of hazard elimination funds under section 152 of title 23, U.S. Code, for the installation of emergency motorist-aid call boxes.

14. Section 15 would permit the State of Massachusetts to use Interstate construction funds apportioned to it for the planning and design of the depressed alternative of the Central Artery project (I-93) in Boston, Mass., provided the Secretary approves the environmental impact statement on the depressed alternative.

15. Section 16 provides a 5-year transition period for States to come into full compliance with gross weight limitations determined on the basis of the bridge formula in section 127 of title 23, U.S. Code, as such limitations apply to motor vehicles hauling tank trailers on the Interstate System.

16. Section 17 provides $5 million in contract authority per fiscal year through fiscal year 1986 to carry out section 131 of title 23, U.S. Code.

17. Section 18 amends the listing of priority primary routes eligible for at least a 95 percent Federal funding match (rather than 75 percent as for other primary routes) where a State elects to use its regularly apportioned primary funds on such eligible routes. The routes added are segments of California State Routes 49, 73, and 113.

18. Section 19 provides that the value of any lands that are donated or dedicated to the State of California for the construction or relocation of State Route 73 in Orange County from I-105 to I-5 shall be credited toward the non-Federal share of such project. The remainder shall be credited to the non-Federal share of other projects in five California counties.

19. Section 20 authorizes the State of Ohio to return to the U.S. Treasury any Federal-aid highway funds spent for construction of interchanges or connections to the Ohio Turnpike pursuant to an agreement under section 129(d) of title 23, and thereby be relieved of any restrictions in such agreement pertaining to the imposition or collection of tolls on the Turnpike until October 1, 1990. The repaid amounts shall be credited to the unobligated balance of Federal-aid highway funds originally spent for such construction.

20. Section 21 contains provisions to liberalize high occupancy vehicle restrictions currently in effect on I-395 in the Washington Metropolitan Area.

21. Section 22 authorizes the State of Arkansas to use Interstate construction funds for the planning and design of U.S. 71 in Arkansas from I-40 to the Missouri line.

22. Section 23 authorizes the continued operation of a duty-free liquor store in Michigan brought under the provisions of section 111 of title 23 by the expansion and renovation of the Blue Water Bridge Plaza.

23. Section 24 changes the date for the elimination of antitrust immunity for collective ratemaking of single-line rates from July 1, 1984, to July 1, 1986. It applies to the trucking industry.

24. Section 25 authorizes the State of Virginia to return to the U.S. Treasury any Federal-aid highway funds spent for construction of interchanges or connections to the Richmond-Petersburg Turnpike pursuant to an agreement under section 129(d) of title 23 and section 131 of the Federal-aid Highway Act of 1970, and thereby be relieved of any restrictions is such agreement pertaining to the imposition of collection of tolls on the Turnpike unitl October 1, 1990. The repaid amounts shall be credited to the unobligated balance of Interstate construction funds.

25. Short title.

26. Authorizes a state to request exemption from the requirement that it permit the operation on Interstate highway routes of double trailers upon the Secretary's determination that such operation may be unsafe on a given route.

Mr. ANDERSON. Mr. Speaker, if I may expand upon this for a moment, let me say that, it is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro Rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be necessary to assure the expeditious completion of this project.

Finally, Mr. Speaker, let me say that, with respect to section 13(b) of the substitute, it is the committee's intent that this provision be implemented with the flexibility that may be required to make this a successful project; that additional portions of highway in the immediate area may be added to the project scope so long as any additions do not exceed the authorization level contained in the legislation for the project.

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

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the distinguished chairman of the Surface Transportation Subcommittee, as well as our counterparts on the other side of the aisle, for their fine efforts in bringing this legislation to the floor.

On June 13, the House passed H.R. 3103, a bill to increase the amount authorized for the Federal-aid highway emergency relief program. The major purpose of H.R. 3103 is to provide additional funds to meet the Nation's needs to repair and reconstruct highways on the Federal-aid highway system resulting from the abnormal amount of natural disasters or catastrophic failures occuring this year.

Due to the shortage of time remaining in this session, the House and Senate committees have agreed that H.R. 3103 will be the legislative means for enacting technical and clarifying amendments to the Surface Transportation Assistance Act of 1982 and for approving the interstate and interstate substitute cost estimates. The Senate has recognized the need for this legislation and passed H.R. 3103 with amendments. A committee

amendment in the nature of a substitute will be offered to H.R. 3103 as the House considers this vital legislation.

The committee substitute addresses the need to provide an additional $150 million in fiscal year 1984 budget authority for the Federal-aid highway emergency relief program and addresses problems with the implementation of the Surface Transportation Assistance Act of 1982. This legislation also contains the approval of the apportionment factors for the apportionment of funds authorized for fiscal year 1985, which will be made available to the States in fiscal year 1984. There is also a provision approving the interstate substitute cost estimate for highways and transit projects for fiscal year 1984. It is essential that Congress approve these cost estimates as quickly as possible so that the interstate construction and transfer funds can be released to permit States to obligate these funds.

The committee has taken the initiative to adopt a bill that addresses time sensitive issues and essential legislation. Unfortunately, our current situation does not permit us to address many of the issues that Members have expressed an interest for inclusion in this legislation. However, recognizing this, I will be supporting transportation legislation to consider many of these issues in the 2d session of the 98th Congress.

Also, it has been brought to the committee's attention that many States have not recognized the fact that acquisition of crash protective cushioning equipment for use on railway-highway crossing equipment is eligible for assistance under the Federal-aid highway laws. Federal highway trust funds, of course, have been used for many years to eliminate the hazards of railway-highway crossings. Much of that funding has been used to improve or add flashing signals at crossings to warn motorists of train movements. However, this crossing signal equipment can itself be a roadside obstacle, much like a bridge pier. Technologically sound crash protective cushioning equipment has been widely employed to reduce the threat to motorists of other roadside obstacles, and such efforts have utilized highway trust funds. The committee hereby makes it clear its intention that such protective cushioning equipment when used at railway-highway crossings is eligible for highway trust funds. It is the committee's intent that the provisions of section 130 and section 152, as well as other relevant provisions of title 23, United States Code, permit such eligibility.

Mr. Speaker, I would now like to address the issue of the Secretary's administration of discretionary highway and transit funds. As many of my colleagues know, I have generally taken the position that the Secretary of Transportation should have discretion as permitted by law to distribute those funds without the entire amount being carved up by congressional committees.

To prevent that, the authorizing committees with jurisdiction over contract authority programs must obtain information on criteria used by Department of Transportation to make decisions on funding.

The Committee on Public Works and Transportation is looking forward to working with the Department of Transportation in developing specific criteria for the distribution of discretionary funds and minimize the need for annual earmarking of funds.

With the development of that type of approach in the future, we hope to avoid the type of situation we are facing with the 1984 interstate transfer-highway funds. In this case, $131 million of the $181 million in discretionary funds was earmarked by the Committee on Appropriations with all of the earmarked funds to go to seven areas of the country.

There are other areas of the country that need this money. For example, the distribution formula provides only $35.7 million for New Jersey, which is $8.3 million less than the State had expected.

I would urge that the Secretary use her discretionary authority in this case to provide the additional $8.3 million to New Jersey. However, even if that money is not provided, I believe that there has been a commitment on the part of the State of New Jersey to complete Ocean Boulevard in Long Branch and I expect that commitment to be honored.

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

Mr. SHUSTER. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows in the original bill that came before the House, there was a very important item that had the attention of my colleague, the gentleman from Illinois (Mr. DURBIN) and myself. And in this new proposition that has been introduced here on the House side, we do not see that reference to that particular project.

□ 1330

Now, my first inclination was to object solely on those grounds, because we have already had the House speak affirmatively, and the other body, which, for all practical purposes, would make it a moot question in any conference.

But I know that Members work in mysterious ways when they resolve differences between the House and the Senate-passed bill, but I just want to underscore with the chairman and the ranking minority member of the committee and the subcommittee that our reluctance or our failure to object or our acquiescence, really, to what is being done here today certainly does not diminish the real burning interest that the gentleman from Illinois (Mr. DURBIN) and I have over the project that was once in this bill.

If that is clearly understood with our friends, then we would accede to the good judgment of those who are responsible for getting this thing through both Houses, and I thank the gentleman for at least giving us the opportunity to spread that on the record.

Mr. SHUSTER. I would respond to the distinguished minority leader and to my friend from Illinois, as well, that we note that their provision is in the Senate bill, and this Member fully intends, as a prospective conferee, to be completely supportive of that.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOWARD), the distinguished chairman of the full committee.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding, and I will say to the minority leader that I certainly do agree that there are times when these bodies do act in mysterious ways. I would not be at all surprised at the end of the week when we come out of conference that that which had been put into the emergency relief bill early will be, in fact, in the conference report that we return with.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield further, may I just thank the chairman for his comment and also the gentleman from Pennsylvania. I think it is reassuring to one who is fully cognizant of these very mysterious things that go on behind closed and open doors.

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. SNYDER), the distinguished ranking minority member of the full committee.

Mr. SNYDER. Mr. Speaker, I rise in support of the committee substitute for H.R. 3103, a vitally needed piece of legislation.

It was vitally needed back on June 13 when it first passed the House, principally as an emergency relief bill addressing needs for replacement or repair of certain highways destroyed or damaged as a result of natural disasters. Since then, it has become the appropriate vehicle for amendments to effect congressional approval of the cost factors which serve as the basis for apportioning to the States $4 billion in interstate construction funds which became available this past October 1.

Something in the neighborhood of 18 to 20 States, which are obviously those which are most current with their interstate construction program, have exhausted their prior apportion-

ments in this category or are about to do so.

In addition, this bill serves as a vehicle for enactment of apportionment factors to serve as the basis for apportionment of certain funds for highway and mass transit projects substituted for withdrawn interstate segments.

I would like to emphasize, Mr. Speaker, that the scope of this bill is determined to a significant degree by the action taken by the Senate in passing its version of H.R. 3103.

The Senate added a number of provisions to the bill above and beyond emergency relief, both in committee and on the floor. At the same time, the Senate struck certain emergency relief or other flood-related provisions from the House-passed bill.

We have chosen in this substitute, therefore, to strike most of the nonemergency Senate provisions of the bill, and have incorporated a number of provisions of our own to present to the Senate side in conference.

I wish to emphasize that our decision not to take many Senate provisions in this substitute should not be construed as necessarily denigrating their merits or prejudicing their prospects for ultimate acceptance in the conference. In addition, Members also should be aware that we will be taking up another highway bill next year—and the Senate side has announced its intention to do likewise—at which time a number of proposed provisions which Members have called to the attention of the leadership of the Committee on Public Works and Transportation can be given extensive consideration.

It is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro Rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be necessary to assure the expeditious completion of this project.

In concluding, Mr. Speaker, I wish to express my satisfaction that this legislation contains, in subsection 13(f), a provision providing for a demonstration project involving Kentucky State Highway 22 between Interstate Route 75 and U.S. Route 127.

Mr. Speaker, this is a modest bill, a needed bill and one which deserves prompt passage to speed it to conference and early enactment into law.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. DURBIN).

Mr. DURBIN. Mr. Speaker, I would like to associate myself with the remarks of the minority leader, the gentleman from Illinois (Mr. MICHEL), and I would like to thank the minority and the majority spokesmen of the committee for their statements in that regard.

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, if I understand correctly what we are doing, we are doing something of rather an emergency nature; is that correct?

Mr. SHUSTER. That is correct on two counts. First, the original bill which provides for the emergency funding for the disasters that have occurred; but, second, approving the interstate cost estimate. There are 20 States which have run out of money for interstate construction, and there are other States, in addition to the 20, who are very close to running out. They can get no more funds from the highway trust fund to proceed until this legislation is passed.

Mr. WALKER. If the gentleman will yield further, that all seems very reasonable; but where I ran into a question was when I heard that there were some additional projects authorized in this bill. Why are we coming through and going through an authorization process on some new authorizations, some new spending, in a bill of any emergency nature, and could we have those projects detailed for us?

Mr. SHUSTER. Mr. Speaker, first of all, I would say to the gentleman that there are a few projects, not many. They are all out of the trust fund. And none of the projects are from the appropriations process. So the funding is there for these projects.

The Senate has a few projects, as well, and as we go to conference with the Senate we felt it was quite important that we protect the House position. However, most important is the fact that this is, by and large, a technical amendments emergency bill with only a few projects in it. There will be major surface transportation legislation next year, and that is the appropriate place for several projects to be considered. Those of us on the committee discouraged putting projects in. So we have minimized the number of projects.

Mr. WALKER. I agree with the gentleman that that is the appropriate place to do it. How many is a few?

Mr. SHUSTER. I am informed six or seven projects which are all out of the trust fund.

Mr. WALKER. Six or seven projects? Do we have a report that those are detailed in?

Mr. SHUSTER. Oh, yes. There is a floor statement by the gentleman from California (Mr. ANDERSON), in which they are detailed. Beyond that, I would point out that there are projects that are not monetary in nature. For example, our committee received very strong encouragement to provide for both Shirley Highway and Route 66 for Members on both sides of the aisle, to change the high occupancy vehicle lanes in terms of the time and in terms of the number of people in them. In some of the so-called projects there are no dollars involved.

Mr. WALKER. So we could take care of Senate schedules?

Mr. SHUSTER. I think there are Members of the House who have spoken with great enthusiasm for these changes.

Mr. WALKER. I am now being shown a list of them.

I thank the gentleman.

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

Mr. SHUSTER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to express my support for the legislation as amended by the House Public Works and Transportation Committee.

The bill, among other things, will provide approval of the interstate cost estimate, the interstate substitute cost estimate, as well as provide States with an increase in emergency relief funding.

I am particularly interested in two provisions that affect my congressional district. Section 13(d) would provide the city of Fort Smith, Ark., $8.5 million for a highway project to demonstrate the economic growth and development benefits of widening and improving traffic signalization of a segment of the Federal-aid urban system connecting a community college and a large commercial center. At the present time this segment, approximately 2.03 miles in length, is an estimated 30-year-old, narrow, two-lane road. With the increased traffic from Westark Community College and the new Central Mall, this has proved to be a major source of congestion for the 45,000 vehicles that travel it daily.

The bill also contains a provision which authorizes the State of Arkansas to use interstate construction funds for the planning and design of U.S. 71 in Arkansas from I-40 to the boundary between Arkansas and Missouri. This provision should prove most helpful in recognizing the importance of U.S. Highway 71 and the need to upgrade it to four lanes as soon as practicable.

While these provisions will directly benefit my congressional district, I would like to point out that this legislation will also provide the necessary funding for major national highway programs.

I would urge my colleagues to support this measure.

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

Mr. SHUSTER. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I rise in support of the legislation which includes a proposal which would open the Shirley Highway (I-395) express

lanes to all traffic except during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. daily, Monday through Friday exclusive of holidays. During those two periods they would continue to be available for use by high occupancy vehicles.

The need for this provision is obvious, Mr. Speaker, to anyone who has seen or driven in the lengthy traffic backups from northern Virginia to the District of Columbia in the early morning hours or from the District of Columbia to Virginia in the evening. And for those who cannot adjust their schedule to accommodate a four-person car pool, it is apparent that the Washington metropolitan area is not the classic 9 to 5 work town; the hours in which one works are sometimes quite irregular and often unanticipated.

Mr. Speaker, this proposal would continue to allow the use of the Shirley Highway express lanes for high occupancy vehicles during rush hour, but would allow vehicles access to the express lanes at all times other than rush hour.

I deeply appreciate and thank the members of the House Public Works Committee for their empathy and assistance in bringing this proposal to the floor. I ask that my colleagues in the House momentarily focus their attention on the traffic problem in northern Virginia and realize that their support for this proposal would assist their own constituency when visiting the Capital of our Nation. I strongly urge support for this important piece of legislation.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I want to thank the chairman of the committee and the chairman of the subcommittee, and the ranking minority member of the committee and of the subcommittee for the patience in working out the difficulty I had with this. I think their cooperation has been excellent, and I hope their bill is swiftly passed.

Mr. SHUSTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. NELSON of Florida). Is there objection to the initial request of the gentleman from California?

Mr. SMITH of Florida. Mr. Speaker, reserving the right to object, I do so just to ask the chairman of the committee to enter into a colloquy.

In the Senate bill, Senator CHILES of Florida placed an amendment with reference to the ability to use existing interstate construction funds for the purpose of upgrading primary roads which affect a large number of constituencies around the United States.

My understanding is that it is going to be, although not in our bill, the subject of one of the conferences and there will be at least a discussion at the conference, and right now there is no indication that the gentleman is opposed to that amendment; is that correct?

Mr. ANDERSON. If the gentleman will yield, the gentleman is correct. That will be one of the items in conference. I have no objection personally, but we will have a conference on that point.

Mr. SMITH of Florida. The only reason it is not in here is the point to be able to use it as a conference discussion question?

Mr. ANDERSON. If the gentleman will yield, I think perhaps one of us misspoke ourselves. It is 4-R, interstate 4-R funds, not interstate construction funds. The gentleman is referring to the Chiles amendment.

Mr. SMITH of Florida. Yes. Rehabilitation funds, upgrading funds.

Mr. STANGELAND. Mr. Speaker, I rise in support of this legislation. In addition to the technical corrections the bill makes to the 1982 Surface Transportation Assistance Act, several important substantive provisions are incorporated. While I feel that most of these will address essential highway needs, the purpose of my statement is not to discuss all provisions but rather to emphasize a project that will affect Moorhead, Minn., which is located in my district.

I would like to point out that the problem of increased unit train traffic, not only in Moorhead but in other midwestern towns, has been a constant and growing source of irritation for people living in these communities. As western coal production has steadily increased over the last few years, greater numbers of unit trains have literally bisected this community of 30,000 people. Quite naturally, this increased volume has resulted in congestion and safety problems.

Since 1977, I have worked constantly to try and enact Federal legislation to assist cities such as Moorhead. It is my belief that this problem has not been created by the local community involved and is certainly one too large for them to solve alone. Therefore, Federal assistance is absolutely essential.

The city of Moorhead has studied this problem extensively and determined that a rail-highway grade separation is the only practical long-range solution available. This was recognized in the 1978 House report to the Surface Transportation Assistance Act. In that report, Moorhead was specifically designated as a town that should receive Federal assistance for energy impacts occasioned by increased coal traffic. Unfortunately, this provision was dropped in conference.

The city has exhausted short-term, low-cost solutions to this problem. A study was done by Ernset & Whinney in February 1982 detailing alternative solutions to this railroad impact. Without the construction of this long-term alternative, auto delays now averaging 560,000 vehicles per year and 23,000 annual vehicle hours will be perpetuated.

For that reason, a provision in this legislation will provide for a demonstration project of $3 million for Moorhead for the construction of a rail-highway grade separator at 21st Street in that city. Of the other alternative locations, this is the least costly, most effective location for such a crossing.

I would urge the Members to support this legislation and will work for an acceptable conference agreement.

● Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3103, as amended, and in particular I wish to express my strongest support for the provision which will allow the Secretary of Transportation to conduct a 1-year demonstration project on Interstate Route 66 (I-66) inside the Capital Beltway in northern Virginia. The demonstration will lower the number of people required in a vehicle during the rush hours from four to three and will also narrow the hours of restricted use from the present 6:30-9 a.m. eastbound to 7-9 a.m. and the present 3:30-6:30 p.m. westbound to 4-6 p.m. The changes will be made in consultation with the Commonwealth of Virginia and the project will be evaluated during the 1-year demonstration to insure that it is conducted in a manner that is environmentally sound and safe for motorists.

Mr. Speaker, I believe this demonstration project is necessary to alleviate serious traffic problems in northern Virginia which have been of great concern to myself and Congressman PARRIS and Senators JOHN WARNER and PAUL TRIBLE. On April 14 of this year, the Senators and I held a joint public hearing on the operation of I-66 and invited all northern Virginia residents. The overwhelming consensus was that I-66 is underutilized and that HOV-4 rules actually serve as a disincentive to the formation of carpools. It is important for Members to realize that northern Virginia is the only area in the United States where there are HOV-4 restrictions.

I-66 is currently operating with about 600 cars per hour during the restricted period. A highway of this type, according to traffic engineering manuals, can carry 2,400 cars an hour traveling 51 miles per hour—or 3,800 cars an hour moving at 40 miles per hour. Reducing the carpooling requirement to HOV-3 would double its current usage to about 1,200 cars per hour, well below capacity.

I would like to point out that this 10-mile portion of Interstate 66, which is restricted now to four-person carpools, cost taxpayers $285 million—or $28

million a mile. Relaxing the carpool restrictions will provide an incentive for more people to form carpools, will make it easier to maintain reliable carpools, and allow more people to take advantage of the road they paid for.

In addition, as I said at the public hearing on I-66 April 14, and as expressed by my colleague, Senator WARNER, in the Senate, we believe that a reduction of the HOV-4 rush hour limitation would have a positive effect on the environment, including congestion, pollution, energy savings, and pedestrain safety.

With more drivers meeting the modified carpool requirements and using I-66, there would be fewer cars on area roads; more cars moving at constant higher speeds, and less stop-and-go traffic. All this would bring energy savings, both in fuel consumption and in human energy and time; reduced pollution levels from standing automobiles on side and residential streets; less congestion on the residential and surface streets in Arlington and Falls Church, including Route 50, Lee Highway, Wilson Boulevard, and other local streets; and improved auto and pedestrian safety along those arteries with the shift of traffic from secondary roads to I-66.

As sponsor of this amendment, it is my intention that the Secretary should have flexibility to modify hours at the beginning of the morning rush hour (6:30 to 7 a.m.) if serious safety problems are demonstrated at the Theodore Roosevelt Bridge. This flexibility should only be exercised after sufficient data is available to determine the extent of the problem and after working with the State to make every effort to implement corrective safety measures including but not limited to advance warning signals, flashing lights, and traffic management system computerized messages warning of any potential hazard. After discussing these proposed changes with the Federal Highway Administration, I understand that the Secretary may need this flexibility if an unforeseen circumstance develops in view of the tremendous pressures on Virginia commuter routes. I do not anticipate a problem but want the Department of Transportation to have the authority necessary to solve such a problem if needed. To me, safety on I-66 or any other highway is of paramount importance.

I also want to make clear that the intent of this provision is that the Lynn Street ramp to I-66 in Arlington, Va., will continue to be exempt from any restriction on passengers in a vehicle or on time of use. This ramp is an important access point for commuters and is located at a point before the road narrows to two lanes westbound and after the road opens to four lanes eastbound. At present, there are no restrictions on vehicles using the Lynn Street ramp and it is the intent of this legislation that no new restrictions be imposed.

In closing, Mr. Speaker, I believe this legislation, which appropriates no funds, will improve commuting for the citizens of this area and make trips to and from work more efficient, while at the same time providing a positive impact on the residential areas surrounding this highway. The overwhelming support of the citizens for these changes are apparent in my questionnaire results and series of editorials which I would also like to submit for the RECORD. I urge my colleagues to support this measure.

RESULTS OF CONGRESSMAN WOLF'S 10TH CONGRESSIONAL DISTRICT 1983 SURVEY QUESTION ON RELAXATION OF RESTRICTIONS ON INTERSTATE 66

FAVOR RELAXATION OF I-66 RESTRICTIONS

Arlington County: 72 percent.
Fairfax County: 88 percent.
Loudoun County: 79 percent.

[From the Washington Post, Oct. 1, 1983]

HOV-3 ON I-66

For this morning's traffic report on I-66, we switch you to Capitol Hill, where four Virginia members of Congress have surveyed the scene and are moving to make significant changes in the rush-hour uses of this highway. Senators Warner and Trible and Representatives Wolf and Parris are proposing legislation to permit three-person car pools during peak hours—instead of the current minimum of four per car—for at least a 12-month trial. Given the resistance and/or legal impotence of the federal and state government agencies involved, this congressional shortcut is a good idea.

"HOV-4"—which is highway talk for "High Occupancy Vehicle" with at least four people—has been a political and logistical flop. Not enough people can qualify to use this handy new highway when they need it most. Those who can afford to have been jamming the shoulders at the ramps to I-66 to wait until the HOV-4 hours end each day. (They're not supposed to cause jams like this, but if you ever hit the road at these times, you can't miss spotting them).

Under the proposal to be offered by Sen. Warner as an amendment to pending legislation, the U.S. secretary of transportation would be directed to allow a "HOV-3" policy. Also, the current hours of restrictions—6:30 to 9 a.m. and 3:30 to 6:30 p.m.—would be cut to 7 to 9 a.m. and 4 to 6 p.m. It's worth a try, which is all this proposal calls for.

Three should be a more workable combination for more motorists and their passengers than four has been. In turn, this could mean more people being moved along this strip—which is supposed to be what the HOV concept is about anyway. Normally it shouldn't take an act of Congress to designate rush hours and car loads on a strip of road in Virginia, but Gov. Robb has noted the unique intergovernmental history of the current restrictions on I-66 and has concluded that he may not singlehandedly change the rules. Congress can, and this is a test—repeat, test—that is worthy of approval.

[From the Washington Post, Apr. 10, 1983]

HEAVE HOV-4

Because by now it has surely frustrated enough motorists on a daily basis, the term "HOV-4" has made its way into everyday language. But go back to basics—of English as well as traffic—and you're talking about a regulation that is backfiring. It is the High Occupancy Vehicle/minimum of four riders rule on the newest extenison of Interstate 66. On weekdays from 6:30 a.m. to 9 a.m. inbound and 3:30 p.m. to 6:30 p.m. the other way, only this car-and-passenger combination is allowed on the road. The results so far have been fascinating—and bad.

As anyone using the strips at these times knows, not enough people can, or do, qualify. Highway officials argue that three months is not a fair sampling, that carpooling will increase. What has increased so far is the number parking in a new mini-rush jam on the shoulder of I-66 outside the Capital Beltway, where there are no restrictions, to wait for a 9 a.m. run up the ramp. Police have been issuing warnings and tickets to this shoulder crowd, but with little effect.

HOV-4 may have looked good on paper, but not on the road. Clean air and more people to the car are excellent objectives, but so are smaller cars, which don't accommodate four passengers unless two are in the trunk. Some practical adjustments are in order. Why not try HOV-3 for a test? At least this would increase the odds of finding riders and would be more realistic (the police are wise to those inflatable dummies in the back seats). For those Virginians whose daily commute is challenge enough, life in the fast lane could be far better than it is.

[From the Washington Post, May 19, 1983]

TRY HOV-3

How high the HOV? That is the question. HOV is highway talk for "High Occupancy Vehicle," and HOV-4, as annoyed Virginia commuters know only too well, is a requirement that you have four people in your car to use the extension of I-66 in and out of Washington at peak traffic hours. HOV-4 is a bust. Not enough people can or do qualify. Too many people jam the shoulders at the ramps to this strip, waiting for the signal ending of fiscal rush hour. Fortunately, there is new pressure for relief.

Virginia Senators Warner and Trible and Rep. Wolf have urged Gov. Robb to give HOV-3 a try. Why not? It can't be any worse than the daily mess created there now. It may well be that three is a workable combination for more motorists and their passengers than four has been. That could mean that the total number of people moved on this strip would increase, which is supposed to be one of the objectives of the HOV policy in the first place.

The three legislators have some other good suggestions: that the state help Northern Virginia areas create "staging areas" where commuters could find passengers for car pools; that the hours of the restrictions be shortened somewhat, and that consideration be given to exempting handicapped drivers. from the pool rules.

Maybe, as Virginia highway officials insist, all of the above would misfire. But no one can know for sure without a test.

[From the Arlington Journal, Jan. 4, 1983]

FOUR-PERSON CAR POOL RESTRICTION TOO TOUGH?

Commuter traffic in the newly opened final stretch of I-66 continues to be lighter than expected, with car poolers and buses able to zip from the Beltway to the Potomac without delay.

Is it possible that the controversial 10-mile segment of interstate highway will remain as devoid of cars as the Dulles Access Road? Absolutely not, say state highway department officials. They list a number of reasons for the absence of commuters on the new road.

First of all it's a holiday season and thousands of government workers are on leave. All commuter arteries are lightly traveled these days. Also, it will take a while for drivers to give up their old commuter routes.

And, finally, commuters are finding it takes time to form a four-member car pool. As the HOV-4 signs proclaim, only cars with four passengers are allowed to use I-66 inside the Beltway during morning and evening rush hours.

While we agree with highway officials on the first two reasons for light use of I-66, we have had second thoughts about the four-member car pool rule. When first proposed, it seemed like a reasonable requirement, one that would ensure that the highway would move the maximum number of commuters per car, thus limiting pollution and traffic.

But it's possible that the requirement is too tough. Veteran commuters say that it is very difficult to find four other people in their neighborhood who have similar downtown destinations. If the car poolers are scattered, then the overall savings in time and gas is reduced.

Also, many commuters are driving small cars these days. Squeezing three people into the back seat of a tiny economy model sedan is not easy. And if the riders are uncomfortable, the car pool won't last long.

Of course, it is too early to get a reading on commuter use of I-66. Perhaps, in three or four months, the highway might be handling the maximum volume of traffic.

But if the traffic load falls short of expectations, then we will join local legislators in urging that serious thought be given to decreasing the car pool requirement from four to three persons.

[From the Fairfax Journal, Feb. 24, 1983]

WE WANT NO MORE OF HOV DASH 4

Are you a frustrated commuter denied the relative luxury of rapid trips on I-66 because you can't put together a four-person car pool? If so, circle April 14 on your calendar. That's when 10th Congressional District Rep. Frank Wolf has scheduled a public hearing on the present rush-hour restrictions on use of the newly opened interstate highway.

Wolf believes—and we agree—that the four-person rule is too tough, that it prevents many area commuters from taking advantage of the highway. We think changes should be made now to ensure maximum use of I-66.

Putting together a successful car pool is not easy. First, you need four people who live in the same area or along the route to work. Second, you need people who work in the same general area. Driving extra miles to accommodate pool members who don't live or work in the neighborhood is costly and time consuming. Third, you need people whose hours are approximately the same.

A few years ago, somebody figured that, considering the variables involved, the odds were about 1,000 to 1 against finding four compatible car-poolers. But that's not all. It's a fact that at least one of the four will likely be absent due to illness, vacation, job demands, schedule changes, etc. Left with only three persons, the car pool can't get on I-66.

The only logical way to ensure a more or less regular pool would be to add a fifth member. And that shoots the odds against success to an astronomical level.

We understand that the car pool rule is necessary to guarantee maximum use of the highway and keep air pollution to an acceptable level. But there is not doubt in our mind that the four-person occupancy rule is unrealistically high. Most other cities with so-called High Occupancy Vehicle (HOV) restrictions set the minimum at two or three.

Appearing with Wolf at the hearing will be U.S. Senators John Warner and Paul Trible, Virginia highway chief Harold King, along with representatives of the Council of Governments and the Northern Virginia Transportation Commission. The session will be held at George Mason High School in Falls Church.

Wolf stresses that he's not out to weaken present I-66 restrictions but only want to have a more sensible approach to the problem. He's right.

[From the Washington Times, Apr. 4, 1983]

OVERHOVING ON I-66?

Since December when the long-awaited (and as long disputed) Interstate-66 leg opened between the Beltway and Theodore Roosevelt Bridge, HOV-4 has been the law of the land for commuters. That's High Occupancy Vehicle-4, which translates to mean that four persons must be in any car venturing onto the 10-mile stretch during rushhours. That means, more particularly, that if fewer than four are sharing the ride, stern troopers of the Virginia State Police will pounce.

Car-pooling with four occupants was a condition imposed for construction of the four-lane highway as a result of the years-long fight by aroused Arlingtonians who considered I-66 an environmental pestilence.

The restriction is having a perceptible effect so far, though not necessarily the most desirable one. The Virginia Highway Department calculates that use of the I-66 link takes an astounding jump immediately after rushhours. The average number of cars per minute during the HOV-4 morning and evening stampedes is 8.7—compared to 39.5 cars per minute in the hour after the restriction ends.

Those figures suggest to us, and to others, that a vastly expensive and useful chunk of highway is being much under-used. Well, change HOV-4 to HOV-3 or even HOV-2. Seems a logical deduction, doesn't it?

But as with everything involving I-66, logic may not be a blanket wide enough to cover the bed. Modification requires the concurrence of the U.S. Department of Transportation, the state of Virginia, the regional Council of Governments and the Washington Metropolitan Area Transit Authority.

In addition many Arlington County residents still do not love I-66 and don't want the carpool restriction changed. That should make the public hearing scheduled by Rep. Frank Wolf later this month a lively one (April 14, 7 p.m., George Mason Junior-Senior High School in Falls Church).

This is precisely the time that HOV-4 modification needs to be thought hard about. The recent decision by the U.S. Department of Transportation to open the Dulles Access Road to two-person car-pools is as sensible as it is belated. However, this fall the connecting link between the Dulles Access Road and I-66 will be completed—and the two-person pools from the Dulles road will be barred from the crucial commuting stretch of I-66. That doesn't parse.

We wonder, too, if the four-person requirements is as reasonable as it seemed six years ago when HOV-4 was cast in governmental concrete. Flexible working hours, dispersed work locations and ever-expanding metropolitan residential patterns may be making it extremely onerous to conveniently meld four persons in a car-pool. Consequently, retaining HOV-4 could encourage the continuation of single-occupant commuting—which does nothing for highway congestion, energy conservation or pollution.

In any case, it's time to speed along on a discussion of changing what well may be a too-rigid rule.

[WDVM-TV editorial, Mar. 9, 1983]

COMMUTERS' PROGRESS

The right of drivers to have free access to roads they paid for with their tax money—has received a welcome boost on two fronts.

First, the Northern Virginia Transportation Commission has joined Congressman Frank Wolf, and others, in urging the easing of rush hour restrictions on I-66.

There's strong pressure now to cut the restrictions down to three people in a car pool—and possibly two—instead of the unworkable and unrealistic four person restriction now in force. That's a positive step in the right direction.

The second welcome sign is in the form of the effort by Congressman Wolf again, to get the Federal government to stop the planned crackdown on Dulles access road commuters this spring.

Current plans call for heavy enforcement against the common practice of going out to Dulles on the access road, and then turning around and cutting back to get off at some of the East bound Virginia exits.

Congressman Wolf has asked that this enforcement be held up to encourage more commuter use of the Dulles access road, at least until the toll road is built. He is right on target.

Both I-66 and the Dulles access road were built with public money. . . . your tax money. They are your roads, and you ought to be able to use them without a lot of burdensome restrictions.

Rich Adams speaking for WDVM-TV.

[WMAL Radio editorial, Feb. 24, 1983]

4-PERSON CAR POOLS

I'm Andy Ockershausen, Executive Vice President of WMAL, Inc. with an AM-63 opinion . . .

We think Greater Washington is a special place to live and work.

That's fine up to a point, but why are we the only area in the country requiring a four-person car pool for H.O.V. lanes?

During our recent roundtable on transportation, we put that question directly to Harold King, Commissioner of Highways and Transportation for Virginia.

We're still waiting for an answer.

And in the meantime, listeners and motorists are bombarding us, Congress and the state of Virginia with the same question.

What's magic about H.O.V.4? What's wrong with a three person car pool?

As we read traffic and census studies, that's far more realistic. With H.O.V.3, the Shirley Highway and I-66 express lanes would move more traffic and save fuel and commuting time for thousands of motorists.

Why not try it? Why continue to single out Northern Virginia for cruel and unusual punishment?

We're waiting, Mr. King—waiting for an answer—not the results of ramp metering, TV monitoring, more studies and bureaucratic mumbo-jumbo.

We want some action!

Please call us with your thoughts at 686-6363.

[WDVM-TV editorial, Jan. 7, 1983]

END I-66 RESTRICTIONS

Thomas Jefferson once said—"The government which governs the best, is that which governs the least—" And, right now, in Thomas Jefferson's native state of Virginia, we have a perfect example of the kind of excessive regulation that moved Mr. Jefferson to write those lines. That excessive government—is in the form of the traffic restrictions on I-66.

The confusing rush hour restrictions, the closed ramps—the limitations on the use of some lanes—all done in the name of improving traffic flow—have actually made traffic worse.

All of the restrictions on I-66 should be removed.

Here's an example of the foolishness commuters have to endure—we got a call from a viewer who said he takes his neighbor to work every day—trying to do what the government says it wants us to do—share rides. Trouble is—he drives a two seat car. And because of all of that "HOV-4" nonsense—requiring four passengers to use the commuter lanes on I-66 his little car pool doesn't qualify. What's he supposed to do—buy a bigger car—? Have two people sit on the hood?

The I-66 restrictions are an example of bureaucracy and politics working against the people they're supposed to be serving.

And beyond the petty harrassment, there's the bigger principle involved. Your State and Federal tax money paid for I-66. It is your road—you bought it—you paid for it—and ought to have the right to use it—without restrictions.

Under pressure from folks in Northern Virginia—Governor Robb briefly delayed enforcement of the traffic penalties for using the wrong ramps.

The Governor needs to be fully aware of the feelings of the people who have to suffer under the I-66 restrictions. The Governor can use his influence with the State Highway Department and the Federal government to get the I-66 restrictions lifted. Those restrictions are government at its worst.

If you want I-66 open to everyone—and an end to all of the bothersome restrictions, write to Governor Robb at the State House in Richmond, and let him know how you feel. I-66 is your highway—you ought to be able to use it—any time, no strings attached!

Rich Adams speaking for WDVM-TV.

[WDVM-TV editorial, Jan. 9, 1983]

I-66 TRAFFIC HASSLES

If you commute by I-66 in the morning—watch out—they're going to start enforcing all of those ridiculous restrictions on ramps and commuter lanes.

I-66 is your highway. You paid for it with your taxes. Why should you have to endure a batch of petty regulations that cause more problems than they solve?

You can help get those restrictions off your back by writing to Virginia Governor Robb in Richmond.

Let him know that you want to use your highway, any way you see fit.

Rich Adams speaking for WDVM-TV.●

Mr. SMITH of Florida. Mr. Speaker, in view of the answer I received from the chairman, I withdraw my reservation of objection.

● Mr. SHAW. Mr. Speaker, I do not intend to object to the passage of the substitute today because there are some dire needs which must be met. States, devastated by flooding, desperately need dollars to repair the damage which was done to their Federal highways. And many States, such as my own State of Florida, as of this week will no longer be able to sign the checks to pay for their ongoing road projects, thereby possibly causing major disruptions in their overall transportation programs.

While I recognize the need for these measures to be adopted, I am concerned about the absence of a provision which I consider almost as crucial to fulfilling the transportation needs of our country. This provision deals with section 139 miles, or nonchargeable interstate miles. The Senate Public Works and Environment Committee amended the House bill to allow 4-R funds to be used for those section 139 miles which have already been constructed to interstate standards. On the other body's floor Senator CHILES amended this to also include those section 139 miles which are not yet up to interstae standards. This is an amendment which is particularly important to me for it would expedite the completion of I-595 which is of vital importance to my district.

These amendments would not increase the cost of the bill or of the interstate system but would serve to accelerate the completion of the interstate system by giving States the flexibility to choose how to best utilize their own highway funds.

I strongly urge that the conferees study these amendments so that they will recognize their value and I hope that the House conferees will accept these important amendments.●

● Ms. FERRARO. Mr. Speaker, I rise in support of the committee substitute to H.R. 3103.

Mr. Chairman, this past summer the Surface Transportation Subcommittee held 3 days of hearings to consider technical amendments to the Surface Transportation Assistance Act of 1982. Those hearings proved to be extremely useful. One of the amendments that was discussed was an amendment that I offered, which I am pleased to note is in the committee substitute. It is a simple, straightforward amendment that responds to what I believe is a potentially serious safety problem posed by a provision in the Surface Transportation Assistance Act. Section 411(c) of that act states explicitly that no State shall prohibit tandem trailers on any segment of the Interstate Highway System. Thus we find ourselves in a situation where local, State, and Federal officials all could agree that a particular interstate segment cannot safely accommodate tandem trailers but the law, as currently written, bars the States or U.S. Department of Transportation from exempting that segment from the tandem trailer requirement.

My amendment would correct that defect. It provides that a State may seek an exemption from U.S. Department of Transportation. The State presents its documentation, makes its best case, then Department of Transportation has 45 days in which to make a decision on whether to grant the exemption. I want to emphasize that we are not talking about a blanket exemption but an exemption for a particular segment.

The onus is on the State to provide material—and here we are primarily talking about safety related documentation—that supports its contention that the segment cannot safely accommodate tandem trucks. U.S. Department of Transportation will have the final say.

I also want to emphasize what this amendment does not do. The amendment does not challenge the new Federal truck size and weight standard. It does not return regulatory authority to the States. It does not impede interstate commerce.

What it does is recognize what we all know to be true—that there is tremendous variation among segments on the Interstate Highway System with respect to their age, design features, and traffic volumes.

Mr. Chairman, when the local transportation officials—the ones who are on the scene and who are responsible for the highway network—when they feel that an interstate segment may be unsafe for tandem trucks, I believe that we should provide a mechanism for carefully reviewing their concerns. We have done this for the Federal-aid primary system.

I would also point out that the very rigid, inflexible approach that the current law provides for with respect to the Interstate system is in marked contrast to the more flexible, commonsense approach used in dealing with the primary system. The Federal Highway Administration and the States held discussions throughout the summer regarding mileage on the primary system that would be opened up to the large trucks, and these negotiations led to the de-designation of a substantial number of roads.

It seems only reasonable that the same safety-based standards that have been applied in deciding whether tandem trucks should be permitted on highways on the primary system should also be applied to segments on the interstate system. After all, as I

have already noted, the mere fact that a road is part of the interstate system does not mean that it conforms to the most modern highway design standards. There are interstates, especially in the Northeast, that have 10-foot wide traffic lanes instead of the 12-foot standard lane width; that have no acceleration or deceleration lanes; that have substandard shoulders or no shoulders at all; and that have no truck climbing lanes at all.

Finally, Mr. Chairman, I would like to address recent comments by the Department of Transportation that this problem can be handled administratively. I must respectfully disagree. The language in the act is very clear. It says, "No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of * * * Interstate and Defense Highways." In my judgment, DOT may even be on shaky legal ground in permitting lane and peak hour restrictions. And as we have seen in Florida, a State that imposes lane or time-of-day restrictions may find itself in court. The Department of Justice is suing Florida to prevent it from enforcing time-of-day restrictions in urbanized areas such as Miami and Tampa.

Mr. Chairman, the only effective way to deal with this problem is with a simple technical amendment that sets up a process for the issuance of exemptions for those segments where they are warranted. That is what this amendment does, and that is why I am pleased that it is in the committee substitute.●

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 3103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3103, INCREASING AMOUNT AUTHORIZED TO BE EXPENDED FOR HIGHWAYS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill, H.R. 3103, to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, and request a conference with the Senate.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOWARD, ANDERSON, ROE, BREAUX, SNYDER, SHUSTER, and HAMMERSCHMIDT.

There was no objection.

REPORT ON RESOLUTION DISMISSING ELECTION CONTEST AGAINST JAMES McCLURE CLARKE

Mr. BATES, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-453) on the resolution (H. Res. 304) dismissing the election contest againt JAMES McCLURE CLARKE, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 31, 1983, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 448, de novo; and House Joint Resolution 402, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

BELLE FOURCHE IRRIGATION PROJECT AUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 448, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the Senate bill, S. 448, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 51, not voting 9, as follows:

[Roll No. 436]

YEAS—373

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnard
Barnes
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Bryant
Burton (CA)
Byron
Campbell
Carney
Carr
Chandler
Chappie
Cheney
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hillis
Holt
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Schaefer
Scheuer
Schneider
Schroeder

Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—51

Archer
Bartlett
Bedell
Bilirakis
Broyhill
Burton (IN)
Carper
Coats
Conable
Conte
Crane, Daniel
Crane, Philip
Dannemeyer
DeWine
Dreier
Evans (IA)
Fields
Fish
Forsythe
Frenzel
Gradison
Gramm
Green
Gregg
Hartnett
Hiler
Hopkins
Kasich
Kildee
Latta
Leach
Lewis (FL)
Mack
Martin (IL)
McCollum
Miller (OH)
Moorhead
Paul
Porter
Ridge
Rinaldo
Ritter
Roukema
Shumway
Solomon
Sundquist
Tauke
Vento
Walker
Weber
Zschau

NOT VOTING—9

Brown (CA)
Chappell
Corcoran
Hatcher
Lehman (CA)
Mitchell
Sawyer
Vander Jagt
Whitehurst

□ 1350

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NELSON of Florida). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

INVOKING SECTION 4(a)(1) OF WAR POWERS RESOLUTION WITH RESPECT TO GRENADA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 402.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the joint resolution (H.J. Res. 402) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 23, not voting 7, as follows:

[Roll No. 437]

YEAS—403

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—23

Burton (IN)
Cheney
Craig
Daniel
Dreier
Franklin
Gramm
Hall, Ralph
Hansen (ID)
Hansen (UT)
Hartnett
Hopkins
Hubbard
Kemp
Kramer
Leath
Loeffler
Marlenee
Rudd
Stratton
Stump
Weiss
Wilson

NOT VOTING—7

Corcoran
Hatcher
Lehman (CA)
Mitchell
Sawyer
Vander Jagt
Whitehurst

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4185) making appropriations

for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, and that I may be permitted to include tables and extraneous matter in connection with the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4185, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, October 26, 1983, the Clerk had read through line 19, page 27.

Are there any amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and four passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and contruction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; $1,694,793,000, to remain available for obligation until September 30, 1986.

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 28, after line 9, insert the following new paragraph

PROCUREMENT OF ADDITIONAL WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For additional construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants for the foregoing purposes; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $110,000,000.

□ 1410

(Mr. NICHOLS asked and was given permission to revise and extend his remarks.)

Mr. NICHOLS. Mr. Chairman, before I begin my brief remarks, let me take this occasion to say to this entire body that I appreciate the work that has been done by the able chairman of the Appropriations Subcommittee, Mr. ADDABBO of New York, and my esteemed colleague in the House, Mr. EDWARDS of Alabama.

I wish to say further that it is not my intention to wreck this bill in any way. We do happen to have an amendment that we feel very strongly about. It would add $110 million to the Army weapons for tracked combat vehicle appropriations in three separate programs.

The amendment first, Mr. Chairman, would add $33 million for tooling and advance procurement to integrate the TOW-II system on the Bradley fighting vehicle.

The Appropriations Committee omitted this funding apparently on the assumption that insufficient R&D funds were authorized to warrant procurement funding. The Army says this is not the case. We need TOW-II on the Bradley, because the armor threat is increasing and because the TOW-II sight would see through smoke and haze on the battlefield.

The amendment would add $38.7 million for the DIVAD gun advance procurement. H.R. 4185 zeroed advance procurement, and the committee report directs that no further DIVAD guns be procured until the Army revalidates this requirement. The arguments they use—reliability, cost, vulnerability—were heard in this Chamber some weeks ago on a very similar amendment which the House rejected overwhelmingly by a vote of 283 to 134. Those arguments were thoroughly discredited then, and nothing has occurred in the intervening 4 months that will warrant reconsideration of the House decision.

My amendment would restore the $38.7 million advance procurement funding to enable the program to proceed.

Finally, the Appropriations Committee supports the product improvement Vulcan program. However, they deleted procurement funding on the grounds that it was not ready for procurement. The R&D program will be completed in June of 1984, and we will be able to proceed into procurement, so there is no question of the PIVADS being ready for procurement in fiscal year 1984. PIVAD is a series of modifications to the Vulcan air defense gun used as a light division counterpart of the DIVAD in the heavy divisions. Once we replace the Vulcan with the DIVAD in the heavy divisions, the product improvement Vulcan guns will then be transferred to the National Guard of all the respective States where we currently have only the Korean war vintage Dusters that cannot be supported any longer.

My amendment provides $38.3 million to begin the PIVAD program to promote light divisions and National Guard divisions with a more capable air defense system.

I urge the adoption of this amendment, Mr. Chairman.

I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

Mr. Chairman, this amendment, as indicated by Mr. NICHOLS, would increase funding for important Army ground combat and air defense systems by $110 million; $77 million of the $110 million is required to support the Army's air defense program. Of the $77 million, $38.7 million is to support the continuation of the all-weather, short-range Sergeant York (DIVAD) air defense system. This system is organic to the heavily equipped Army division. The remaining $38.3 million is to support the Army program to improve our current inventory of obsolete Vulcan air defense systems.

THREAT

I support this amendment because I believe that the successful deployment of capable Army air defense assets is necessary if our forces are to meet and defeat the sophisticated air threat of the 1990's. As you know, the Soviets have made large investments to modernize their conventional forces, including attack helicopters. Do you know that over the next 10 years it is estimated that the Soviet helicopter force will increase by over 20 percent at the present acquisition rate. An example of Soviet commitment to increasing their inventory of helicopters is that just one production line is producing at a rate of about 40 helicopters per month—this rate far exceeds any U.S. helicopter production.

I am certain that you share my increased anxiety regarding recent world events. From the airfield and barracks of Beirut, Lebanon, to the streets of Grenada, our forces face a mounting challenge. There is certainly no doubt in my mind that the Soviets—through their surrogates—would not hesitate

to employ their sophisticated attack helicopters against our forces at the opportune time. Therefore, we must insure that there is no opportune time by equipping our young men with capable and effective weapons systems to include air defense systems. We need the Sergeant York (DIVAD) gun for our forward deployed, heavily equipped units, and we need to continue to product improve the current Vulcan air defense system for our lightly equipped and air mobile units as well as for early deploying National Guard units who currently have only 1950-vintage twin 40-millimeter air defense guns for defense against 1980-90 aircraft.

DIVAD—A SOUND PROGRAM

The DIVAD gun—now Sergeant York—program has been and continues to be a sound military program. It is the only system available to the maneuvering unit commander which has the rapid fire reaction time and range to counter the ever-increasing Soviet helicopter threat. The program has exhibited a good cost record, less than 3 percent real cost growth since 1976.

The program has been on an accelerated acquisition schedule—it has gone from basic concept design to production in just 4 years. It usually takes from 8 to 10 years to cover the same amount of ground.

In summary, this is a sound program entering its third year of production, and it is needed by our troops. It just does not make sense to slow down, much less terminate, this program.

I urge that you join me in supporting the amendment.

Mr. LEATH of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by my friend and colleague from Alabama (Mr. NICHOLS).

I am certainly concerned, as I know we all are, about the ability of our young men to fight and win conflicts anywhere in the world. In order for our troops to be successful, we must equip them with the best equipment and weapons systems that are possible.

I believe that we are well on our way to accomplishing this objective, with the development of systems such as the M1 tank and the Bradley fighting vehicle and the DIVAD air defense gun now called the Sergeant York gun.

I am, therefore, very concerned about the proposal contained in H.R. 4185 that would reduce funds for these important systems below the levels contained in the Defense Authorization Act.

I have driven the M1 tank. I fired its gun and have driven its companion vehicle, the Bradley fighting vehicle, and I can tell you that these are the finest fighting vehicles in the world today.

While I certainly believe that the M1 tank is the centerpiece of the Army's modernization program in its conventional weapons, I believe that the Bradley fighting vehicle represents the cornerstone.

The basic requirement for a fighting vehicle was identified some 20 years ago and in the mid-1970's, it was decided to add a tank-killing capacity and capability to the design.

Therefore, the tube-launched, optically tracked, wire-guided missile, or the TOW missile was added. As you know, the Soviet tank threat has increased since the mid-1970's, and they recently started fielding the advanced T80 tank. In order to counter the T80, the Army indicates it will be necessary to install the TOW-II missile system on the Bradley fighting vehicle.

The authorizing committees approved the Army's request for an additional $33 million to procure some of the improved TOW-II weapons system required for the Bradley fighting vehicle.

□ 1420

Mr. Chairman, I want to thank the chairman of the committee, the gentleman from New York (Mr. ADDABBO), and the ranking member, the gentleman from Alabama (Mr. EDWARDS), and the members of the subcommittee for leaving the chemical weapons program in, although it was voted out by the full committee.

I think that was a great mistake. But I think the fact that we have taken that very important conventional threat away from our forces is even more reason why we have got to improve what we have to the best advantage that we can.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman.

Mr. COLEMAN of Texas. I just want to make a comment.

The gentleman was talking about the M1 tank and the Bradley fighting vehicle. As the gentleman knows, as a member of the Armed Services Committee, I have supported both of these programs.

What bothers me, however, is that the way the bill is written, without the Nichols amendment. Does the gentleman not agree we would be put into a very tenuous position of having those two very systems, the M1 tank and the Bradley fighting vehicle out there without the necessary air defense capability, the DIVAD, that they are going to need to survive in a conventional battle?

Mr. LEATH of Texas. I would certainly agree with the additional TOW to the Bradley vehicle and I would like to take those of my colleagues who have not been on a trip with me to Fort Hood where they put on a very fine demonstration, where they take an old fighting vehicle and a Bradley and they start them at the same time and they take a M1 and M60 and they start at the same time, and you can see very graphically as you sit up on the side of that hill and watch this battle progress why those vehicles are necessary. They serve a purpose. The Bradley fighting vehicle serves a purpose and to have this additional capability of the kill with this TOW-II missile is absolutely imperative.

So I would hope my colleagues would support the Nichols amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

As we all know, not too many months ago this very body was engaged in a heated debate on the defense authorization bill. Many of the same weapons systems that we will discuss today in this amendment will be discussed, were discussed then, and in detail during that debate. In fact, I am certain you will hear many of the same arguments today.

These important systems that we are discussing in this amendment did survive all of the perhaps misguided and in some cases odd amendments during our debate on the authorization bill.

This bill before us now, H.R. 4185, would have you in effect terminate three, but I speak about one of those important programs. The one I would speak about is the Sergeant York air defense system, formerly known as DIVAD.

This bill would delete all of the $37.8 million that this Congress authorized to purchase long leadtime consuming components to support the production of the Sergeant York gun in fiscal year 1985. This is despite the fact with the procurement of the 130 Sergeant York systems in fiscal year 1984 the Army will have only about 45 percent of its total inventory objective of Sergeant York guns in hand.

The arguments for deleting the $38.7 million are in my judgment based on misinformation. Some of those arguments, one argument is that the Army has had to reprogram funds for the past 2 years because contracts have been close to the funding ceiling. While this is true, the programing and reprograming of funds has only occurred as a realinement of funds within the program itself, with no outside reprograming funds added.

More importantly, the selected acquisition report, the SAR that is sent to the Congress shows, this program has grown only 3 percent in real growth since 1976 and there are very

few systems that can come close to a record like that.

Other arguments are that the Army is not certain of the requirements and that it is necessary to reevaluate. This is plain not true.

The requirement for this system is well established. Its mission is to provide close-in air defense support for front line Army divisions.

The Sergeant York gun is the only all-weather short-range surface-to-air defense system being produced and considered for the Army. If this program is terminated, which effectively would be done if we were to eliminate the long lead advance procurement, it would mean that about half of the heavy Army divisions would not have any benefit at all of the short-range antiaircraft capability.

My colleagues, there is a valid requirement for the Sergeant York gun. The cost of the program is under control. The system itself has been competed. It is less than 3 percent above the original design estimate in real cost growth.

There is no rational argument for effectively terminating this program by 1985.

I hope my colleagues will support this amendment by the distinguished gentleman from Alabama (Mr. NICHOLS).

There has recently been a bunch of "Dear Colleague" letters on the subject of the DIVAD against this amendment. I would like to comment on some of the things that have been brought up on the "Dear Colleagues."

One is that the amendment proposes only to delete the long-lead advance procurement funds for this year and we will get back to the program next year. That same subcommittee, Mr. Chairman, in this bill has included $5.9 billion for advance procurement on 44 different programs. So at least in 44 other instances in this bill the Appropriations Committee does not argue that advance procurement as not an ongoing program is somewhat premature.

The Government testing will continue for another year. I would say to that that any program that is not constantly tested and reevaluated is not much of a program at all.

There has been argument made about the cost of DIVAD and what DIVAD will do.

DIVAD is an expensive system, there is no question about that. But when the report language of the Appropriations Subcommittee would have the Members of this body believe that is a $9.5 billion program, that is plain in error.

The program remains at $4.5 billion for program costs, including gun systems, support, training equipment, facilities, military construction, spares and ammunition, and that is the program cost.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent Mr. BADHAM was allowed to proceed for 3 additional minutes.)

Mr. BADHAM. The question has arisen that it is a more expensive system than the M-1 tank.

Mr. Chairman, this system is designed so that a battalion of four of these weapons systems, four will defend a whole mechanized division against point air defense and against air attack.

The program is here. The program is cost effective. The program should have advance procurement as is the case with any other of the systems in the $5.9 billion in this bill for advance procurement.

Mr. Chairman, I hope Members will join me and the distinguished gentleman from Alabama (Mr. NICHOLS) in supporting this program.

I yield back the balance of my time.

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nichols amendment.

I am disturbed about the fact that H.R. 4185 does not contain funds to product improve the Vulcan air defense system. This Congress has already authorized $38.3 million for 288 product improved Vulcan air defense systems (PIVADS) but, of course, without appropriations the program is dead.

I would just suggest to my colleagues that if this is allowed to occur, it will be a serious setback to an important Army air defense program—a program that has been of special interest to the Congress for several years. A program that represents a quantum improvement in air defense capabilities for our National Guard forces. A program that, once implemented, will lead to the replacement of 1950-vintage 40 millimeter Duster air defense guns in our early deploying National Guard units.

I am certain that you share my concerns about the effectiveness of a 1950-vintage air defense system against a 1980-90 threat. Remembering that many of our National Guard units will be among those troops that are first to fight, it is criminal that we should send them off to battle with these obsolete twin 40 millimeter Duster guns.

I understand that the rationale used to support deleting all funds for PIVADS is that it would be premature to do so at the present time.

I must disagree because:

First, the modifications required do not involve state-of-the-art technology. In fact, an engineering development model was demonstrated at Fort Bliss, home of the Army's air defense community, as early as 1979;

Second, most of the development work has been completed for PIVADS. In fact, the development work for the self-propelled version was started in March 1982—about 18 months ago. The design specifications will just have to be adapted to the towed version of PIVADS—not a major development effort—with final testing scheduled to be completed by March 1984; and

Finally, the contract award in September 1982 was expanded to include the towed version in December 1982, and it contains a favorable production contract option which has to be exercised by June 17, 1984. If the $38.3 million is not appropriated it will, of course, be impossible to take advantage of this favorable option. This will require the initiation of a new request for proposal by the Army, push production out 6 to 12 months, and most certainly increase the cost of the program.

In summary, there is no reason to allow this program to be stretched out another year at an increase in cost to the taxpayer.

I urge your support of the Nichols amendment.

□ 1430

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Nichols amendment. I think it is a very good initiative.

Although the 1960-vintage Vulcan air defense system is only marginally effective in its present configuration, it is far superior to the 1950-vintage 40-millimeter Duster gun system which is presently the only air defense asset available to National Guard units. Therefore, an improved Vulcan system for National Guard units would certainly be preferable to the Duster gun system.

The Army in response to several years of congressional encouragement plans to upgrade the Vulcan system with a product improvement by enhancing the tracking and fire control capabilities, and to provide some of these upgraded systems to early deploying National Guard units. The upgrade program is called the product improved Vulcan air defense system (PIVADS). The Congress, in the recently enacted defense authorization bill, approved $38.3 million for PIVADS.

However, the bill before you, H.R. 4185, would provide no funds for PIVADS. The reason given for not appropriating funds for this important initiative for Army National Guard units is that funds would be premature.

I disagree because:

The development contract was signed in 1982 for improvements to the self-propelled and towed Vulcan systems, and the development effort is progressing well.

In fact, this December, prototype systems will be available for testing;

Further, final testing is scheduled to be conducted from January-March 1984, and

Finally, plans are to execute the production contractor option by June 1984.

Therefore, it is not premature to include funds in the fiscal year 1984 defense appropriations bill for this program.

I urge my colleagues to support this important Army air defense initiative and vote yes on the Nichols amendment.

Mr. Chairman, one further item: I received today, as did probably some of the other Members here, a letter from the adjutant general of the State of New Jersey. He concludes in his telegram in the last paragraph as follows:

To insure that the process of equipping ARNG air defense battalions with deployable weapons systems is delayed no longer, I urge you to support the Nichols amendment when it comes up for vote on 1 November. Passage of this amendment will insure the future wartime deployability of all ARNG air defense battalions by providing them with combat capable air defense guns, and will provide increased combat capability to the Bradley fighting vehicle.

I would conclude by saying if you are in favor of giving the National Guard the type of air defense capabilities that the National Guard so rightly deserves, vote yes on the Nichols amendment.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to my good friend from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I stand in support of the gentleman's (Mr. COURTER) statement. Certainly I stand in support of the reasons the gentleman puts forth not only for the National Guard but also to add a deterrent in the modernization of the conventional arms and systems which is so very necessary.

I want to commend the gentleman and also Mr. NICHOLS for their remarks on this matter.

Mr. COURTER. I thank the gentleman for his contribution.

Mr. Chairman, I yield back the balance of my time.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words and I rise in reluctant opposition to this amendment.

Mr. Chairman and my colleagues, the committee bill includes more than $4.5 billion for procurement of weapons and tracked combat vehicles, Army. This amendment adds an additional $110 million.

We have heard it said that DIVAD has had very low cost growth. If we look at the Congressional data sheets and compare the original estimate with the current projection, we find that there has been a 35 percent cost growth. And we do not now have sufficient production experience even to have confidence in the current estimates.

There has been some mention here that the committee is against the DIVAD. I do not know how the committee can be against DIVAD when the bill provides $541,500,000 for 130 systems in fiscal year 1984.

All we have said is that the $38.7 million is premature because it is for a 1985 procurement when a great deal of testing remains to be done.

The reliability and performance testing of the first production models will not be complete until September of next year. This is a 1985 appropriation matter. We should wait to have the results of testing before we commit ourselves to a fiscal year 1985 procurement. That is why the $38.7 million was reduced.

The same thing applies to the PIVAD. There was only $9.3 million in the budget for PIVAD procurement. The authorization increased that to $38.3 million.

The committee knows that the R&D on this system is not complete. In fact the first prototypes have not even been delivered.

Why go out and spend $38.3 million on a system which has not been fully developed and tested, when R&D still has to be done? When that testing is complete, we will appropriate money when it is due in the 1985 timeframe. If it proves out before that time, the committee has stated in the report that it will consider a supplemental or reprograming to get the program started.

On the TOW-II for the Bradley, $33 million was added above the budget by the authorization bill and is now proposed to be added to this bill. The reason it was not budgeted was that at the time the budget was submitted the Army did not intend to go ahead with this program. Therefore the R&D has hardly been started let alone completed. We know already that the Bradley has had a history of serious cost growth. Starting this procurement now will just add to the costs if we do not go in the proper order and wait until the R&D is completed. This $33 million is premature.

Again, I will say that the committee bill appropriates more than $4.5 billion for weapons and tracked combat vehicles. This amendment adds $110 million which is premature and not needed in fiscal year 1984, it can easily be reviewed and looked at in fiscal year 1985.

The CHAIRMAN. The time of the gentleman (Mr. ADDABBO) has expired.

(On request of Mr. DOWNEY of New York and by unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield to me?

Mr. ADDABBO. I yield to my colleague from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I am not going to raise a serious point here but it is one that concerns me nonetheless. We have renamed the MX missile the Peace keeper. Now we are naming the DIVAD gun the Sergeant York gun. Frankly I think that given the test record of the DIVAD gun that this impugns the integrity of Sergeant York and that it should not be named the Sergeant York gun, until it can hit something.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Members of the House, I rise to take issue with what the distinguished chairman has just said. He is a good friend and I have agreed with him in many other areas where I think spending has been wasteful. But after hearing the debate today, we can all see there is no talk of waste, in fact there is talk of saving taxpayers' money.

I have risen on this floor many times to talk about strengthening our conventional forces, not only in the short term but in the long term. Again the Nichols amendment does do this.

We have seen much of the discussion and debate turning on the point of the Edwards-Addabbo "Dear Colleague" letter that all the Members received.

I ask those Members who are listening to the debate here and in their offices to think about the claims made in that letter and think about the answers to those claims because today obviously is the vote.

□ 1440

It was claimed that:

The amendment proposes to commit funds related to procurement of the Sergeant York Division Air Defense System (DIVAD) not in this bill, but in next year's budget. It does so by adding $38.7 million for advance procurement which we believe is clearly premature.

That is a quote from the letter.

But the fact is the amendment provides $38.7 million for DIVAD advance procurement that was requested in the budget. Advance procurement of long lead items is necessary to insure that next year's program can be executed without a break in production. H.R. 4158 includes $5,958,000,000 for advance procurement on 44 different programs.

This was already pointed out in the debate. So in at least 44 other places in this bill the HAC does not argue that advance procurement, nor an ongoing program, is a premature one.

The letter cited:

Government testing will continue for nearly another year . . . . the committee has asked[the Army to satisfy itself about numerous uncertainties related to cost performance, affordability and reliability.

The fact is the Army is satisfied. These are the same arguments that were already used during the debate on the authorization bill before this House when an amendment was offered to terminate DIVAD then. This is what the Appropriations Committee is trying to do again in the bill. But those arguments were rejected by this full House by a vote of 283 to 134, just a short time ago this year. They should be rejected for the very same reasons.

The Bradley TOW-II. The "Dear Colleague" letter claims:

At the time the budget was submitted the Army did not intend to put the TOW-II on the Bradley Fighting Vehicle and did not budget for it.

But the fact is today that new threat data indicates the Soviets are now fielding the T-80. Subsequent to the budget submission, the Army advised the Congress that it was essential to put TOW-II on the Bradley as a response to that threat.

Again, a prudent, well-thought-out part of the Nichols amendment.

It was claimed in the "Dear Colleague" letter:

The authorizing legislation added $17.9 million for R&D. . . . The Army indicates that if the project is to be done, a total of $35 million will actually be required in fiscal year 1984 funding for R&D. It is clear that without sufficient funds for R&D, the proposed procurement funds are premature.

This is from the Edwards-Addabbo "Dear Colleague" letter.

But the fact is the Army has indicated its intention to program $13.1 million to the Bradley TOW-II account and that with $31 million available essential R&D can be completed. The $33 million in procurement is not premature. It provides funding for tooling and long lead items required to begin TOW-II production in fiscal year 1985. Without it, production will be delayed almost a year. That will again cost the taxpayers more money.

It was claimed in that "Dear Colleague" letter that:

The electronics for the BFV using the current TOW are being procured under a multiyear contract which covers systems purchased with fiscal year 1984 funds. If the BFV is to be equipped with the TOW-II, that multiyear contract will have to be negotiated or a separate contract awarded.

The fact is the current multiyear contract on basic TOW has nothing to do with TOW-II. If this $33 million is added it will not have any effect on current multiyear contract which is for fiscal year 1983-84 only. It will be a separate contract to fund special tooling and long lead items to begin TOW-II procurement in fiscal year 1985. Again, to be prepared, to be ready to save the taxpayers money.

We look at the Vulcan argument in the "Dear Colleague" letter and we see the same difference in what the reality is. The letter alleged: The Appropriations Committee proposes to eliminate production of $38.3 million on the grounds that funding is premature for the PIVADS. One of the contracts was awarded in September 1983 and the prototypes will not be delivered until early next year, and then they must be extensively tested and evaluated. Only—the letter alleges—if the testing and evaluation is completed will it be known for sure that PIVADS will do what it is supposed to do.

The PIVADS program is congressional initiative actually dating back to 1979.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. HERTEL) has expired.

(By unanimous consent, Mr. HERTEL was allowed to proceed for 5 additional minutes.)

Mr. HERTEL. Mr. Chairman, the modification required does not involve state-of-the-art technology. As early as 1979 an engineering development model demonstrated the feasibility of product improving the Vulcan system—this feasibility study was in part the basis for the congressional initiative to product improve the Vulcan air defense system.

It is correct that one of the prototype development contracts was awarded just this September, but the "Dear Colleague" letter does not mention that the primary development was started in March 1982 and a contract was awarded in September of 1982—over 12 months ago. The prototype development effort referred to in the "Dear Colleague" letter just represents adapting to the towed version of PIVADS those design changes identified and tested during the development on the self-propelled version of PIVADS. This low-risk adaptation will probably require only minimum design changes. Therefore, most of the development work for PIVADS has in fact been completed.

Mr. Chairman, I do not take the floor very often to take a great deal of time on the appropriation Defense bill. But in this case we are talking about $110 million, as was pointed out by the chairman. Just a small percentage increase over what has already been afforded for these various projects.

But the gentleman from Alabama and many colleagues from the Armed Services Committee have today made an excellent case for why we need that. I want to point out again to my colleagues we are not talking about any alleged waste. We are not talking about any very controversial system really. We are talking about the fact that these things are needed by the Army, requested. If we do them now, put the money forth now, we are going to save more money for the taxpayers in the long run.

But more than that, we cannot have people talking out of both sides of their mouth. These are defensive weapons. The fact is if we want a strong conventional deterrent for the security of this Nation, we should approve the Nichols amendment.

I rise in support of this amendment for those reasons and commend the gentleman from Alabama for bringing this amendment to the floor.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Alabama (Mr. NICHOLS).

The amendment, as explained by Mr. NICHOLS, would increase the Army's weapons and tracked combat vehicle programs by $110 million, including funds for two critical Army air defense programs—DIVAD and the product-improved Vulcan air defense system (PIVADS).

I had an opportunity last night to review a "Dear Colleague" letter signed by Mr. EDWARDS and Mr. ADDABBO that outlined their rationale for underfunding these programs.

Regarding the DIVAD program, the "Dear Colleague" letter would have you believe that the $38.7 million the committee deleted has nothing to do with this year's procurement budget. It states and I quote:

The issue here is not fiscal year 1984 funding, but premature funding of a fiscal year 1985 buy.

The truth is that without the $38.7 million to purchase critical components which require long periods of time to deliver, it will be impossible to continue the DIVAD program without interruptions during fiscal year 1985. This practice of funding for long lead-time components is not new. For example, in Army procurement programs alone, there are over $670 million that the committee is proposing to appropriate for long-lead components in fiscal year 1984. One has to ask the question whether these funds are fiscal year 1984 funding issues. If not, why has the Appropriations Committee recommended appropriating these funds. If the long-lead procurement funds are fiscal year 1984 issues, then why is this not true for the DIVAD program?

The answer is that the $38.7 million requested by the Army and authorized by this body for DIVAD long-lead components is very much a fiscal year 1984 funding issue—and the Appro-

priations Committee most certainly understands this.

My colleagues, you can be certain that if the Nichols amendment is not adopted, the DIVAD program will be stretched out, thus, causing cost growth and program instability.

Regarding the product-improved Vulcan air defense system (PIVADS), the "Dear Colleague" letter from Mr. EDWARDS and Mr. ADDABBO suggests that it is premature to approve production funds at the present time. This is another bit of logic which is hard to follow, and let me tell you why.

First, the PIVADS program is a congressional initiative to improve the readiness of our National Guard air defense units. These units currently have only obsolete 1950-vintage twin 40 millimeter Duster air guns to counter 1980-90 air threats.

Second, the product improvements are not at, the so-called, cutting edge of technology but rather are simple modifications to the fire control computer, tracking hardware, and maintenance software. In fact, a model of these modifications was demonstrated in 1979.

Third, the development effort for PIVADS which started in March 1982 has essentially been completed, and with just a simple adaptation of the current modifications to the towed Vulcan system the development work will be completed. In fact, this adaptation is so simple that the Army believes that final testing could be completed by March 1984.

Finally, if the $38.3 million which this Congress has authorized is not appropriated, the Army will be prohibited from exercising a favorable production option to a contract signed last year. This will most certainly stretch out the program while proposals are being prepared and reviewed and a new contract negotiated. It is likely that this would add from 6 to 12 months to the program and undoubtedly increase the cost of the program.

My colleagues, I would suggest that there are no valid reasons for delaying these important improvements to the Army's air defense program required to support our active Army and the National Guard units.

Please join me in supporting the Nichols amendment.

Mr. ORTIZ. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Texas.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman for yielding, and I associate myself with the gentleman's statement.

Mr. Chairman, I rise in support of the Nichols amendment which will provide the level of appropriations needed to support three important Army programs.

As previously indicated, the Nichols amendment would provide:

The $38.7 million already authorized by the Congress for the DIVAD gun program;

The $33 million already authorized by the Congress for the Bradley fighting vehicle program; and

The $38.3 million already authorized by the Congress for the product-improved Vulcan air defense system (PIVADS).

Mr. Chairman, as you will recall during this body's consideration of the Defense authorization bill for fiscal year 1984, there was extensive debate on two of these programs—DIVAD and the Bradley fighting vehicle programs. In fact, amendments to delete funds for these two programs were overwhelmingly defeated by votes of 283 to 134 and 283 to 124 in favor of the DIVAD and Bradley fighting vehicle programs, respectively.

Frankly, I do not believe that the arguments against these important programs have changed significantly since our last debate. However, let us review them.

DIVAD

The heart of the argument for not appropriating the $38.7 million to procure long leadtime components for DIVAD seems to be that the Army needs to reevaluate the requirement for DIVAD.

I would suggest that the requirement for DIVAD has been well established. DIVAD is the primary low-altitude air defense system supporting our forward deployed elements. Since the primary air threat to these forward elements continues to be the attack helicopter, DIVAD is a helicopter killer. It is clearly imperative that we provide our troops with this weapon system since the Soviet and Warsaw Pact forces outnumber NATO forces almost 2 to 1 in attack helicopters. There is no question in my mind about the requirement for DIVAD.

Regarding the cost of DIVAD, it was interesting to note in a recent selected acquisition report the real cost growth—without inflation—since the inception of the DIVAD program in 1976 is less than 3 percent. This clearly is not a bad record.

This program should be allowed to continue without interruption, but without the $38.7 million there will most certainly be a break in production which will probably result in additional costs to the Government.

BRADLEY FIGHTING VEHICLE

Regarding the Bradley fighting vehicle program, the bill before you, H.R. 4185, deletes the $33 million which was authorized by the Congress to improve the tank killing capability of the Bradley fighting vehicle. The rationale for deleting these funds was based on the committee belief that the research and development effort for this TOW-II integration effort is underfunded in fiscal year 1984.

However, I understand the Congress has already authorized $18 million for this R&D effort, and the Army has indicated if additional funds are needed it will provide those funds out of its own hide. This will be accomplished through reprograming of funds.

Therefore, there is no valid reason for deleting the $33 million requested. In fact, if these funds are not provided, the TOW-II integration will probably be delayed almost 1 year.

In summary, these funds are needed to continue these important Army programs, and I urge your support of the Nichols amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I ask my colleagues to vote "yes" for the Nichols amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

I hope, Mr. Chairman, that we can wind this thing down now. Everybody has had their say.

And I only take the floor to suggest to the Members that our committee has not lost its mind. We have not come here with something that is as outlandish as has been suggested here on the floor.

I would suggest to my colleagues that in fact waste is involved if we move too fast on projects that are not ready for the funding that has been set out for them. And that is all we have tried to do.

We put $541½ million into the DIVAD, now called Sergeant York. It is not as though somehow we shortchanged DIVAD. We have funded 276 DIVAD systems. And our committee concluded that the time had now come to see how some of those systems test out, to see how they perform as they come off the line—the first one is just coming off the line—before we go further into advance procurement.

I do not think that is an unreaonsble committee position to take.

The TOW-II missile is not budgeted. The Army said research was needed before we go forward with the TOW-II and we agreed with the Army that we should do the research first. And if it works out, then procure the TOW-II. But not before we know whether it is going to work, not before we have the research far enough down the line to the point we can see where we are going.

And I would argue to my colleagues if we move too fast on the concurrency that is being requested, sure, we are building in the opportunity for waste. And that is what this is all about.

And then, of course, the PIVADS, the product improved Vulcan. We feel we are providing the proper funds for that under the circumstances. One of the contracts was just awarded, as the

gentleman from Michigan said, last month for the prototype.

□ 1450

It is going to be built. The evaluation of it has got to occur. And our committee has said in the report that as soon as this project is ready to go, we would be glad to consider a reprograming of a supplemental. We have not lost our minds.

But let me tell the Members: Like most of you, I got a telegram from my National Guard back home. And you think, from the communication coming in there, that somehow if you do not vote for this amendment, the whole Army Reserve and National Guard is going to fall on its face.

Now, we got that same kind of communication on the amendment of the gentleman from Mississippi (Mr. MONTGOMERY) last week.

The National Guard has not been involved in all of this. Everything we do in one way or another impacts on the National Guard, of course. Every system we provide for the Army or the Air Force, in many cases, does at one time or another go to the National Guard. But these are not National Guard issues. The issue before us today is whether we are going to spend the money wisely that is entrusted to us.

I would argue to you that the committee in these cases has met that test.

● Mr. RAY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

As Mr. NICHOLS has indicated, the bill before you, H.R. 4185, does not contain the previously authorized amount of $33 million for antitank improvements to the Bradley fighting vehicle. These funds were deleted by the Appropriations Committee.

I am particularly concerned that this action will prohibit the Army from making needed improvements to our tank-killing capability. In short, the Appropriations Committee action would prohibit the Army from implementing the tube-launched optically tracked wire-guided (TOW) improvements on the Bradley fighting vehicles.

I believe that the Soviet Union has longtime worldwide goals which are not in the best interest of our allies and the free world. Our troops in Europe are facing an ever increasing tank threat from Soviet and Warsaw Pact nations—with systems such as the Soviet's new main battle tank, the T-80. In fact, in the area of tank deployment, our troops and those of our allies are outnumbered by Soviet and Warsaw Pact nations by almost 4 to 1. Our already outnumbered forces must be provided with the "best" antitank systems available—such as the TOW-II system.

It would seem to me that by providing Bradley fighting vehicles—which will be the prime personnel carriers and fighting vehicles in the heavy mechanized infantry divisions—with the added ability to challenge and defeat the Soviet and Warsaw Pact armored threat, we will certainly be helping our troops to survive in a European scenario. We cannot deny our troops the opportunity to defend themselves by employing the most capable weapon systems available.

The Appropriations Committee said that production funds are premature because the research and development effort for the TOW-II integration is underfunded. I do not agree. This Congress has already authorized $18 million to complete the research and development work required to integrate the TOW-II on the Bradley fighting vehicles. The Army has indicated that this $18 million, with some small amount of reprograming, will be sufficient to complete a medium-risk R&D effort for TOW-II improvements.

The Army should be allowed to pursue this important improvement to our tank-killing capability—as the Soviet tank threat increases.

Therefore, I rise to support the Nichols amendment and urge that you join me.

Thank you.●

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

The question was taken; and on a divisioin (demanded by Mr. ADDABBO) there were—ayes 16, noes 8.

So the amendment was agreed to.

Mr. LANTOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, no foreign policy can succeed unless it enjoys the support of the American people and the American Congress. Nowhere is that more apparent than in the turbulent Middle East.

As the ranking majority member of the Middle East Subcommittee of the Foreign Affairs Committee, I recently learned from the media that this administration has been planning and training a Jordanian Rapid Deployment Force which it intended to fund in 1984 with $220 million of U.S. taxpayers' money.

The Middle East Subcommittee recently held a closed hearing on this subject—which would not have been held if the media had not broken the story. I learned much less from this hearing than I did from reading the local newspapers.

It is obvious that our colleagues in the other body are no less disturbed by the surreptitious way this proposal was handled than were many of my colleagues in the House of Representatives.

For instance, 7 days ago Senator MOYNIHAN introduced an amendment which reads, in part:

> No funds may be expended by the U.S. Government to provide the Kingdom of Jordan with military equipment for a special military force unless such expenditure is expressly authorized and funds appropriated by Congress in an unclassified manner.

Mr. Chairman, I have many substantive reservations about the Jordanian Rapid Deployment Force. Just to mention one, Saudi Arabia, which would be the prime beneficiary of such a force, has been subsidizing Iraq to the tune of over $20 billion so that it may continue the brutal and bloody Iraq-Iran war. If Saudi Arabia needs the Jordanian Rapid Deployment Force, in my view, it should pay for it.

But in the current context I am particularly concerned about the clandestine fashion in which this proposal was to have been slipped through so that Congress would not have an open and full debate on this matter.

I am convinced that large numbers of my colleagues on both sides of the aisle must be as appalled as I am with an approach by this administration that takes into its confidence the Governments of Saudi Arabia and Jordan, but hides these critical, strategic, and costly plans and activities from Members of Congress who serve on the subcommittee with jurisdiction over the Middle East.

Therefore, I wonder if I might address the distinguished chairman of the committee to find out whether in fact there are any funds for a Jordanian rapid deployment force in this appropriation bill that we are debating.

Mr. ADDABBO. If the gentleman will yield, I assure the gentleman that there are no funds in this appropriation for any Jordanian rapid deployment force.

Mr. LANTOS. If I may further inquire of our distinguished chairman, is the chairman giving us assurance that he will oppose funds for the Jordanian rapid deployment force until both the merits and the funding of the proposal are first debated in this body in an open session?

Mr. ADDABBO. I, individually, will definitely oppose it.

Mr. LANTOS. I thank the chairman.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I think the gentleman has made a very, very important statement. There are a number of us who are deeply concerned about the Rapid Deployment Force for the Jordanians. We would like to see them be a bit more forthcoming in helping us to provide some answers to the problems we have in the Middle East. But I am, frankly, afraid that the only way that

this administration believes one gets friends is by providing them weapons or rapid deployment forces. And certainly all the gentleman is asking for is that there be a public airing of this before any action takes place, and I think that is eminently reasonable.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $21,040,610,000, of which $5,626,800,000 shall be available only for the purchase of the B-1B bomber under a multiyear contract, of which $112,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; and in addition, $300,300,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1983/1985," of which $278,300,000 shall be from the A-10 program, $14,000,000 shall be from the C-135 modification program, and $8,000,000 shall be from the C-130H program to be available only for the purchase of C-130H aircraft; and in addition, $47,700,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1982/1984," from the Civilian Reserve Airlift Fleet modification program to be available only for the C-135 modification program; to remain available for obligation until September 30, 1986: *Provided*, That none of the funds in this Act may be obligated under the four major fiscal year 1984 production contracts for the B-1B bomber if the current dollar costs of such production contracts would exceed the Air Force's original current dollar estimates for the four major fiscal year 1984 B-1B production contracts based on the production portion of the $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the paragraph entitled "Aircraft Procurement, Air Force" be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against the paragraph?

Are there any amendments to the paragraph?

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 29 of the bill, strike out lines 1, 2, and on line 3, strike out only "tiyear contract" and insert in lieu thereof, "$20,601,910,000" and on line 21, strike out all that follows "1986" and strike out lines 22, 23, 24, and 25.

On page 30 of the bill, strike out lines 1, 2, 3, and 4 excluding the period.

Mr. ADDABBO. Mr. Chairman, the amendment that I propose would delete the funds solely for the multiyear procurement of the B-1B bomber. It would continue the funding of the 10 B-1B's that are included in this bill and would be procured under an annual appropriation.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4 o'clock.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the time on this amendment be divided between myself and the gentleman from Alabama (Mr. EDWARDS).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. ADDABBO) will be recognized for 32 minutes and the gentleman from Alabama (Mr. EDWARDS) will be recognized for 32 minutes.

Mr. ADDABBO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as I have stated, the amendment I have offered would just delete the funds for the B-1B multiyear procurement. The funding for the 10 B-1B bombers in this bill would continue under the annual appropriation method.

One essential multiyear criterion is that the candidate design should be technically mature and have completed RDT&E. That is in the law. When we passed the multiyear legislation, that criterion was in the law.

The first B-1B bomber is not scheduled to roll off the production line until October 1984, and it will not be available for RDT&E until at least December 1984 which is fiscal year 1985.

Numerous design changes are still required for the production aircraft, since only 80 percent of the B-1B airframe design is common to the B-1A prototype, only 70 percent of the offensive avionic subsystems are common to existing designs, and only 60 percent of the defensive avionics are common to current designs. In addition, Mr. Chairman, more than 50 percent of the total B-1B RDT&E funds, or about $1.8 billion, are to be expended for this purpose in fiscal year 1984 through 1987.

One other essential multiyear criterion requires a reasonable assurance that the candidate program's cost estimates are realistic. However, DOD's own Cost Analysis Improvement Group reports that the B-1B program will cost at least $6 billion more than the current Air Force estimate of $20.5 billion in fiscal year 1981 dollars. Also, since the major multiyear contract is for the B-1B airframe, and it will not be awarded until fiscal year 1985, I am not reasonably assured that this estimate is realistic.

□ 1500

Mr. Chairman, by prematurely funding the B-1B multiyear procurement, the Congress will be locked into this procurement and will lose its ability to exercise any future fiscal control over this expensive program.

Mr. Chairman, we are not stopping the B-1 bomber by this amendment. What we are doing is maintaining control over the appropriation process. This amendment will reduce the fiscal year 1984 funding by $438.7 million, but would still fully fund the 10 B-1B aircraft requested in fiscal year 1984. This program does not meet the criteria for multiyear procurement and, therefore, the amendment should be adopted.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and ladies and gentlemen of the House, I think it is important to reiterate that this is not an amendment to kill the B-1. It is not an amendment to stop the B-1. It is an amendment dealing only with multiyear procurement.

I think the House, I think the Members have recognized the fact, some begrudgingly, but nevertheless Congress recognizes the fact that the B-1 is moving forward and is going to be built. So the debate here today on this issue is how best to fund the B-1.

The Congress, in originally approving the B-1, determined that there had to be a cost ceiling placed on this aircraft and, in fact, required the President to certify as to that ceiling. The President did certify that the cost would be $20.5 billion in fiscal year 1981 dollars. One of the conditions of that was that the Congress would have to assist in cost control by appropriating the funds requested in the proper timeframe.

One of the elements proposed in that timeframe was that multiyear procurement would start in fiscal year 1984. I will agree that this is an unusual multiyear procurement situation. It does not, in fact, meet all the tests laid down for a normal multiyear procurement program, but I would argue to my colleagues that the GAO came and testified before our committee and conceded that there are some cases, and this is one, where we must move forward if we are going to accomplish the goal. Now, I do not want to leave the impression that the GAO came in and urged multiyear procurement for the B-1; they did not. But they said that this may be such a case where we should not follow all of the requirements laid down for miltiyear procurement.

Why is it important now? We do, in fact, have a fiscal year 1981 dollar limit of $20.5 billion certified by the President and being adhered to by the Pentagon. If Members want to see that lid come off, if they want to see the cost of the B-1 shoot up, then fail to fund this program in the way that it was planned and I will guarantee you we will let the Pentagon off the hook.

I am convinced that the best way we can contain the cost of the B-1 within the limits set out originally is to provide for the multiyear procurement as programed and as budgeted.

I do not want to give an answer or an excuse to get off the hook. I do not want them to come in here next year and say, "Well, the cost is going over $20.5 billion. Why? Because the Congress did not provide the money for multiyear programing that was laid out in the program to begin with, and we told you," the Pentagon will say, "that if we did not get the money as programed, we could not hold down the cost."

That is what this is all about. Because we have the heat on them for cost control, they are constantly in deep negotiation with the contractors involved in this program to hold the line, to keep the costs down, to keep the lid on the program's price. But if we adopt the amendment offered by the gentleman from New York, if we give them that excuse to get out from under that blanket, then I cannot predict what the B-1 will cost down the road.

So I urge Members to oppose the amendment, to help us keep the cost under control and not to give the Pentagon an excuse to let the costs skyrocket.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, what are the projected costs now for the B-1? The gentleman talks about keeping the cost under control. It is my understanding from the debate in the committee on the amendment that whereas the cost for the B-1 was expected to be something like $200 million per plane last year, and that now the price per plane is expected to exceed $300 million per plane, and the costs are still going up.

In light of the gentleman's argument, at what level does the gentleman hope to keep the cost?

Mr. EDWARDS of Alabama. Mr. Chairman, I would respond to the gentleman this way: The only way we can compare cost or talk in terms of cost is to talk in terms of the year-dollars at which these limits were set. The $20.5 billion limit on this aircraft was set in 1981 dollars. That has not changed.

It is true, as in any program, and this is not unusual in the B-1 program, that inflation, for example, will cause in the next 10 years that cost to rise in then-year dollars. But that is comparing apples and oranges. We have to talk in terms of 1981 dollars, and in that context, the only proper context in which we can deal, the cost has not risen.

Mr. YATES. Mr. Chairman, if the gentleman will yield further for one more question, some years ago I remember that it was the effort of the Congress to persuade the Pentagon to fly before we buy. It is my understanding that the B1-B is not yet flying, and yet we are buying.

Is that something that we ought to do in view of the vast expense and the obstacles presented in this program?

Mr. EDWARDS of Alabama. I would respond to the gentleman this way: This is a unique program in the sense that the B-1 was an ongoing program, it was canceled in 1977, as I recall, there were four prototypes built. The B-1 today, while it is a greatly improved aircraft over the four that were built some few years ago, has been changed very little, so we have flown the B-1. In that sense it is unique. It has been flown many hours and we do know basically what the B-1 will do.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding, after having checked a second time, that through the first half of 1983 the associate contractors were reporting below their budgeted costs by 2 to 7 percent. The B-1 program at this point is not only ahead of schedule—noting that General Electric just delivered their engines 6-months ahead of schedule—but the associate contractors through the first half of 1983 are 2- to 7-percent below costs.

So we are not only below cost, but we are ahead of schedule.

Mr. EDWARDS of Alabama. I thank the gentleman for his contribution.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Alabama. I think he has very properly pointed out the problems that we face if we undercut the multiyear procurement of the B-1 bomber.

I would have much preferred that we had gone to the so-called advance technology bomber, but we made a policy decision. We are going to build the B-1. That is very clear.

I think it is imperative if we are going to build the B-1 that we build it in the most cost-effective way. For many of my colleagues, I would like to remind them that it was a reform in the Congress that led us to the concept of multiyear procurement, an effort to hold down defense spending.

The gentleman from Alabama has properly pointed out that if we undercut multiyear procurement, then we lose the opportunity to hold the administration's feet to the fire on the $20.5 billion figure.

□ 1510

Mr. EDWARDS of Alabama. And will the gentleman also agree that we lose our leverage over the contractors themselves if we take away this particular phase of the program?

Mr. DICKS. Absolutely. We have the contractor operating on this basis, and the subcontractors all understand it. If we take away multiyear procurement, I would bet that the cost of the system would go up rather dramatically.

So I would hope that we would stick with multiyear procurement. I think it works very effectively. It gives us this hardware at a better price for the taxpayer, and it is a way to hold down defense spending. So I hope my colleagues who sometimes are critical of defense spending will realize that staying with multiyear procurement is a way to hold the Pentagon's feet to the fire.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS).

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. MCCLOSKEY).

Mr. MCCLOSKEY. Mr. Chairman, I rise in support of the Addabbo amendment.

I might say that I am somewhat encouraged by the beginning discussion today of the amendment offered by the gentleman from New York (Mr. ADDABBO) in that in the first statement in opposition to the amendment already we have had the admission,

which was totally absent in the floor debate the last time, that the multiyear procurement criteria is not met right now in making such a decision for the B-1B. I think that is very, very significant. It is my understanding that this was a particular and special procedure to be allowed in special and certain circumstances for good fiscal and administrative practices. Multiyear procurement should not become a matter of course to lock in particular weapons systems at a time when various estimates say that we will be $300 billion to $750 billion down as to our actual and desirable defense needs over the next 5 years.

I would also stress that this is not a case of being per se for or against the B-1B.

As my colleagues on both sides of the B-1B bomber issue fully understand, denial of these funds does not deny one penny of the money requested for the procurement of the B-1B aircraft for this fiscal year. Rather, it demonstrates our purposefulness in seeing that the legislated criteria for multiyear procurement are fully and faithfully applied. Clearly, a number of the standards set for multiyear funding are clearly not yet met. I refer here to Public Law 97-86 as well as DOD's internal regulations further elaborating this criteria. Moreover, it is important to understand that only to the extent that a multiyear procurement candidate fully meets the criteria for MYP can we be confident that the benefits envisioned through such procurement procedure will be realized.

Mr. Chairman, any multiyear funding of the B-1B at this time is premature at best. It could result in cost increases to the program which will more than erase the $800 million savings claimed by the B-1B Special Program Office. In June, when I offered an amendment to strike MYP authority from the DOD authorization bill, opponents virtually ignored the fact that we do not yet have a B-1B production aircraft in hand. We can speak about the program being on time or ahead of schedule, but this avoids the central and fundamental issue: There is today no B-1B aircraft. MYP funding is usually requested after a number of production runs on an aircraft or other piece of military hardware have occurred.

Most importantly denial of MYP funding will preserve prudent flexibility in our defense planning. Such flexibility is even more important if we are to avoid defense funding shortfalls in the range of hundreds of billions of dollars by eliminating duplicative aircraft programs. Although plans now call for 100 B-1B aircraft, that requirement might change. Indeed, there is talk in the press of 200 B-1B's. I do not believe that we should lock ourselves into 100 or 200 B-1B's at any price. Yet that is what we will be doing if we proceed down the multiyear procurement road. If Stealth technology and an advanced technology bomber are ahead of schedule, we would have more funds available to buy into that program earlier. MYP on the B-1B means, however, those moneys which might otherwise be available would be fenced off. This should not happen. But it will if MYP funding is approved.

Mr. Chairman, the arguments in support of the Addabbo amendment are compelling. Both supporters and opponents of the B-1B can agree on this common point about inappropriateness of multiyear funding for the bomber at this time. I urge the House to approve the Addabbo amendment.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I rise in favor of the Addabbo amendment to strike multiyear procurement (MYP) funding for the B-1B bomber program and urge my colleagues to join with us in support of its passage. As you know, on June 14, Congressman McCLOSKEY and I introduced a similar amendment to the Department of Defense Authorization Act of 1984. Simply stated the purpose of our amendment then and the distinguished chairman's now, is not the cancellation of the B-1B bomber program. Indeed, even if multiyear procurement funding should be denied, moneys for the 10 B-1B aircraft requested for fiscal year 1984 would still remain available to the Department of the Air Force for B-1B production. Rather, the purpose of this amendment is to demonstrate congressional commitment to meaningful oversight of weapons procurement policy. Our mutual efforts are geared to insure that B-1B procurement will comply with previously legislated requirements (Public Law 97-86), as well as DOD's internal requirements for such funding.

Mr. Chairman, the manned bomber issue remains a very emotional issue for all of us but the fact remains that multiyear procurement candidates must satisfy all requirements governing MYP contracting as defined in both the law and in an internal Department of Defense policy memorandum on multiyear procurement that was prepared on May 1, 1981, by former Deputy Secretary of Defense Frank Carlucci. In this regard, both the law and the Carlucci memorandum are quite explicit with respect to the various criteria that must be satisfied before any multiyear procurement contract can be awarded.

Specifically, the Carlucci memorandum states that each of the following six criteria must be met before MYP contracting can be approved: One, multiyear procurement should yield substantial cost avoidance or other benefits when compared to conventional annual contracting methods; two, the minimum need for the production item or service is expected to remain unchanged or vary only slightly during the contemplated contract period; three, there should be a reasonable expectation that the program is likely to be funded at the required level throughout the contract period; four, the item should be technically mature, have completed research, development, testing, and evaluation (RDT&E)—including development testing or equivalent—with relatively few changes in item design anticipated and the underlying technology should be stable; five, there should be reasonable assurance that the cost estimates for both the contract costs and anticipated cost avoidance are realistic, and; six, there should be confidence that the potential contractor(s) can perform adequately, both in terms of Government-furnished items—material, data, and so forth—and their firm's capabilities.

As stated, these criteria were enacted into law on December 1, 1981. Here too, the law is quite exact. Any proposed multiyear candidate must meet each of the following five legislated conditions: One, multiyear procurement must benefit the Government through reduced contract costs and enhanced national security; two, the agency must have confidence in the estimated cost savings; three, the equipment to be purchased must be in stable design; four, the program must have stable funding, and; five, the requirement for the equipment must continue to be valid.

I shall address my remarks to what I believe to be the key reasons why the B-1B does simply not deserve to be considered as a multiyear candidate. In this regard, I have based my arguments on two of the five legislated criteria that the B-1B obviously does not satisfy: One, that the candidate design must be technically mature and have completed research, development, testing, and evaluation (RDT&E), and; two, that there should be a reasonable assurance that the cost estimates for the candidate are realistic.

In the first place, the B-1B does not represent what most analysts consider to be a technically mature design. The first production B-1B bomber will not roll off of the production line until October of 1984 and full flight testing of the B-1B is not scheduled to occur before December of 1984. In this regard, while proponents of multiyear funding have argued that the B-1B retains so much commonality with the B-1A that its design is technically mature, I remain unconvinced.

In studying the evidence presented before the House Appropriations Subcommittee on Defense, I have discovered that the B-1B production bomber

still requires significant design changes. Only 80 percent of the B-1B airframe remains common to that of the B-1A prototype design. The remaining 20 percent of this platform will require design changes ranging from partial modification to total redesign. Only 70 percent of the offensive avionics suites—those systems that will permit the B-1B to penetrate Soviet air defenses—are common to existing designs and, only 60 percent of the defensive avionics suites—those systems that will permit the B-1B to evade Soviet air defenses and return home—are common to existing designs. Further, I find it essential to note that the Air Force has budgeted aproximately $1.8 billion—or, more than 50 percent of the total of all B-1B RDT&E funding—for the continued development of these necessary design changes. Mr. Chairman, I would submit that these facts make it imminently clear that multiyear procurement funding for the B-1B at this time would be premature at best.

I also believe that B-1B program cost estimates remain overly optimistic and as such, are totally unrealistic for the purposes of this debate. While the Department of the Air Force has reported that MYP funding for the B-1B will result in a baseline cost of $20.5 billion at a savings of $800 million to the American taxpayer, other experts, however, remain skeptical. On two separate occasions, the General Accounting Office has questioned the validity of the B-1B as a multiyear candidate.

On September 13, 1982, the GAO reported to the House Appropriations Subcommittee on Defense that, "the projected multiyear cost savings of $800 million for the B-1B program were based on a methodology they considered to be very unreliable." This document was forwarded to Defense Secretary Weinberger on April 13, 1983, and included additional GAO reservations specifying their concern that the B-1B program cost estimate still omitted known program costs.

On June 9, 1983, Robert M. Gilroy, Senior Associate Director for National Security and International Affairs at GAO, appeared before the House Appropriations Subcommittee on Defense. In his statement, Mr. Gilroy specified that, "Tests and evaluation should also be complete and should have demonstrated that the item is operationally effective." Because we know that B-1B airframe, engine, offensive and defensive avionics tests are incomplete and because it has been over 5 years since the delivery of the last B-1A, Mr. Gilroy concluded that, "Overall," the GAO does, "not believe the Air Force had demonstrated that the B-1B program fully meets the criteria in Public Law 97-86."

I also find it important to note that the Defense Department's Cost Analysis Independent Group (CAIG) echoed these GAO concerns when they reported that the ultimate acquisition cost for the B-1B program would approach $26.8 billion for 100 B-1B aircraft. Although the Special Program Office (SPO) for the B-1B continues to adhere to their original cost estimate of $20.5 billion for the B-1B program, I believe this internal $6.3 billion discrepancy within the Department of Defense clearly underlines the fact that at this time, the B-1B program fails to satisfy the legislated criterion that there should be a reasonable assurance that the cost estimates for the program are realistic.

Mr. Chairman, in conclusion, I would like to state that I do not interpret Mr. ADDABBO's amendment to strike multiyear procurement funding from the B-1B program as an effort to prevent the needed remodernization of the air-breathing leg of our Nation's strategic triad. In fact, this amendment does not prevent the Air Force from procuring the 10 B-1B bombers they had requested for this year. Rather, I believe the purpose of the distinguished gentleman's amendment is to insure Air Force compliance with existent law, as well as to provide for better congressional oversight and decisionmaking with respect to U.S. bomber remodernization efforts and other weapons procurement programs and policies. For these reasons, I commend my colleagues to vote in favor of the Addabbo amendment.

Mr. Chairman, as a small business person myself, I have to tell the Members that normally one does not enter long-term contracts for items unless you know what you are buying. That is the whole argument that many of us have on this issue. The issue is whether or not we have a mature item that we are buying.

The argument has been made very clearly that we will save a lot of money. I submit that by not knowing what we are buying but giving the Defense Department an opportunity to change the price because we change the specifications as we go along, that is certainly not going to give us such an opportunity, and if we are kidding ourselves into thinking that this is a mature aircraft, I submit that we are simply fooling ourselves.

Mr. Chairman, I would like to address a few questions to the subcommittee chairman, if I might.

Mr. Chairman, as I understand it, the gentleman's amendment in no way prevents the Air Force from procuring the 10 B-1B aircraft they have requested for this fiscal year; is that correct?

Mr. ADDABBO. Mr. Chairman, if the gentleman will yield, let me say that he is entirely correct. My amendment would only delete the multiyear procurement funding. It would fully fund the 10 production aircraft requested in fiscal year 1984.

Mr. BEDELL. Mr. Chairman, as I further understand it, the purpose of this amendment is not to prevent the remodernization of the bomber leg of the strategic triad but, rather, to insure Air Force compliance with previously legislated criteria governing multiyear procurement contracting, as well as to enhance congressional oversight and decisionmaking in these areas; is that correct?

Mr. ADDABBO. The gentleman is absolutely correct.

Mr. BEDELL. In this regard, is it not true that the ultimate benefits of multiyear contracting are not likely to be achieved unless the multiyear candidate fulfills each of the critieria that are enunciated in Public Law 97-86?

Mr. ADDABBO. The gentleman again is correct. For example, the GAO, the General Accounting Office, in a recent report on the B-1B multiyear procurement pointedly stated that if the program is not stable and the criteria are not met, then the expected multiyear savings will not only erode but the program costs can indeed increase.

Mr. BEDELL. Is it not correct that one of the criteria established in the law specifies that the multiyear candidate should be technically mature and have completed research, development, testing, and evaluation?

Mr. ADDABBO. The gentleman is again correct, because this multiyear plan actually violates Public Law 97-86.

Mr. BEDELL. Has the B-1B completed research, development, testing, and evaluation?

Mr. ADDABBO. It has not. As I pointed out earlier, the first B-1B production model will not roll off the production lines until October 1984, which again is in fiscal year 1985, and it will not start flight testing until December 1984.

In this committee, where we have found good multiyear candidates such as the KC-10 and the F-16, we have approved multiyear candidates where they meet the criteria, but the B-1B does not meet that criterion.

Mr. BEDELL. Mr. Chairman, could the gentleman elaborate on some of the changes that will be required on the B-1B airframe, offensive and defensive avionics systems before the B-1B might be considered as technically mature?

Mr. ADDABBO. Mr. Chairman, again as I pointed out earlier in my comments, the airframe is only about 80 percent common to the B-1A, and there is about a 70-percent difference in the offensive avionics and about a 60-percent difference in the defensive avionics. There are many items that have to be defined, and most of these items are very important, in order for

the B-1B bomber to be able to penetrate and invade enemy air defenses.

Mr. BEDELL. Then does the gentleman agree that we have a technically immature weapons system here; is that correct?

Mr. ADDABBO. The gentleman is absolutely correct.

Mr. BEDELL. I also understand that a second criterion of the law specifies that there should be reasonable assurance that the cost estimates for the program candidate should be realistic; is that correct?

Mr. ADDABBO. The gentleman from Iowa has perfectly stated the existing law.

Mr. BEDELL. Does the gentleman believe the B-1B procurement cost estimates to be realistic?

Mr. ADDABBO. They have not been, because, again based on the Cost Analysis Improvement Group's conclusion, there appears to be over $6 billion in additional costs on the B-1B that are over and above the current Air Force estimates.

Mr. BEDELL. Mr. Chairman, I appreciate the gentleman's answers. I know that he can elaborate further, but at least in this gentleman's opinion, we should not try to fool ourselves by thinking that multiyear procurement on an item that is not yet technically mature so that we do not know what we are buying is going to save money.

I have had hearings in my subcommittee, and in my subcommittee it is very clear that when we come in with all these changes, it gives the supplier every opportunity in the world to increase the costs that they charge the Government.

□ 1520

That is the reason we have a ruling that things have to be mature before we enter such contracts.

Mr. WHITEHURST. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding me this time.

While I do not want to belabor this amendment or the points, I would like to reemphasize what my colleague, the gentleman from Alabama (Mr. EDWARDS), has said.

I know of no major program that has had as much scrutiny, as much scrubbing, as much study as has the B-1 program. It looks like it was born in trouble, and continues to stay in trouble, leading up to the initial production decision prior to its cancellation by President Carter and we went forward with the procurement of it, then it was killed and then it was revived.

We had this argument and debate on the floor, amplified many times over when we came to the initial decision of, Do we want to refund and rebuild it? It is a question of do we go with the ATB, the advanced technology bomber, or do we go this route; do we beef up the B-52 so it can carry the air-launch, cruise missile; is that the best way to go, and to have the standoff capability so that you do not have to penetrate? All of this has been studied ad infinitum.

So we have made a go, no-go decision. We have said, yes, this is the way we have decided to go, based on all the evidence that was adduced and presented here on the floor and in committee.

And what were the elements that went into this decision? Well, we were going to build a fixed number, 100. It was going to have a fixed cost, $20.5 billion.

Well, how do we know that? Everything grows. We always say that everything escalates and we have never had a program come in at what it was supposed to cost.

The President of the United States and the Department of Defense certified to the Congress that this will be the cost, in current year dollars when it was presented, $20.5 billion.

In talking to Mr. Hello, the chief executive officer of Rockwell that is building this thing, talking to the subcontractors, talking to everybody that has got an interest in it, I have been told and I do not think there is any dispute here that they have never had a weapons system or a procurement program that has been more closely scrutinized and where the costs have been so tightly controlled as this particular program, because they made a guarantee. If there is an add-on, then they have to find a place to take something else off, because the program is not growing.

I feel I have some credibility at stake here because I represented that this is what it is going to cost based on what the President has certified and what the contractor has certified. That is the figure, exclusive of inflation, which nobody can control.

I will say, this administration has done a pretty good job. Inflation now is under 4 percent, whereas at the time that we signed off this program, when this administration came in, inflation was about 15 percent. In aircraft and in airframes and engines, it was running over 20 percent.

So I think we are doing pretty good.

Now, what are we going to do? If there is one way to kill this program, it is to violate that trust and see to it that we cannot meet the agreements and the guarantees and the certification to the Congress. How are we going to do that?

Well, it was understood and agreed that one of the cost savings would be in multiyear procurement, that you could go forward. If you know you are going to need 1,000 widgets, you are going to need 100 per year, then you go forward for 10 years and contract for them at a level price. That lends stability to the program and reduces costs and that is what we are talking about.

So we have a fixed price that is guaranteed. If you want to kill the program, if you want to let the contractor out from under his guarantee to the Congress, then just abrogate what we have agreed to and then he can renegotiate his contract. It is fixed now.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, I thank the chairman for yielding me this time.

This marks a watershed of sorts, because I suspect this is the first time we have had an appropriation bill where the chairman of the subcommittee has not offered an amendment to delete money for the B-1 bomber. I think it might be just worth a minute of our time to reflect on the need for this airplane. Not long ago the vaunted Soviet air defense took 2 hours to find a 747 flying at a sitting-duck altitude of 30,000 feet.

I was one who used to say that, give the Soviets enough time, they will have an air defense net with ground stations and AWACS, that they will be able to pick these low level penetrators up.

I want to tell the supporters of the B-1 bomber that I was wrong. The Soviet Union may never have an air defense net that will be able to do that, because it is quite clear from the failure of the Korean airliner, and from 1978 when they could not track another Korean jet for about an hour and a half over Soviet territory, that just about anything will penetrate Soviet air space. When I say just about anything, I mean that if a 747, or a Piper Cub, much less a B-52, was equipped with the ALQ-161, the electronic countermeasures made for the B-1, it could have flown to Red Square before the Soviets would have known it was even in the air.

Now, I happen to think that the B-1 bomber is still a waste of money; but more importantly than that, the people who have suggested that the B-52, and the stretch version of the FB-111, if that is what we want to have as an interim bomber between the time when the ATB is ready and during the time when the B-52 is less penetrative, that that would be a far better way to go; so this airplane clearly is not needed. It never was needed; but more importantly, we do not even choose to take the time to examine the critical defense needs of this country, versus the Soviet's capability against us. It seems to me a great tragedy and I hope that eventually we do not build as many of these airplanes as we have appropriated here.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I have just listened with interest to the comments of my colleague, the gentleman from New York. I would like to say that he made some of the very same comments that I have made in the past and intended to make today, and that is, that basically the B-1B is going to be a very effective penetrating manned bomber and it will be for years to come and that is why there should not be any further argument about the need or lack of need for the B-1B; but I listened even more intently to the colloquy between my distinguished chairman, the gentleman from New York (Mr. DOWNEY) and the gentleman from Iowa (Mr. BEDELL), talking about what the B-1B really was. I would like to turn the figures around a little bit.

The fact is that 80 percent of the B-1B is common with the B-1A and there have been over 1,900 flight hours on the B-1A, which indicates that we are going along very well in the development of this aircraft. The other 20 percent is not in the development of new technology. We are basically dealing with existing technology, off the shelf offensive avionics, and defensive avionics.

The need here is the time and the money to integrate the systems into the B-1B. That is where the money is going.

Fortunately, with the B-1B we find ourselves with a program that is ahead of schedule and that is below cost. If everything goes according to schedule, the B-1B will continue to be ahead of schedule and it will continue to be either at or below cost.

□ 1530

Now, the question of multiyear contracting then becomes the other way to attack the B-1 aircraft.

Multiyear procurement has been proved as a cost-effective tool. We are all looking for ways to get more for the defense dollar, and one way is to go into multiyear contracting where it is feasible. The Air Force has shown effective multiyear contracting programs saving dollars in fighter airplanes, tanker airplanes, and satellite systems. The Navy in torpedoes and items of this type have proved the effectiveness of multiyear contracting and the Army has also proved that multiyear contracting is a cost-effective way to go in many, many instances.

One more point on the question of multiyear contracting, those of us on the floor today and most of our colleagues have either listened to or read the testimony of General Slay. On the question of America's industrial base. In his testimony he dramatically questions our ability to surge, should a hostile situation develop when we had to surge, and he pointed out example after example of how our industrial base is just not as strong as most of us thought it was or should be or wanted it to be.

Because of the stability that we will give to contractors and subcontractors and suppliers of materials through multiyear contracting, we are going to help develop an industrial base to a larger degree than it is today, to give us the ability to surge, should that ever become necessary, to a larger extent than we can today. To try to attack the B-1B through the question of multiyear contracting just really is not the up-front way to do it. If we want to attack the B-1B, let us do it and have the fight again over whether we need the airplane or not, but let us not take a proven cost-effective method of doing business and use it to attack the B-1B and to attack the validity of multiyear contracting.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Would the gentleman agree when we come to spending the taxpayers' moneys on military equipment or any kind of equipment, we ought to follow the law, we ought to follow the regulations?

Mr. YOUNG of Florida. Of course, the gentleman would agree to that. I am probably the most law-abiding citizen the gentleman from Oregon knows.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. I thank the gentleman for yielding me this time.

Mr. Chairman, if I could speak very briefly to the issue of Public Law 97-86 which affects multiyear contract awards.

It has to be noted that the Secretary of Defense Weinberger and the Secretary of the Air Force, Verne Orr, in fact have complied with Public Law 97-86. There are about five different provisions that must be adhered to in order to comply with that law, including the multiyear procurement which will save the Government money, estimated at $1.2 billion. The Air Force is confident in their cost estimates and they again have certified them. The B-1 design is stable, and it is because 80 percent of it is taken from the B-1A program.

The GAO study was done in September 1981. It was a CAIG study that made worst case assumptions, said there was not a stable design, and ignored the progress made on the B-1A program.

The GAO report done in 1981 really bears very little relation to reality and in fact the program is not only under cost, but it is additionally ahead of schedule. I would like to associate myself with the comments of Mr. YOUNG of Florida from the standpoint that 80 percent of the airframe is common to the B-1A.

As we go down the line, we find out that point by point we can refute the arguments.

One of the arguments is that RDT&E money is in the program. RDT&E money is in the B-52 program with the last one being built in 1962. Extended RDT&E money is common.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. I thank the gentleman for yielding me the time.

Mr. Chairman, I am very disturbed by the fact that in the B-1B, we have a program that can qualify for multiyear and we are not going to use it, according to this amendment.

I am, however, particularly disturbed by the prospect of the cost increase if we do not continue with the multiyear as planned. The industrial base panel that met several years ago addressed this issue. It recommended that multiyear be used as a cost savings means whenever possible.

It was also felt to be a very important factor in keeping our industrial base available.

This Congress has continued to stress that the best cost available should be done with multiyear.

There is a firm requirement for at least 100 B-1's. Sufficient funds have been set aside within the 5-year defense plan for this program. The program has been strongly supported by the Department of Defense and by Congress during the past 2 years.

The probability of cancellation is very low.

The President, the Secretary of Defense, the Secretary of the Air Force have all certified that the program can be completed with the amount budgeted if, and only if, the program is funded as requested.

In other words, the Congress will have this responsibility for additional program costs if this amendment passes and survives in Congress.

We have moved forward with this program. There is no longer any question on whether we need the B-1B. That is not being debated any more. There is no question that the most cost-effective means is by multiyear. There is no question in my mind that we need multiyear on this program.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. I thank the gentleman for yielding me this time.

Mr. Chairman, if we want to save over $800 million on this program, we

will certainly vote down this amendment.

Let me speak, if I might, to the question of maturity. That seems to be the point upon which most of us find ourselves in disagreement. I know of no program which has been tested like this particular program has been tested.

Let me review with you some of the statistics which are extremely important and on point.

First of all, the B-1B configuration does enjoy a high degree of commonality with the B-1A, but that does not tell us necessarily the state of program maturity. The question of commonality goes only to prove how far along we are toward maturity, and the B-1B airframe is 80 percent common with the B-1A aircraft. Technology has carried maturity far beyond that point, and we are approaching the point of 100 percent maturity in the airframe on this aircraft.

The B-1B engine is 95 percent common with the F-101. GE 100 core engine which was used in the development of this aircraft, and technology has been improved beyond that point, so maturity is beyond the point of 95 percent. The offensive avionics are largely composites of systems already in place and tested.

The improved F-16 multimode radar initial inertial navigation system, more than 30 percent common and matured far beyond that point.

I could go right through each of the matters that we talk about in maturity, but I wish someone would tell us, if he or she can, a program that the Congress has ever approved which has the maturity which this one does with 12 years of development, and 6 years of flight testing.

Let me run some of those statistics for you if you are worried about whether we have maturity in this program. We have over 2,000 hours of aircraft flight tests, 6,200 hours-plus in engine flight tests, over 2,300 hours in engine ground tests, over 5,000 hours in flight control simulator testing, over 2,000 cycles of the landing gear, over 25,000 hours in wind tunnel testing, and design development tests of 682 specimens that go into the integration of the systems.

The extensive structural testing has been tested to three full lifetimes of this aricraft.

I know of no program considered by this House that has greater maturity than this program has. Lets save over $800 million by retaining multiyear procurement of this weapons system. I urge a no vote against this amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from New York.

Mr. STRATTON. It is my understanding that the amendment of the gentleman from New York (Mr. ADDABBO) would knock out the money for multiyear funding, If he does that, that would increase the cost of the B-1B aircraft program beyond the $20 billion that has been allocated. But it is my understanding, under existing law, that if the price goes over $20 billion, then we wipe out the whole B-1B program, so the Addabbo amendment would actually devastate the entire B-1 program. Is that not correct?

Mr. CHAPPELL. I think that is absolutely correct, and I urge the defeat of the amendment.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. AUCOIN).

□ 1540

Mr. AUCOIN. Mr. Chairman, I rise in opposition to multiyear procurement for the B-1B bomber.

Members have stood on the floor and suggested that we must be concerned exclusively with the question of cost effectiveness. I agree cost effectiveness is an incredibly important goal. I wish we would see more of that zeal applied by the Members who have spoken to other aspects of the Defense appropriations bill. The taxpayers would be better off.

I want to suggest there is a second consideration we ought to pay heed to and that is the quality of the product. It makes no great gain to the U.S. defense if even at some substantial savings we end up buying en bloc 100 aircraft that have serious technical problems. We would be buying a pig in a poke.

So the argument that there is cost savings in going to multiyear procurement misses one whole half of the question, which is quality of product.

What the Addabbo amendment is saying is: "Let us buy these planes on a year-by-year basis." The administration's request for this year for the B-1B is being fully funded. We simply do not want to be locked into 100 of these things until we find out that all of the technical risks are removed.

Are there risks of technical problems? You bet your life there are. The truth of the matter is that all of the "flight hours" that opponents of the amendment have been referred to are not on the part of the B-1B. Instead that is the B-1A aircraft.

The B-1B has not been built. It has not been flown. It ought not to be purchased in large volume until we can be sure that we have a stable design.

The law says we ought to have a stable design. The regulations say we ought to have a stable design.

Members have talked about percentages of airframe that are common between the B-1A and B-1B and percentages of offensive avionics and defensive avionics and there are significant percentage differences.

But even more important is the fact that Public Law 97-86 requires in a multiyear procurement case a stable design so that technical risks are not excessive. And the Secretary of Defense said, in expanding this criterion, that that should mean that the RDT&E is complete.

In the case of the B-1B research is not completed by any stretch of the imagination. It is only 50 percent done. In fact, the major amount of RDT&E comes next year.

We have an unstable design. We are being asked to make a carte blanche purchase of 100 of these aircraft before we know whether these technical problems have been or can be removed.

This is not sound purchasing procurement from a quality standpoint and it is not sound purchasing from a fiscal standpoint.

Let us not be deceived. No one is standing here trying to zap the B-1 bomber. That debate is over.

I happen to be an advocate of multiyear procurement. But it is a question of using prudence as to where this method of procurement is used. It ought not to be used in this case.

The law says it ought not to be used in this case. The regulations say it ought not to be used in this case, and I hope the Members of the House, through their votes, say that it ought not to be used in this case.

Mr. ADDABBO. Mr. Chairman, again let me point out we are appropriating in this bill $5.6 billion for B-1B procurement.

My amendment simply strikes $438.7 million of that amount for multiyear procurement. The balance of over $5 billion remains in the bill for the production of 10 B-1B bombers in fiscal year 1984 on an annual basis.

What we are saying is the B-1B bomber is not ready for multiyear procurement, does not meet the legal criteria, and we have been given no proof of what the savings will be.

Fiscal year 1985 is the proper time to look at this multiyear procurement and, therefore, I ask for a "yes" vote on my amendment and I yield back the balance of my time.

● Mr. BROOKS. Mr. Chairman, I rise in support of the amendment offered by Chairman ADDABBO to strike multiyear procurement funding for the B-1B bomber program from the 1984 Defense approporations bill. With this amendment, the fiscal year 1984 moneys for the procurement of 10 B-1B aircraft would still be made available to the Air Force. However, no multiyear contract could be entered into by the Air Force until design stability is achieved and all research, development, testing, and evaluation is completed.

As you know, the Committee on Government Operations voiced its con-

cern about the use of multiyear procurements by DOD during consideration of the 1982 DOD authorization bill. At that time, the proponents of multiyear contracting claimed that over $15 billion could be saved over the next 5 years if DOD used it in acquiring major weapon systems. However, the committee found that these estimated savings could not be accurately documented. In fact, we found that if multiyear procurements were used to lock in a deficient weapons program, costs to the taxpayer could increase by $100 million or more. Further, multiyear contracting would significantly reduce the flexibility of DOD by making it more difficult to affect program and quantity changes because of being locked into a 5-year contract.

It is because of the high risks involved that Congress established specific criteria that weapons programs have a stable design and firm requirement before multiyear procurement is used. According to recent GAO testimony, all of DOD's current candidates for multiyear contracting have failed to meet these criteria, including the B-1B bomber. Consequently, I do not believe Congress should authorize any multiyear procurement for a weapons system until DOD can conclusively demonstrate that it has met the appropriate legislative requirements. This is particularly true in the case of the B-1B aircraft which is still undergoing design changes.

I urge all Members to support this amendment.●

● Mr. ERDREICH. Mr. Chairman, as a supporter of the B-1B aircraft, I rise in support of the amendment offered by the gentleman from New York to strike multiyear procurement for this important component of the strategic triad. I would like to stress that this amendment does not delete funding for the production of the 10 B-1B's scheduled for fiscal year 1984, but simply insures that the funding provided is spent wisely.

Perhaps one of the most critical points to maintaining public support for our efforts to rebuild our defense forces is controlling waste and mismanagement in the Department of Defense. In fact, recent critical reports concerning Pentagon spending practices underline the importance of acting to protect the taxpayer's investment in the national security of our country. This amendment before us today presents an opportunity for this body to take such needed action—action which I might add is strongly supported by our constituents.

While the adoption of this amendment is necessary to insure efficient use of tax dollars, it is also necessary if this body is to follow the very statutes which it has laid down. Specifically, Public Law 97-86 mandated, by law, certain requirements to be met by systems under consideration for multiyear procurement. Of the five major statutory criteria, the B-1B fails to fully meet two. These include maturity of design and stability of cost.

As to the design maturity of the B-1B, consider the following:

First, approximately 80 percent of the B-1B airframe is common to that of the B-1A prototype airframe;

Second, only 70 percent of the offensive avionics suites are common to existing designs;

Third, only 60 percent of the defensive avionics suites remain common to current designs;

Fourth, more than 50 percent of the total B-1B research, development, testing and evaluation (RDT&E) funds are to be expended in fiscal years 1984-87; and

Fifth, the major multiyear contract for the B-1B airframe will not be awarded until fiscal year 1985.

These facts lead me to doubt if multiyear procurement for the B-1B will achieve the projected savings. More still, I fear that the lack of design maturity will increase the overall cost and jeopardize production of the aircraft. This threat can be avoided, I believe, if we act to keep the program out of multiyear procurement at this time.

The second statutory criterion, stability of cost, is of major concern and presents the best argument for adoption of this cost-effective amendment. The Air Force, has projected that the production of 100 B-1B bombers will cost $20.5 billion. However, the Defense Department's own, independent cost analysis improvement group recently determined that 100 B-1B's would cost an additional $6 billion. Further, the Air Force cost estimate does not include several necessary items, such as training simulators and cruise missile-associated modifications, all of which are needed and will further add to the real cost of the 100 B-1B's. Thus, we will be very shortly faced with increased cost projections for this vital program. Increased costs which could be minimized if the program is not produced under a multiyear procurement contract. Increased costs which could be substantially greater than currently predicted if the program is allowed to remain under a contract for which it fails to meet the statutory criteria.

The General Accounting Office has stated that the B-1B program does not fully meet the criteria of Public Law 97-86. The GAO further states that, "If a multiyear contract was awarded and later changed significantly, the ultimate cost of the effort could well be higher than under annual contracting." Congress, I believe, is charged with the responsibility to insure that this does not happen. Adoption of the amendment presently before us will allow this body to carry out that responsibility.

Again, I want to stress that I rise in support of this amendment as a supporter of the B-1B bomber. Opponents of this amendment have charged that removal of the B-1B from multiyear procurement will allow opponents of the aircraft to cut its funding in later years. I say this is simply not the case. The amendment will simply allow this body to more closely monitor the taxpayer's dollars, as is our responsibility. It will also enable us to more closely monitor the B-1B, to insure that the aircraft fully suits security needs. I simply do not understand how this constitutes a threat to future funding for the B-1B. But I do fully realize that binding this body to multiyear procurement for an aircraft that is subject to additional design change is imprudent stewardship of hard-earned tax dollars.●

● Mr. WON PAT. Mr. Chairman, I join in support of the amendment being offered here today by Representatives MARJORIE HOLT and BILL NICHOLS, which will restore $110 million for two air defense systems and the Bradley-TOW missiles to the Defense appropriations bill.

This money is urgently needed to fund the purchase of the new Sergeant York air defense system and to permit production to begin for the improved Vulcan air defense system we need now to modernize our frontline air defense capabilities and those of the National Guard.

There is much more here at stake than dollars and cents. I have no doubt that the members of the Appropriations Committee did their best to bring us a bill which does the best it can with the money available. I only ask that we reconsider any proposal to delay the production of these two systems and the new Bradley TOW missiles out of a concern that any delay could prove to be harmful to the overall defense capabilities of this country.

I am particularly concerned about the delays in the Vulcan air defense production which I supported as a member of the House Armed Services Committee. This system is due to be turned over to our National Guard units to give them real capabilities in actual combat.

The bottom line now is that National Guard units do not have modern equipment and this would certainly hamper their effectiveness in wartime. Recently, I heard from the Guam National Guard units who expressed their support for these weapons. When I view the air defense capabilities of U.S. Forces in Guam, I cannot help but notice that there is a total lack of any means of combating attacking planes there. This, despite the presence of major U.S. facilities on Guam including a B-52 base.

I am reminded of the time when the Japanese invaded Guam in World War II and found that U.S. Forces were armed with no modern weapons. Over 40 years later, history seems to be repeating itself. I do not believe that Americans want their cities to go undefended and the Holt-Nichols amendment will begin the important process of providing our Forces with the air defense systems we need. Thank you.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 11, as follows:

[Roll No. 438]

AYES—175

Ackerman
Addabbo
Akaka
Albosta
Andrews (NC)
Annunzio
Aspin
AuCoin
Barnes
Bedell
Beilenson
Berman
Biaggi
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Britt
Brooks
Brown (CO)
Burton (CA)
Carper
Clay
Clinger
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
D'Amours
Dellums
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Florio
Foglietta
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Garcia
Gejdenson
Gephardt
Gibbons
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hamilton
Harkin
Harrison
Hayes
Hertel
Horton
Howard
Hughes
Jacobs
Jeffords
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (FL)
Leland
Levin
Levitas
Lipinski
Long (MD)
Lowry (WA)
Lundine
MacKay
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McHugh
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Moody
Morrison (CT)
Mrazek
Nowak
Oberstar
Obey
Ottinger
Owens
Panetta
Paul
Pease
Penny
Pepper
Petri
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ridge
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates

NOES—247

Alexander
Anderson
Andrews (TX)
Anthony
Applegate
Archer
Badham
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Boucher
Breaux
Broomfield
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Cooper
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dowdy
Dreier
Duncan
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Feighan
Fiedler
Fields
Fish
Flippo
Foley
Franklin
Frost
Fuqua
Gaydos
Gekas
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levine
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Olin
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Perkins
Pickle
Porter
Price
Quillen
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Rudd
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Synar
Tauzin
Taylor
Thomas (CA)
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—11

Barnard
Bates
Brown (CA)
Corcoran
Evans (IA)
Lehman (CA)
Martin (NC)
Mitchell
Sawyer
Udall
Vander Jagt

□ 1600

The clerk announced the following pairs:

On this vote:

Mr. Lehman of California for, with Mr. Evans of Iowa against.

Mr. Mitchell for, with Mr. Brown of California against.

Mr. BIAGGI and Mr. GONZALEZ changed their votes from "no" to "aye."

Mr. ANDREWS of Texas changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee to correct some information included in the committee report.

On page 50 of the report, under the heading of "Year End O&M Spending," the following statement appears. "For example, one Navy activity ordered 4,800 dozen softballs on September 30 last year * * *."

I have been advised by the Chief of Naval Operations that in fact the Navy only purchased 4,800 softballs, not 4,800 dozen to provide for over 200 softball teams for all activities in the Norfolk area. He also notes that the Special Services Department obtained a 55 percent discount for procuring softballs in these quantities. While the problem of excessive year end spending certainly exists, and the $4.2 billion reported spent on September 30 of this year appears particularly excessive, I believe it is important to be certain that the instances we cite are accurate.

For this reason, Mr. Chairman, I include a detailed explanation of this matter provided me by Admiral Watkins.

The letter referred to follows:

CHIEF OF NAVAL OPERATIONS,
October 28, 1983.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: Because we in the Navy are every bit as dedicated to the elimination of fraud, waste and abuse in the handling of our appropriations as you are, I was especially dismayed to read Tuesday's Washington Post article quoting your views on an alleged improper purchase of softballs by the Navy at the end of this last fiscal year. While it makes a good story, those who provided you this information played very loosely with the facts.

The facts of this allegation as reported to me are as follows:

The reference to 4,800 dozen softballs apparently stems from an article on wasteful DOD year-end spending published by Jack Anderson sometime in March, 1983. In this article, references to the number of softballs purchased—4,800 were transposed with the units by which they were purchased—dozen lots.

The softballs were purchased on 30 September 1982 by the Special Services Department, Naval Base, Norfolk, Virginia at a

total cost of $9,936. O&M,N funds were used for the purchase—an appropriate use of O&M,N funds as defined by governing regulations. A total of 4,800 (not 4,800 dozen) softballs were purchased.

The Special Services Department at Naval Base, Norfolk, sponsors over 200 softball teams for all activities in the Norfolk area. These teams play in leagues sanctioned by the American Softball Association (ASA), whose rules specify that new softballs must be used in each game in league play. Consequently, the Special Services Department has an annual requirement for at least 4,200 new softballs. In addition, for the 1983 season, ASA rules specified a new standard for balls used in league play. This standard was not met by softballs in the Special Services Department's existing stock.

The Special Service Department obtains a 55 percent discount for procuring softballs in these quantities. The purchase in question saved approximately $13,000 from what it would have cost to buy at standard prices.

I understand that the House Appropriations Committee has now recommended a reduction to the Navy Operations and Maintenance appropriation for FY-1984 because of wasteful year-end spending, citing the alleged softball purchase as an example of the problem. With regard to the several press articles which cited 4.2 billion of year-end spending by the Department of Defense, we have looked at each of the Navy contracts cited (about 20 percent of the total dollar amount). We have found that there is no support for any allegations of a last minute effort by the Department of the Navy to obligate expiring funds. Those fiscal year 1983 funds which were obligated in the final week of the fiscal year were for programs authorized by the Congress using duly appropriated funds. While I understand the committee's concern, it seems that a proper and legal purchase of recreational equipment by a Navy activity one year ago, which saved the government money, has now resulted in a $23.6 million decrement to our future readiness funding, based on gross inaccuracies and press sensationalism.

We recognize our responsiblities for the proper use of appropriated funds and look forward to continuing to work with the Congress in improving our stewardship of public funds. I hope you will feel free to call me anytime you have a question on Navy performance; I will ensure a factual response.

I appreciate your continued support of a strong defense.

Sincerely yours,

JAMES D. WATKINS,
Admiral, U.S. Navy.

Mr. Chairman, I would just like to point out that the document that our very professional committee staff relied on does, in fact, say 4,800 dozen. There was a mistake made however. The Navy had included the term "dozen" on the voucher, apparently in reference to the lots in which the softballs would be purchased.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I agree with the gentleman that it is appropriate to provide this correction for the statement that appears in the committee report, and also agree with him that excessive year end spending is a problem serious enough that the facts support the concern expressed by the committee.

Mr. DICKS. I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentleman that I have followed this very closely from the moment that he first raised the issue.

And I just wanted to say to the gentleman, when the Navy plays softball on ships they do lose a lot of balls over the side.

Mr. DICKS. I appreciate the gentleman's comment.

Mr. ALEXANDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from New York (Mr. ADDABBO).

Mr. Chairman, in recent years both our Committee on Armed Services and our Committee on Appropriations have been dealing with the subject of competition in reengining the KC-135 aircraft fleet.

Am I correct in understanding that the recommendations that have been made by the Department of the Air Force and the action that has been taken on the bill before us today, H.R. 4185, Defense appropriations for fiscal 1984, will in no way adversely affect the proceedings the Air Force now has underway to evaluate and qualify in an open and fully competitive procedure, an additional aircraft modification facility, in connection with the program of installing CFM-56 engines in the KC-135 aircraft?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

The gentleman is absolutely correct. The committee took no action in that regard.

Mr. ALEXANDER. I thank the gentleman.

AMENDMENT OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: Page 29, line 1, strike out "$21,040,610,000" and insert in lieu thereof $21,082,410,000".

Mr. PRICE. Mr. Chairman, my amendment is a simple one. It would add $30 million to the Civil Reserve Air Fleet (CRAF) line for a total of $100 million, the amount authorized.

Mr. Chairman, over the past few years the Armed Services Committee and the Appropriations Committee have strongly supported the CRAF program. We have viewed this program as an exceptionally cost effective way to increase the airlift capability so urgently needed by our combat forces. In essence, this program involves modifying civil aircraft to carry heavy and bulky military cargo in times of national emergency. CRAF-modified aircraft would come under military control during a crisis.

The airlines would be reimbursed for the down time of the aircraft during the modification and the additional operating costs associated with the heavier weight. The cost of the modification would be borne by the Government. All these costs would be covered in the funding line I am proposing to amend.

The road to an effective CRAF program has been long and difficult. Only recently has the Air Force been able to define a long-term program. Just last month it awarded a contract to Pan American World Airways to modify the first of 19 aircraft. Unfortunately, the CRAF funding contained in this bill is insufficient to fund the next contract option to modify aircraft two through five.

I appreciate the fact the Appropriations Defense Subcommittee, like the Armed Services Committee, had largely completed its work before the Air Force obtained a contract on these options.

The amendment I am proposing will provide an additional $30 million for a total of $100 million.

If sufficient funds are not forthcoming, the number of aircraft in the option will have to be renegotiated with the added risk of price increases.

I have added $11.8 million to my amendment to fund the Air Force buy of six C-12 aircraft.

This brings the total of the amendment to $41.8 million.

Earlier, an amendment passed to add a similar amount, $11.8 million, to the procurement account for the Army to provide that these aircraft will be purchased, rather than leased under the operation and maintenance account, as originally proposed by the Appropriations Committee. This amendment just makes the Air Force approach consistent.

I urge approval of my amendment.

□ 1610

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York.

Mr. STRATTON. It is my understanding that, as far as the C-12 aircraft contained in the chairman's amendment are concerned, the House has already voted to procure—not lease—C-12's for the Army Guard. The gentleman's amendment would simply do the same thing for six C-12's for the Air National Guard?

Mr. PRICE. The gentleman is correct.

Mr. STRATTON. I think that makes a great deal of sense, and I urge the adoption of the Price amendment.

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee has already appropriated $70 million for the conversions of two commercial aircraft for military use in times of emergency. The Air Force negotiated a contract in September 1983, using $37.1 million of fiscal year 1981 CRAF funds to convert one commercial aircraft.

The authorization committee, which my colleague, the gentleman from Illinois, chairs, recommended in its report that $47.7 million of CRAF funds appropriated in fiscal year 1982 be transferred to the fiscal year 1984 KC-135 modification program, and this bill provides language to support the authorization recommendation.

The committee supports the CRAF program but believes the Air Force does not because, of the $135 million appropriated for CRAF since fiscal year 1974, only one conversion has been completed. Also, the Air Force did not intend to fund the CRAF program, and provided no funds in the fiscal year 1985 POM submission. We support the CRAF program. We are properly funding it at $70 million. The committee the gentleman from Illinois chairs did not fund the requested amount. I would ask for rejection of this amendment.

Further, as far as the six C-12 issue is concerned, Mr. Chairman, we keep seeing throughout this debate the red flag raised that these aircraft are for the Air National Guard. My colleagues, the committee in this bill has appropriated an amount that is over and above the budget by $1.2 billion, all for the National Guard and Reserves. We have said that we support this program. Based on an Air Force study, it appears that it is cheaper for them to lease rather than to buy these aircraft, and we have included in the operation and maintenance title of this bill $1 million for leasing of the six aircraft. There is no reason to buy these aircraft unless you want to give the additional money to the Air Force.

We must be frugal in how we spend our dollars. If the Air Force tells us it is cheaper to lease rather than to buy these aircraft based on a study, we should heed their recommendation and not spend additional money to purchase C-12 aircraft for the Air National Guard. Let the Guard lease C-12's as the active Air Force is doing.

Therefore, I ask for the rejection of this amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I thought the chairman of the Armed Services Committee was going to offer an amendment for CRAF, and I as prepared to go along with the CRAF amendment. I thought we had done what was necessary, but if the gentleman felt strongly about that I was prepared to go along with him. But I feel very strongly that the gentleman should not have included the C-12's in the amendment. We have not cut out any C-12's. We were trying to find a way to save some money, and so we called for leasing the C-12's. We took this issue up last week in the Army section of the bill, along with a lot of other amendments that became known as the Montgomery amendment, and the House in its wisdom voted in favor of the Montgomery amendment. That amendment was advertised around the floor as being an amendment for the National Guard. Now, on this amendment we are told that if you really love the Air Guard, you have got to vote for the Price amendment.

Our committee's action is not for or against the Guard. It is trying to find a better way to spread out the taxpayer's money to provide for the defense of this country. We have concluded on our committee that you can lease these planes in a more economical fashion than you can buy them.

So I would urge that this amendment be rejected. Again, I am sorry that it has been offered in a way where it is combined with the CRAF amendment. I would have supported that.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very modest amendment offered by the distinguished and beloved chairman of the Armed Services Committee, (Mr. PRICE). All that it does—besides the CRAF program, of which the chairman is one of the long time supporters, and has now succeeded in convincing the Air Force that they ought to go along with CRAF—would be simply to add funds for the six C-12 aircraft which were authorized earlier by the authorizing committee and voted overwhelmingly by the House.

We authorized those C-12 aircraft not only for the Air National Guard but also for the Army National Guard. What has happened is that the Appropriations Committee has knocked out the six C-12's for the Air National Guard. It would seem to me that in deference to the request of the distinguished chairman we ought to do the same thing for the Air National Guard that we have already done for the Army Guard and buy these fine planes instead of leasing them.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, I am sure the gentleman did not mean to say that we have knocked out six C-12 aircraft. We simply devised what we believed to be a better method of funding those aircraft. Would the gentleman agree?

Mr. STRATTON. I think since the gentleman from Alabama, as well as this Member, are interested in defense, and we do have a lot of problems when we are trying to get these defense programs through, it seems to me that it is not particularly helpful to have the Appropriations Subcommittee on Defense and the House Armed Services Committee fighting it out on the House floor. We ought to be working together.

Mr. EDWARDS of Alabama. I would have thought that, too.

Mr. STRATTON. Six little aircraft are all that is involved. I urge the adoption of the Price amendment.

AMENDMENT OFFERED BY MR. DICKS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PRICE

Mr. DICKS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS as a substitute for the amendment offered by Mr. PRICE: Page 29, line 1, strike out "21,040,610,000" and insert in lieu thereof "21,070,610,000".

Mr. DICKS. Mr. Chairman, I offer this amendment as a possible compromise on this issue to separate the question of C-12's and the CRAF program.

My amendment would provide an additional $30 million for the Civil Reserve Air Fleet (CRAF) program. That was the understanding that our committee had of the amendment that was going to be offered. The question of the C-12's can be considered separately from this amendment.

The CRAF program, in my view, is a very important part of our airlift capability. For the first time we finally have a proposal, which has been offered by Pan American, to convert 19 747's for CRAF purposes. If we get into a major deployment situation, we are not going to have enough airlift within our Air Force to handle the requirements. That is why we need to add to our CRAF capability.

I hate to see two issues get mixed up here when we can divide the questions, deal with CRAF, which I think those of us on the Appropriations Committee are prepared to go along with, and then deal with the question of C-12's at a later point.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure that I understand the thrust of the gentleman's amendment.

There are two items contained in the amendment offered by my chairman,

the gentleman from Illinois (Mr. PRICE). One is to add money for the purchase of C-12 aircraft, which is an executive-type transport, small propeller-driven aircraft, and the other is $30 million for CRAF.

Mr. DICKS. The gentleman is correct.

Mr. DICKINSON. The gentleman would separate the two so that the only thing we would be voting on, then, would be the $30 million for CRAF, which we support.

Mr. DICKS. Right.

Mr. DICKINSON. And this would not preclude, then, another amendment that would include just the C-12's?

Mr. DICKS. I would suggest to the gentleman that he ought to pose that as a parliamentary inquiry.

Mr. DICKINSON. I think it might make some difference to those here, if the gentleman would yield further for a parliamentary inquiry.

Mr. DICKS. I yield to the gentleman from Alabama.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKINSON. It is my understanding that there are two elements involved in the amendment offered by the gentleman from Illinois (Mr. PRICE). The substitute would delete one of those items, the C-12 aircraft, leaving only CRAF.

My question to the Chair is: If the C-12 subject matter were taken out of the original amendment, could another amendment then be offered to add the C-12?

The CHAIRMAN. The Chair will advise the gentleman that once the Price amendment is adopted, the figure cannot be changed. However, other amendments are in order to add additional language to the proposition.

Mr. DICKINSON. The Chair is saying, then, that in the opinion of the Chair an amendment could be crafted dealing with the subject matter of the C-12 but the dollar figure could not be changed?

The CHAIRMAN. If it is an authorized appropriation, the gentleman is correct.

Mr. DICKINSON. Mr. Chairman, that was the point I wanted to make. I will support both, but I can certainly understand that there is a dichotomy here and I would certainly not want to see the CRAF program be deleted.

Mr. EDWARDS Of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my distinguished colleague, the gentleman from Alabama, the ranking Republican member of our subcommittee.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, we are delighted to accept the gentleman's substitute on this side and commend the gentleman for offering it.

Mr. DICKS. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS) as a substitute for the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments? If not, the Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,787,112,000, to remain available for obligation until September 30, 1986.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the committee.

It is my understanding that a portion of the projected workload for ship repair of Norfolk, Va.-based navy vessels will be performed outside of Norfolk shipyards.

I would point out to my colleagues that there are shipyards within close geographical distance of Norfolk that are ready, willing, and able to immediately undertake this repair and overhaul workload. Specifically, the Port of Baltimore offers a couple ship repair yards that are under severe economic distress at this time but could gear up almost overnight to handle the work being generated in the Norfolk area Navy bases.

Mr. Chairman, I notice on page 84 of the committee report that the committee believes the Navy should review its homeport ship overhaul and repair policy.

My question, Mr. Chairman, is: Do you believe it is the intent of the committee that shipyards such as those in Baltimore be given consideration for ship repair and overhaul work on Norfolk-based Navy vessels?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. The committee recognizes that there are several shipyards in Baltimore that are available for handling the needed repair and overhaul work on Norfolk-based Navy vessels, and therefore intends that the Navy competitively consider these yards as well as all other private yards on the east and gulf coasts for ship repair and overhaul work on Norfolk, Va.-based Navy vessels.

Mr. HOYER. I thank the gentleman for his comment.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 30, line 19, strike "$7,787,112,000" and insert in lieu thereof, "$5,587,083,000"..

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the time be equally divided between myself and the gentleman from Alabama (Mr. EDWARDS).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment strikes all funds, a total of $2,200,029,000, for MX procurement. Funds for development and testing of MX remain in the bill. This amendment only addresses fiscal year 1984 MX production.

Let me speak first to the military utility of MX.

If Minuteman silos are vulnerable, as we have been told, then putting MX in those silos does no good. In fact, it makes things worse because a 10-warhead MX is an even more attractive target than a 3-warhead Minuteman.

From another point of view, we must remember that the Soviets cannot simultaneously attack our existing land-based ICBM's and bombers, as the Scowcroft report points out. I would also urge Members to reflect on the fact that the "prompt hard target kill" capability said to be provided by MX is already provided by Minuteman and Trident C-4, and will be made even greater by Trident D-5.

Mr. Chairman, from the point of view of military utility, paying a mini-

mum of $22.1 billion to put an attractive target in a vulnerable silo makes no sense.

□ 1630

Mr. Chairman, we are often told that we must build MX to demonstrate our national resolve. I submit our national resolve is already demonstrated by B-1B, stealth bomber, ALCM, Trident C-4, and Trident D-5. In fact, we already have 9,000 strategic nuclear warheads. Going to 14,000, as the administration plans, is the opposite of working for arms reductions. The Soviets know how strong we are, and dropping MX deployment will show our own confidence in that strength.

I urge the House to remember that every past system which started out as a bargaining chip ended up being fully deployed. The President has advised certain House Members by letter that he will deploy a mix of MX and Midgetman missiles. This is no bargaining chip.

Mr. Chairman, the bill now before the House contains $2.03 billion for continued R&D of MX missile itself. Furthermore, the bill endorses other Scowcroft recommendations concerning improvement of strategic forces, including R&D on Midgetman, $354 million and the D-5 Trident II missile, $1.5 billion. I emphasize that the D-5 will have the same accuracy and hard-target killing capability as MX. The D-5 will be mobile and invulnerable in 24 million square miles of ocean. And D-5 will be on-line in 1989.

Mr. Chairman, my amendment addresses the concerns of all Members. Funding R&D on MX provides a bargaining chip, if we really think we need one. Funding R&D on Midgetman provides a way of addressing Minuteman vulnerability. My amendment addresses improvements that make sense while moving toward reduction of nuclear arms—such as the Trident II D-5 missile. It also avoids needless expenditure of at least $22.1 billion at a time of unprecedented budget deficits.

Those Members who believe we need MX as a bargaining chip can support continued development of the MX missile. Those Members who support Midgetman but not MX can support my amendment. Those Members who believe we should reduce nuclear arms through negotiations with the Soviets, but at the same time make improvements that make sense, can also support my amendment.

Mr. Chairman, I urge acceptance of my amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 5 minutes, and I rise in opposition to the amendment.

Mr. Chairman, the MX is ever with us. It is a tough issue to deal with, but I would suggest to the Members of the House that as a result of the debate and the negotiations, the numerous meetings with the National Security Council, with the President, and with the President's representatives, and with the resulting Scowcroft Commission report which was done at the request of the Congress through the President, this issue has been thoroughly debated, it has been thoroughly considered, and it has led in my view to a more responsible approach at the bargaining table.

I think we now come to the point where, as a result of all this, we are prepared to go forward with the initial procurement money for the MX missile. I understand that there are strong views on both sides, and I understand the great concern that Members have. However, I am convinced that as a result of this continuing debate, as a result of the work done by Members of this body in dealing with the administration, as a result of all this activity, we now should go forward. I believe that we would now be foolish if we allowed the START talks to flounder as a result of some lack of resolve in the House or in the Congress.

I want to personally commend the gentleman from Tennessee (Mr. GORE), the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Washington (Mr. DICKS), and many others who have participated in what I believe to be the finest dialog between a Congress and an administration on a tough subject that I have witnessed in the 20 years I have been here. I think they have had a tremendous impact on our negotiating position, on our efforts at the START table, on our efforts vis-a-vis the Soviet union, and on our efforts in creating a responsible negotiating stance in Geneva.

So, Mr. Chairman, I think, as a result of all this work, we now owe it to ourselves and we owe it to our country to go forward. This is the crucial point in the whole MX debate. This is the point where we must, I think, decide whether we will backslide, whether we will flinch, or whether we will do the right thing and provide the funds for the MX.

Mr. Chairman, at the proper time I would like to yield to the gentleman from Tennessee (Mr. GORE) to discuss this matter further. However, at this point I will relinquish the floor and allow the subcommittee chairman to yield time to his next speaker.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, there are four compelling reasons to scrap this land-based MX once and for all. The first is cost, the second is vulnerability, the third is the clear fact that there are other options available, and the fourth and significant fact is the impact on arms control.

On the whole question of the colossal cost, we cannot afford a further step toward a commitment that will end up costing this country $27.4 billion. We cannot afford it at a time when the deficit for this year alone approaches the figure of $200 billion. We cannot afford this unnecessary spending at a time when people programs in each of the last 2 years have been cut dramatically, and I refer to the significant cuts in people programs like social security, like medicare, like student loans, and like housing. We cannot afford this costly turkey even at the time of Thanksgiving.

The second compelling reason for affirming this amendment and deleting the program is the whole question of vulnerability. We have now looked at 35 different basing modes, and the reality is that there is no such thing as a land-based mode that is invulnerable. The fact of the matter is that if we go ahead with the deployment of the land-based missile, it is an invitation for the Russians with their SS18's and SS19's to make the MX a highly vulnerable target and to invite a first strike by the Russians.

The third compelling reason for rejecting the land-based missile is the availability of other options that are less vulnerable and more defensible. We are at this time developing missiles that can be used from submarines and missiles that can be used from supersonic bombers, and in each case we do not have the flagrant vulnerability that we have with the land-based MX.

So because of the mobility and because of the defensibility of these other options, we should not proceed with the land-based MX.

Finally and significantly, we have the whole question of the impact on arms control. This will not be a bargaining chip. The history of bargaining chips is that once they are deployed, they are a weapon and they are there permanently. If we are concerned with the current climate of good will, if we are concerned with keeping the talks going, if we are concerned with our perception in the world, we ought to scuttle this land-based missile, and scuttle it once and for all.

So, Mr. Chairman, for the reasons of cost, vulnerability, other options, and the impact on arms control, we ought to vote yes on this amendment and ground this land-based MX, and ground it once and for all.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in our full Appropriations Committee we spoke of third generation missiles that we had versus a fifth generation in the interconti-

nental ballistic missiles that the Soviets had. My concern is with future generations of people, not future generations of missiles.

Let us not talk about weapons. Let us talk about the survival of the human race.

Last December I left Sloan-Kettering Memorial Hospital to come down to vote against the MX. I have recovered, and God willing, I will survive. But today 1 year later our own weapons are our own greatest danger. And the real concern is that if we continue to stockpile these nuclear weapons, the survival of human kind—those alive today, and all future generations that may never even exist because, a dreadful and ever increasing possibility. I urge my colleagues to vote for the Addabbo amendment and make the world more secure for our children and all the children yet to be born.

□ 1640

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, let me say to the gentleman from Alabama that I appreciate him yielding this time and I appreciate his kind words earlier and the opportunity to work with the gentleman and with others in fashioning this unprecedented agreement between the legislative and the executive branches of Government.

Some here today will vote against MX because they view it as absolutely bad; others will vote for it because they view it as indespensible. There is little to be said on either side that has not been said before, in the long struggle leading to this moment.

However, I have been associated with a small group of Members whose position on the MX was conditional; explicitly linked to our demands for changes in the adminstration's approach to nuclear weapons procurement and to strategic arms control. It is in the nature of our approach to this issue, that the vote which I am about to cast should be accompanied by an accounting and appraisal of what has occured.

Between April and September, the administration has made 15 changes. It has:

First, agreed to the Scowcroft Commission report, which contained a clear criticism of the President's approaches to new weapons and to arms control.

Second, accepted that it must pursue stability, defined as the avoidance of first strike capabilities, in both its weapons procurement and arms control policies.

Third, stated that it would exercise restraint in deployment plans for the MX, by stopping at levels that could not compromise a first-strike capability, even in the absence of an arms control agreement with the Soviets.

Fourth, publically stipulated that, in the context of an arms control agreement, the number of MX requested for national security could be revised downward.

Fifth, undertaken to alter the U.S. START proposal so as to bring it into line with the general recommendations of the Scowcroft report.

Sixth, acted on the recommendation that the United States develop a single-warhead ICBM, and lay stress in negotiations, on shifting away from MIRV'ed weapons toward single warhead systems, as a path to strategic stability.

Seventh, acquiesced to the Aspin amendment, which ties MX deployment in silos, to the pace of development of the small single warhead ICBM.

Eighth, acquiesced to my amendment, which cut funding for MX producing in fiscal year 1984 to levels consistent with 50, rather than 100 MX.

Ninth, dropped demands in START that ballistic missile launchers be limited to 850, indicating that a higher number—more consistent with stability, could be negotiated.

Tenth, agreed to drop the idea of two phases of negotiation in START, and to accept a single phase of talks in which all U.S. systems would be on the table at once.

Eleventh, deemphasized the throw-weight problem, and subordinated it to the objective of deep cuts in ballistic missile warhead totals, and to stability.

Twelfth, dropped rigid insistence on subceilings for Soviet heavy ICBM's, though retaining the view that substantial reductions in those weapons are indispensible.

Thirteenth, offered, in the build-down proposal, a proposition to the Soviets which links modernization and reductions.

Fourteenth, proposed to negotiate a trade-off between Soviet advantages in ballistic missiles and U.S. advantages in heavy bombers and bomber armament; explicitly, air-launched cruise missiles.

Fifteenth, named one of the most technically proficient members of the Scowcroft Commission as a delegate to the START talks, representing in his person and his attitudes, the interests of moderates in both parties.

These actions occured, during the spring and early summer, against the background of a series of moves clearly aimed at diminishing United States-Soviet tensions where possible. They continued even in the aftermath of the Korean airline disaster. They represent not only a change in focus for the negotiations, but—in the aggregate—evidence of serious intent; and they also provide commitments which the Congress can and should use in gaging administration requests for weapons in the coming authorization bill.

While I could have wished for more, and certainly wish these things had happened earlier, the fact is they have occured, and they create a context within which it is possible for me to vote in favor of funds for the production of the MX. It will be for future sessions of the Congress to test the alinement between our procurement plans and our concerns for stability, our concerns for stability and our approach to arms control. Such an alinement, though imperfect and imprecise, exists at this moment. If Soviet leaders are wise enough to respond to it, the seeds of an agreement, planted over the summer, could develop despite the chill in our current relations.

The President so far has lived up to his end of this unprecedented agreement. We must continue to live up to our end of the agreement. We are more likely to succeed with a bipartisan effort.

We must defeat this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, several weeks ago the President of the United States said to a group of Members of Congress who support the MX missile that he was never aware that our proposal was construed by the Soviets to be so one-sided. An amazing admission by the President of the United States. One would assume that by October 1983 he would have had more than a little familiarity with arms.

The gentleman from Tennessee (Mr. GORE) has outlined, I think, effectively what the supporters of the MX missile who are strong advocates of arms control have been able to accomplish.

The irony of what they have been able to accomplish is the build-down proposal that has been circulated by the administration publicly, and presumably to the Soviets, is not stabilizing.

One, of course, has to wonder about an administration that is only moved to arms control when it lusts after a new weapon; but having understood that, one needs to now examine the notion of a build-down and whether it makes any sense, because it seems to me now if you take pencil in hand, you will find that in light of the build-down proposal, the MX missile makes even less sense. If you are seriously interested in the notion, and I assume that we all are, of reducing the warhead to silo ratio, if you biuld 100 MX missiles and then are required to reduce 2,000 land-based warheads, that would leave you more vulnerable with 100 land-based MX missiles today than we currently are with the force

as it is presently configured. That does not make any sense.

Nuclear weapons serve no purpose other than to deter the other side from using their nuclear weapons. The idea of limited nuclear war, flexible counterforce response with nuclear weapons, is about as irrational as any idea anyone has ever heard. If you accept that notion, you then have to accept as a corollary to that premise the idea that a survivable accurate second-strike force is all that you need to deter the Soviets from starting a nuclear war, or from using their nuclear weapons to pressure you on some other part of the planet during the period of a crisis. If you accept either of those two beliefs, and I would be delighted to hear to the contrary, you must reject the MX missile because it fits neither one of them. It is not survivable and as it is currently based, it could only be used in a first strike, something that we have foresworn as a policy in this Government.

The notion of a bargaining chip also is fraught with danger. Bargaining chip weapons become weapons. That has been the history of arms control.

We are saying to the Soviets, "We want you to behave better and if you don't, we will do something stupid. We will waste a lot of money on a missile that is not survivable."

That does not seem to me to be the way to move the Soviets.

Now, I suggest that those of you who are interested in stability and in arms control recognize that this administration has negotiated with you, but they have not negotiated with the Soviets. I also say that if you are interested in a survivable second-strike force which is not provocative, you can go ahead and build the Midgetman. But so long as MX is alive, you will never see Midgetman deployed. All you will see is MX and more MX.

The CHAIRMAN pro tempore. (Mr. DURBIN). The time of the gentleman from New York (Mr. DOWNEY) has expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

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

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, critics of the MX (Peacekeeper) missile worry a lot. They worry that the missile is not needed. The fact remains, however, that the land-based leg of our strategic nuclear triad is becoming increasingly aged. Our Minutemen III missiles are becoming less effective because of time-related attrition. Just as there is a consensus that our aged B-52's must be soon replaced by the B-1, and later, the Stealth, the need to modernize our land-based leg of the triad must also be realized.

Critics have also claimed the MX is a destabilizing weapon which the United States might use in a first-strike against the Soviets. This just plain is not the case. As our colleague from Illinois, Hon. JOHN PORTER, stated recently:

> If we were deploying MX in numbers that the Soviets are deploying SS-18's, the destabilizing argument would be credible. But we are not. The Soviets already have in place hundreds of SS-18's and are deploying three more of these 10-warhead missiles a month in super-hardened silos. . . . This is what is destabilizing. . . .

In fact, the number of MX's the bipartisan Scowcroft Commission has recommended is even less than the number the previous administration sought. Clearly, the United States is not seeking a first-strike capability by the gradual deployment of only 100 Peacekeeper missiles.

Opponents of the MX also worry that building the MX will lead to a new step in the arms race, whereby the Soviets will follow suit and build yet another ICBM or weapon of destruction. The record speaks for itself, here. The MX's counterpart in the Soviet inventory is the SS-18: a highly accurate 10-warhead ICBM which has been operational and deployed for several years now. Just as the Soviets said they would respond to the United States placing Pershing II ballistic missiles in Europe by moving new SS-21's into Eastern European countries, they have again actually foreshadowed U.S. deployments, or even plans for deployment. A high-ranking Soviet general recently admitted that SS-21's are already in Eastern Europe. To charge that the United States is responsible for another round in the arms race is to deny the fact that the Soviets are ahead of the United States in certain key areas which need to be redressed immediately.

The MX Peacekeeper missile is a necessary element in the much-needed modernization of the U.S. strategic triad. I urge my colleagues to defeat the amendment to delete production funds from this Defense Appropriations bill, and continue the bipartisan support for this program began by the Scowcroft Commission.

The MX is also essential to achieve a true arms control debate through the START proposal.

Mr. CHENEY. Mr. Chairman, I rise in opposition to the Addabbo amendment.

There are two prime points I would like to focus on this afternoon. I have the feeling, sitting here listening to the debate, that somehow we have not made any progress in all the years now that we have been considering the MX.

□ 1650

We have been through about 10 years of development, and 10 years of indecision. We find ourselves today faced with one more effort by the critics who appear to be unwilling to abide by prior decisions of this Congress and this administration, that we should in fact proceed with the MX.

I am persuaded, based upon the good faith effort that the President has made, that he is indeed very serious about arms control. I have been very impressed with the quality of the efforts of my colleague from Tennessee (Mr. GORE), and my colleague from Washington (Mr. DICKS), and others who have tried to put together a truly bipartisan package. The future works with respect to the MX and the efforts toward arms control in Geneva.

It has been a model of cooperation between the executive and legislative branch and the Republican and Democratic Parties.

I am disturbed by the fact that we do find ourselves here today still undecided, indecisive, unable or perhaps unwilling to get on with it. We have debated the issue endlessly. We find ourselves now in difficult circumstances in Wyoming. I obviously have special knowledge where the MX is concerned, because it has been selected for deployment in my congressional district in my State of Wyoming. The MX is not like your ordinary military facility or military installation. It is not a project that has been welcomed with open arms either in Wyoming or any place else in the country. We have agreed to take it, and that requires a certain amount of courage on the part of my constituents, because everybody else seems to be prepared to say they are for a strong defense, but they want the missile deployed in somebody else's backyard.

We have been willing to step forward to accept the package, despite the controversy generated at home, in spite of the impact that will occur in southeastern Wyoming as a result of this decision, but we would like a decision.

We would like to have the critics recognize, after we have made one more effort here today, that in fact a decision has been made, that we are committed to the program, that we do want to go forward with construction on the program, that we do want to go forward with adjusting and adapting to the impact that is going to occur in Wyoming as a result of this decision.

I would urge my colleagues to vote down the Addabbo amendment. If you believe in modernizing our strategic forces, you have to vote no on the Addabbo amendment. If you believe in serious arms control and if you believe that finally after 10 years it is time to make a decision, you have to vote no on the Addabbo amendment.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. McCLOSKEY).

Mr. McCLOSKEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to join in support of the amendment to delete funding for the MX ICBM. After extensive study of this issue, it is my view that the MX ICBM is the wrong weapon for the wrong mission at the wrong time. Considering the fact that the initial justification for the MX ICBM was to provide a survivable and modernized leg for our strategic triad, the MX fails this test. The Scowcroft Commission was quite clear in its emphasis that the United States and the Soviet Union should move away from the destabilizing MIRV'd systems which are vulnerable to attack. Yet the mission of the MX based in silo locations well-known to the Soviets puts us on a course opposite of that recommended by the Scowcroft Commission. High level Pentagon officials and other former officials now outside the Government, but with extensive experience in ICBM design and development, will admit privately that the MX has little if any real military value. Finally, at a time when we could accommodate both the aims of arms control and redirect defense dollars toward systems that actually do improve our national defense, the wisest course would be to terminate the MX. This would not reflect the lack of will to make a decision. Indeed, termination of the program would be the right decision.

Many of my colleagues in the House and on the Armed Services Committee have expressed strong concern about the consequences of putting the MX into a very vulnerable basing mode.

We would prefer to accelerate development of the small, mobile single warhead ICBM as a long-range answer to modernizing our strategic triad. Some experts have told me that an initial version of an SSICBM could be operational from silos within 48 months. However, because of the determination to pursue deployment of a vulnerable MIRV'd ICBM, we will have to wait perhaps another decade before initial operating capability of an SSICBM. It is foolish to believe that Soviet ICBM accuracies—the capability which prompted work on the MX in a survivable basing mode in the first place—will get worse. Indeed, all the MX represents for the Soviet Union is a partial vindication of their decision to develop a highly accurate ICBM force. What we are doing is increasing the value of military targets in our country which they have already decided to hit. Supporters of the MX program who also subscribe to the view that the Soviets are capable of launching a disarming nuclear strike against U.S. missile fields should ponder this. Of the 750 Soviet ICBM's which are advertised to have accuracies and payloads capable to accomplish this theoretical threat, it would require only 20 to 30 of these missiles assuming MIRV'd payloads of at least 8 warheads each to totally wipe out the 100 MX planned for deployment by 1989. But wait, say supporters. The purpose of MX could be to lanuch on warning or to threaten Soviet missile silos in the same way we are now supposedly threatened. This argument fails as well since we will not deploy MX ICBM's in sufficient numbers to achieve two on one targetting of Soviet SS-18, SS-19, and other ICBM's in the Soviet arsenal.

Mr. Chairman, the MX ICBM is literally a weapons program going nowhere. And yet, we are about to commit ourselves to a $28 billion program without assurance that it will contribute one nickel's worth of added deterrence. Current land-based ICBM forces, together with our submarine missile forces and crusie missile-equipped bomber force, provide massive nuclear striking power. Going forward with MX will be a dangerous redundancy that we do not need and which is only soaking up funds from future systems which we may definitely require. I urge my colleagues to reject the funding of the MX ICBM and approve the amendment before us.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the gentleman for yielding me this time.

Mr. Chairman, we all believe in a strong national defense, but the key to a strong national defense is the ability to make choices, to set priorities, and to invest in those things which really make us strong. We have debated this MX missile throughout this year and I think, if anything, the more that we debate it, the clearer it becomes, that it is a destabilizing weapon that does not advance our security and that costs a fortune.

In times of $200 billion budget deficits, we are going to have to have the strength to say no to the MX missile, in order to have the resources, both for our domestic economy and for a truly strong national defense.

The point of decision is upon us now. It is now that we have to make the choice. Once we move forward with deployment, we will find it very hard to turn back.

It is now the time to resolve that those of us who believe in a strong defense and also believe in a secure economy are ready to say no to this weapons system which will not advance either purpose.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Addabbo amendment. This is not like the issue we will be facing later, with the Pershing and cruise missile where the web of relationships with allies is involved.

This is essentially an American idea, one to be made in America. I heard earlier that—what was it—15 accommodations have been made by the administration in return for votes for the MX.

Those same accommodations can prevail if we vote money only for R&D, as proposed in the Addabbo amendment. We do not need to vote money for procurement. The argument for MX gets down to creation of a bargaining chip. MX is a bargaining chip that potentially involves lives, not only weapons.

It is a bargaining chip, if one looks at the history of arms control and arms buildup, that threaten to hurt the gambler. I strongly urge that we not just take the vote on the amendment for granted but that we rise together, and vote in support of this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment to cut $2.1 billion for production of the first 21 MX missiles.

Mr. Chairman, we are at the end of a long and torturous debate we have had over this missile. I know that a lot of my colleagues have had mixed feelings about the MX.

I know that a lot of my colleagues have voted for the MX along line, knowing that there was always an opportunity later on to stop the weapons system.

Well, today we are at the end of the line.

Today, we will be deciding whether to actually produce the MX missile.

And remember, when we begin producing the MX, there will be no turning back.

You will not be able to vote for the MX today and say you can always stop the missile later.

Once we open the MX production line, it will never be closed.

So here is what we are buying if we open up the MX production line.

We are buying a first-strike capability for our missile forces.

The MX is designed to destroy land-based Soviet ICBM's in their silos.

If you take the 1,000 warheads that will be on the 100 MX missiles and combine them with the 1,650 warheads already on the 550 advanced Minuteman III missile, that represents

enough nuclear firepower to threaten all 1,400 Soviet ICBM's

That gives the United States a first-strike capability.

That gives the United States a capability it does not need and does not want—unless anyone believes we will ever have to launch a preemptive attack against the Soviet Union.

If we open the MX production line, we will be buying a missile that will be putting the MX in one of the most vulnerable basing modes imaginable.

The MX missile will be put in existing Minuteman silos. Now the President may be able to erase the vulnerablity problem as he would a line from the script, but the fact remains that the missiles will be extremely vulnerable to Soviet attack.

Even the Air Force has projected that as few as 1 percent of the MX missile in Minuteman silo would survive a Soviet first strike by 1990.

In other words, we will be buying a missile system that is only 1 percent effective.

It is obvious that there is little military justification for deploying this weapon.

The only justification that is left for the MX is political.

Some say we need the MX as a bargaining chip to force the Soviets into reductions. Of course, the White House has been very elusive on whether the MX is a bargaining chip or it is going to be produced no matter what the Soviets do.

But even if the MX is a bargaining chip, the only thing the deployment will do is propel the Soviets to continue the nuclear arms race. Anyone who believes that Yuri Andropov will respond to our producing the MX by meekly cutting his forces is living in a fairy tale world.

No, when we produce the MX you can be certain that the Soviets will produce a comparable weapon like the SS-X-24.

Another political justification for the MX is that it is needed as part of an arms control package the administration is presenting at Geneva—that it is needed for our START negotiations to succeed.

Well, I hate to be the one to break the bad news, but those START negotiations are dead in the water at Geneva. In fact the only talk now at Geneva is whether the Soviets will walk out of START if we begin deploying Pershing II and cruise missiles in Europe.

The administration's arms control package now seems to change with every season of the year.

The latest fall package that has been taken to Geneva is the so-called build-down proposal.

Build-down is now the arms control package the administration is using to get the MX funded.

What is build-down? Well, it is a concept that is about as elusive as the bargaining chip.

Talk to a hundred build-down supporters and you will get a hundred different versions of build-down.

But one common thread that runs through all the build-down proposals is that they all allow the Pentagon's nuclear weapons programs to proceed unimpeded. They all allow the superpowers to continue the qualitative arms race.

And they all would allow for the production of the MX.

Let us face it though, the administration is just using the build-down proposal as a cover to get Congress to pass the MX.

In fact, if the administration were really serious about build-down, the last thing it would want to build is the MX.

Many versions of build-down call for retiring two old warheads for every new one we deploy.

If the administration deploys 100 MX missiles with their 1,000 warheads, that means it has to destroy 2,000 warheads from its ICBM stockpile.

It would have to dismantle 550 Minuteman III missiles and 350 Minuteman II and Titan missiles. That would reduce our total number of ICBM launchers from 1,050 to just 250.

In other words, instead of having 1,050 land-based targets the Soviets would have only 250 ICBM targets.

I would think the biggest supporter of the MX and build down-might be the Soviets because it would cut down on the number of targets they have to hit.

Clearly, Mr. Chairman, the MX missile makes no military sense. It makes no arms control sense. It makes no political sense. And it makes no defense sense.

Mr. Chairman, I cannot think of a more tense situation than the present state of world affairs. We have had the tragedy in Lebanon. We have the invasion of Grenada. We have the Korean airliner shoot-down.

We have the leaders of both superpowers attacking each other in the press.

It is time to sound a voice of reason.

It is time to let cool heads prevail.

It is time to ease the tensions.

It is time to give real arms control a chance.

It is time to stop production of the MX missile.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I think that the debate here today is important, and it is important to look back over the last year as to what has happened, because I think that several things have really obscured some important changes that have occurred over the past year.

The Korean plane shoot down, the invasion of Grenada has really obscured some important changes in arms control, and in the whole arms control front that has gone on over this last year.

We embarked on an experimental cooperation last year with the beginning of the Scowcroft Commission.

The Scowcroft Commission recommended that the MX be given up as a vulnerable-invulnerable basing mode. What the Scowcroft Commission said is you cannot base the MX in an invulnerable way.

We are going to build a small single warhead instead.

The Scowcroft Commission said we need a new arms control approach, an arms control approach that recognizes that we are building a small single warhead missile, and an arms control approach that recognizes that we have to have limitations on warheads.

□ 1700

And surprisingly enough, those changes have taken place. We are building a small single warhead missile. We have a new arms control approach, at least so far, and I think that those changes are very, very important.

What is the role of the MX, then, in this constellation? It is not to be an invulnerable system. It really is to be a bargaining chip with the Soviet Union.

We have a classic bargaining chip situation out there now. Various people who have spoken previously, earlier today, have pointed out that it does not make a lot of sense to build 100 MX's if you are going to go ahead with the arms control proposals that the Reagan administration has on the table, and I agree. That is absolutely correct. So you have a classic bargaining chip situation.

You are saying to the Soviets we are going ahead with an MX missile, or 100 MX missiles, and we have an arms control proposal out there for you to sign. If you accept the arms control proposal it is unlikely—we do not say it—but it is unlikely by looking at the numbers that we will go with 100 MX's.

If you do not accept the arms control proposal or something like it, our plan is to build 100 MX missiles.

It is a classic bargaining chip situation.

Do not disparage, do not disparage the use of bargaining chips. Bargaining chips were absolutely critical in SALT I.

Remember in SALT I the Congress of the United States had an enormous debate on the ABM system. It was nip or tuck in 1969 and 1970.

Finally, there was a vote where it was a tie vote in the other body and the Vice President, then Spiro Agnew, voted in favor of the ABM and the ABM system passed.

If I asked the Members here had Congress voted against the ABM system in 1969 would the United States and the Soviet Union have agreed to a mutual treaty that banned ABM systems on both sides: Very unlikely.

Why would the Soviet Union agree to ban something on their side in order to get us to ban something on our side, when what happened was that the Congress took away our side of it, our deployment.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I would be happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Would the gentleman also admit that the thing the gentleman is trying to do away with, MIRV'd missiles, by his advocacy of a single warhead Midgetman, was once also a bargaining chip.

Mr. ASPIN. No, sir. No, sir.

Mr. AUCOIN. It was proposed in 1970 as a bargaining chip, the same thing that happened with the MX.

Mr. ASPIN. No, sir. The point the gentleman raises that sometimes bargaining chips can in fact become weapons in and of themselves, and things do not get bargained away yet is correct. That happened.

Mr. AUCOIN. First with MIRV then with cruise missiles.

Mr. ASPIN. Cruise missiles, yes. The MIRV is not one of them. Cruise missiles is.

The point, though, is what you are doing here is you are linking our arms controls proposal directly to the bargaining chip itself, which we did in SALT I with the ABM, which we did not do ever with the cruise missile.

Mr. AUCOIN. If the gentleman would yield further, I am surprised that the gentleman would say that because I have the direct quote of Dr. John Foster, the Director of Defense Research and Engineering in 1970. He called MIRV a bargaining chip, and it got built. This is the genesis of the silo vulnerability problem that causes today's debate.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the gentleman from Wisconsin, my good friend, Mr. ASPIN, talks about the need for building MX as a bargaining chip. I suggest to the gentleman from Wisconsin that you do not need MX for a bargaining chip, that our power in missiles at the present time is adequate to use for bargaining chips now.

We have been sold a bill of goods to the effect that the Soviet Union is way ahead of us in missilery, that we have a window of vulnerability. The President in the past has said that "Today, in virtually every measure of military power, the Soviet Union enjoys a decided advantage."

Secretary of Defense Weinberger has said:

> The fact is that while we have virtually stood still over the years, the Soviet Union has pursued a dramatic and an unprecedented expansion of their strategic forces.

The facts are to the contrary, Mr. Chairman. Senator LEVIN, over in the other body, asked the Library of Congress to prepare a study on a comparison between the missile strength of the Soviet Union and the United States. I would point out that the Chief of the Joint Chiefs of Staff, General Vessey, has said:

> I would take some of the things that the Soviets have for their forces in terms of numbers and give them to our forces but overall would I trade with Marshal Ogarkov? Not on your life * * *.

I am sure that General Vessey had in mind the comparison of missile strength to the strategic forces between the Soviet Union and ours.

This is what the Library of Congress says is our comparative strength, and listen to this:

The United States has strategic nuclear warheads and bombs amounting to 9,543. The Soviet Union's total is 8,072.

Warhead production between 1970 and 1981, the United States 5,254; the Soviet Union 5,019.

Heavy and medium bombers, the United States has 328; the Soviet Union has 245.

Air launched bombs and missiles, the United States has 2,626; the Soviet Union has 345.

Submarine launched multiple warhead missiles, the United States has 520; the Soviet Union has 224.

We have the predominant number.

If that be true, why do we need to build another missile system just for a bargaining chip? That was the brunt, that was the basis for the agreement apparently reached by my good friend from Tennessee (Mr. GORE) and by my good friend from Wisconsin (Mr. ASPIN) and the gentleman from Washington (Mr. DICKS).

We need their votes. This missile system, the MX, should be killed. It was killed when our friends voted with us previously, the MX was killed.

I do not think the agreements, and I recognize the importance of the agreement between the gentleman and the White House, I do not think that that agreement is sufficient to warrant production of the MX.

I hope the Addabbo amendment is agreed to.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is important to point out that this is not another missile system that is just being used for a bargaining chip, as the gentleman from Illinois (Mr. YATES) has suggested.

This is a missile system that is part of an overall strategic plan generally referred to as the triad. The President has made it very clear, very clear that he has laid all of those parts of the triad on the table at the START talks in Geneva, and that this is not the only system that we are going to the START talks to negotiate. This is one system.

But it is clearly a deterrent. That is a key part of our overally strategic system, and in that context it is extremely important.

But we do not contend that this is the single bargaining chip that we have got to go to the bargaining table with. This is one of the systems. The President has laid them all out.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I have studied this issue carefully and with great interest over the past several months, and I have listened intently to the debate here today. Having now weighed and considered the arguments on both sides, I have come to the conclusion that this amendment does not serve the best interests of our Nation, or the best interests of the arms control movement. I must rise, therefore, in opposition to the amendment.

The United States has now adopted as part of our negotiating stance in the strategic arms reduction talks (START) the mutual guaranteed build-down proposal. This proposal, which basically provides that any deployment of new ballistic-missile warheads be linked to the destruction of a greater proportion of existing warheads, makes the MX missile the perfect bargaining chip to lead to true and meaningful arms control.

We must remember that the President's Commission on Strategic Forces, the Scowcroft Commission, in proposing that the United States move forward with limited deployment of the MX missile also proposed that the United States and the Soviet Union move away from more threatening multiple warhead systems to the smaller, more mobile, single warhead missiles in the future. The MX presents the best argument for the Soviets to accept the U.S. proposals for a mutual guaranteed build-down and for movement toward the small, single warhead missile. If the Soviet Union fears U.S. deployment of the MX then that deployment provides the best incentive for them to open up at the bargaining table and accept the build-down concept. With the build-down plan in place, the sheer arithmetic will lead both the United States and the Soviet Union away from the MIRV'd, multiple warhead systems to the small, single warhead systems.

The development of the Midgetman single warhead missile, as proposed by the Scowcroft Commission, will enhance stability and reduce the threat of a first-strike attack. The Scowcroft Commission proposals, coupled with the build-down concept, move us in that direction and toward true, meaningful arms control.

The rapid and massive Soviet arms build-up which is taking place makes it essential for us to maintain a credible deterrent and a strong bargaining position in arms control negotiations. In the final analysis, substantial, mutual and verifiable nuclear arms reductions must be our goal. As a bargaining chip, I sincerely believe the MX has a vital role to play in achieving that goal.

And, if it does not, then I believe we need the MX missile to maintain a strong deterrence. Deterrence is what nuclear weapons are all about. As the gentleman said earlier, they have no purpose other than deterrence.

But my question to you, my colleagues, is, What is wrong with deterrence? Deterrence is what we must have in a nuclear world while we are working toward meaningful arms control.

In addition to deterrence, we must also have resoluteness. It is absolutely essential that as we are approaching the deployment of our missiles in Europe, as part of a NATO agreement, we in the United States cannot back down from this test of our will. Why should the Europeans be willing to accept the deployment of nuclear missiles on their soil if we are unwilling to accept the deployment of nuclear missiles of this type on ours?

□ 1710

I think that what we are talking about here today is a question of will, and it is a question of signaling the Soviet Union. Our European allies will be rent asunder if we adopt the Addabbo amendment today. The whole viability of the North Atlantic Alliance rests very much on our action.

Let me turn finally to the budget issue. Surely we have to be mindful of expenditures. But let me say this to you: When I was recently at a NATO parliamentarians' meeting in Europe a German national said to me that he had just spoken to his mother, and his mother said, "Son, I don't know how to advise you about whether you should buy these missiles or not, but it is my theory that we should always use our old missiles before we buy new missiles."

Now is that good thinking? Should we have missiles simply to use them or should we have missiles which can bring about deterrence?

While we must spend defense appropriations wisely and conservatively, if we do not have an adequate and credible defense to maintain our liberty and system of government, all the other functions of our Government in the social arena become moot. Hence, the decision we have to make today about the MX missile, and other defense expenditures, is to ascertain just what and how much we need to defend America and deter aggression.

So while the budget question may be a factor, the overriding questions which we are talking about today are the questions of resoluteness, deterrence and the path to arms control. If the MX has a role to play in answering these questions, and I believe it does, then we must stand firm and reject the amendment which is now before us.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to my colleague from Texas.

Mr. WILSON. I want to compliment the gentleman (Mr. LEVITAS) on his remarks and associate myself with them.

To take the gentleman's argument a bit further, the gentleman is aware of course that during the last 40 years, the last 38 years is the longest time in modern history in Europe when there has not been war.

Mr. LEVITAS. The gentleman is absolutely correct, and that is because of the deterrence we and our NATO allies have had, and it was just the failure of that type of will when Churchill, before World War II, said the British needed to build a credible force and was rejected, that led directly to that terrible world conflict and the loss of millions of lives.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. I thank the chairman of the subcommittee for yielding those 2 minutes.

I had a prepared statement, Mr. Chairman, that would probably take about 15 or 20 minutes, but under the time limit set by our chairman let me just see if I can review some of the statements being made here.

There are those who claim that the MX missile is going to be used for a bargaining chip and those who state it is not a bargaining chip but part of an overall program.

I wonder if we dig down real deep, is the MX missile really a bargaining chip? Is it a matter for conversation in the negotiations going on now? Is the Soviet Union more concerned about the MX missile or are they more concerned about the Pershing and the ground-launched cruise missiles? Are we not committing the United States to a $30 billion boondoggle, that the taxpayers of this country will be paying for over the next 20, 30, or 40 years?

Then we talk about the build-down. Let us talk about that build-down.

Unfortunately, we try to do it within 2 minutes but on the build-down is there any guarantee that when we eliminate two of the older ones, and we build one, that the devastating, destructive power is also eliminated with it and reduced?

The gentleman says, "Yes." But the truth is we have had the Deputy to Mr. Adelman come before our committee and he could not give any assurance or guarantees.

So let us not kid ourselves here. Let us not try to kid those who serve here in the Congress of the United States. The build-down does not guarantee less destructive power.

Mr. Chairman, I rise in support of the Addabbo amendment and urge my colleagues to delete $2.1 billion and stop the production of the MX missile.

We have had this debate before. The Scowcroft Commission has been discussed in detail. Air Force studies, indicating less than 3 percent survivability for MX missiles in Minuteman silos, have also been presented. Now, we are told, MX is critical to security if only in a symbolic way, as a bargaining chip.

Frankly, when you talk about arms control, what we need now are not more bargaining chips. Instead, what we need is a little more bargaining at Geneva.

But consideration of the MX program occurs as the United States confronts serious tensions and conflicts in our international relations. I am concerned that the administration is using these tensions as a justification for continuing their strategic arms buildup.

If anything, the lessons of the Middle East and Caribbean, together with what we learned from the Korean airliner incident, should point us in a different direction. Rather than a pretext for continuing the arms race, these events should be viewed as a warning.

To those of my colleagues who are considering supporting MX because they feel its rejection would send the wrong signal; that it would indicate some lack of national resolve; I urge restraint and recommend you reconsider.

MX has a symbolic value only if we choose to give it one.

Despite all the analysis, the complicated system reviews, program studies and budget justifications, strategic systems like MX have value only as a deterrent. When deployed, MX will not put pressure on the Soviets to withdraw from Poland or Afghanistan. Building it will not make the skies safe for commercial jet airliners. Nor will it improve our chances for peace in the Middle East, stability in Central America, or security in the Caribbean.

It is imperative that our decision on MX be based, not on the basis of myth, perception or bargaining chips, but on the military merits of deployment.

Three generations ago, one of the first nuclear theologians, Bernard Brodie of Yale and the University of Chicago, wrote that everything about nuclear weapons is overshadowed by the twin facts that they exist and that their destructive power is fantastically great.

Since then the scientists, mathematicians, and economists at the Department of Defense have attempted to come to terms with these weapons.

Just before he died in 1978, Brodie concluded that all the theories on nuclear weapons, counterforce, the window of vulnerability, and flexible or limited response; all these theories were simply word games.

In the end, the existence and power of weapons like MX overshadow any effort to pretend or propose that nuclear war can be calculated and planned with precision.

As Harold Brown told us during his tenure as Secretary of Defense, after all the reviews, deterrence is the only feasible justification for nuclear weapons. Systems like MX are no substitute for a health and modern conventional force.

If your concern is perception, MX is not your symbol.

If your concern is the U.S. strategic deterrent, remember that now in the U.S. arsenal are the Trident submarines, nuclear cruise missiles, Minuteman, and soon the B-1 bomber.

As we watch a world in conflict, the most constructive and thoughtful step the United States can take is to withdraw the MX. We do not need it for own defense. The U.S. deterrent will not be helped by the limited capability of the MX missile.

This year's production request is $2.1 billion.

Next year, the MX budget will be double, $4.1 billion. It will be very expensive, and if the defense planners have their wish, dense pack basing costing billions more, will be added before the program is concluded.

Once the funding appetite of this system is unleashed, it will be imposible to satisfy the hunger of this financial monster. Our conventional modernization, and other more important programs, will suffer.

With our record deficits, and the $20 billion to $30 billion price tag for MX, we would all do well to remember President Eisenhower's comments from 1952:

> The foundation of American military strength is our economic strength. A bankrupt America is more a Soviet goal than an America conquered on the field of battle.

Mr. Chairman, our country has real defense priorities, MX is not one of them. I urge support for this amendment.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I agree totally with the gentleman. Let me add one point to what has been said: All of the things that the administration has agreed to do if this Congress approves the MX can clearly be done without our approval of the MX. We do not do something bad to get a good result.

We should vote for the amendment.

The CHAIRMAN pro tempore. The Chair would advise both sides that each side has 8 minutes remaining.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, over the last several months, I have joined with a group of moderates in the House including the gentleman from Tennessee (Mr. GORE) and the gentleman from Wisconsin (Mr. ASPIN) and others in an effort to insure a balanced implementation of the recommendations of the Scowcroft Commission. Our particular emphasis has been on insuring that the administration is being fair and forthcoming on the arms control side of the equation. We have fought to get this amendment on an arms control path. I believe that has been achieved.

This body has debated the MX and its relationship to the Scowcroft recommendations at great length on a number of occasions this year. I would like to focus my comments on developments in the arms control field, and especially on changes made in the U.S. proposals at the START negotiations, which I believe justify continued support of the MX program as authorized.

In consultation with interested Members of Congress, the President approved a number of changes in the fourth round of START discussions this summer, to make it more consistent with the Scowcroft Commission recommendations. These included a relaxing of the proposed limit on the total number of ballistic missiles at 850, a willingness to deal with all forces, including bombers and air-launched cruise missiles, in the initial phase of the talks, an offer to explore alternative approaches to limiting the destructive capacity of ballistic missiles rather than specific and restrictive sublimits, and efforts to implement a number of confidence-building measures.

While these changes represented steps in the right direction, those of us in the House felt that additional modifications could produce a proposal that was even more forthcoming in promoting the goal of stability, addressing legitimate Soviet objections, and protecting our national security. We began to work more closely with like-minded Members of the other body and with administration representatives to formulate these changes.

On October 4, the President announced his instructions to Ambassador Rowny for round 5 of the START talks. These instructions reflect a set of principles agreed upon by congressional Members. Those principles are:

First, commitment to a revised START position by the fall. The revised position should be consistent with the recommendations of the Scowcroft Commission report and be framed to promote a durable, bipartisan arms control consensus in this country.

Second, commitment to incorporate the build-down principle in the revised agreement.

Third, a proposal must be simple, credible, and negotiable.

Fourth, there must be a cap and reductions in ballistic missile warheads and in total destructive capacity.

Fifth, ballistic missile RV's should be reduced to 5,000.

Sixth, missile throwweight and bomber payload reduced to levels consistent with stable balance of forces at lower levels.

Seventh, as reductions occur, they should favor stabilizing systems and penalize destabilizing systems.

Eighth, the build-down should be paced by each side's missile modernization program or by an annual percentage reduction, whichever produced the lower number.

Of equal importance, the President has expressed a willingness to be flexible in how these principles can be realized including a specific commitment to negotiate tradeoffs, taking into account Soviet advantages in missiles and U.S. advantages in bombers, in ways that provide maximum flexibility consistent with movement toward a more stable balance of forces.

Finally, the President has appointed James Woolsey to serve as a member at large to the U.S. START delegation, and Robert McFarlane as his new National Security Adviser. These are two individuals in whom I have a great deal of confidence. Having them in these important positions will help insure that the administration will continue to be responsive to congressional concerns on the direction of our strategic policy. We have, I believe, a basis for a bipartisan consensus.

No one can guarantee that the current U.S. START position in company with our ongoing modernization plans will produce the agreement we all seek. But I am convinced that the primary determine is now the willingness of the Soviets to demonstrate a true sincerity to reach an agreement. The ball is clearly in their court.

This is not a perfect world. I am reminded of what Mr. Sakharov said:

> Of course, I realize that in attempting not to lag behind a potential enemy in any way,

we condemn ourselves to an arms race that is tragic in a world with so many critical problems admitting of no delay. But the main danger is slipping into all-out nuclear war. If the probability of such an outcome could be reduced at the cost of another 10 or 15 years of the arms race, then perhaps that price must be paid, while at the same time, diplomatic, economic, ideological, political, cultural, and social efforts are made to prevent a war.

I would suggest that we have to remain strong, maintain our deterrent, and keep this Scowcroft Commission report together.

Mr. AUCOIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. Mr. Chairman, it all comes down to this: The MX is ineffective as a weapons system and worthless as a bargaining chip.

As a weapons system, it is ineffective because it is too heavy to be mobile, so you cannot move it around to protect it. It is too vulnerable, if you leave it in the silos where it can be found.

It is worthless as a bargaining chip because either the Soviet Union will perceive that it is a second-strike weapon, in which case they will understand that it has a 1-percent survivability rate which will give us nothing because it has no value; or they will perceive it as a first-strike weapon and be tempted to take it out by a preemptive strike.

□ 1720

And so when all of these arguments make sense, we are left with only one more, that it is an act of will and resoluteness. I say to my colleagues, there is no value in being resolute in error and there is no value in being resolute in wasting money. Let us not do it. Let us adopt this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, my purpose here is not to get less defense, but to get more defense. This particular weapon, the MX, is highly vulnerable.

Gen. Lou Allen, Chief of the U.S. Air Force, said: "An essential feature of the MX is that the basing mode be survivable."

Well, now we know it is not survivable because it can be put in the same tubes as the Minuteman is in. It does not provide a hard kill head capability. It does not do that for the simple reason that we already have an updated Minuteman. Nobody has mentioned that here that we already have such a weapon in place.

Second, the Trident is a good weapon of that type.

And third, the new DC D5 Trident weapon is, of course, also of that nature.

The cost of this will be somewhere between $20 and $30 billion. My purpose is not to save that $30 billion, or whatever it is, not to put it in arms. My purpose is to put it in a place where it will do some good, namely, in conventional weapons. We are moving rapidly in the thought of the MX toward a nuclear war. The Scowcroft report said that we would use the MX, "to assure our allies that we have the will to stand with them with whatever forces are necessary if the alliance is threatened by massive conventional attack."

Then on page 6 it says:

In any consideration of attack with conventional forces, Soviet leaders must understand the risk in American nuclear response.

So the truth of the matter is that this weapon is a weapon which has some strength, but it is not unique among our arsenal of nuclear weapons. But it might well lead us to a nuclear war. It is expensive. It is very vulnerable.

I have been intrigued by these arguments about how we are moving in the direction of disarmament when we are going to build this particular weapon. That is the strangest argument I think I have ever heard in so many very intelligent Members taking it.

As pointed out by a speaker very recently on the floor, you can do all these disarmament things without buying this particular weapon. This is a colossal weapon. It costs a lot of money. Not a particularly good weapon. Very, very vulnerable. The money from it should be spent on conventional weapons to see to it we are not marching to the tune of going into a nuclear war in Europe.

In my opinion, this is a very destabilizing weapon, one that could well lead us to a nuclear war, a very costly weapon, a very vulnerable weapon. And my feeling about this is not just to save money for the budget, as budget-minded as I am, I would like to send every penny of this to do something about our conventional weapons in Europe, where they have three times the number of artillery, five times the tanks, et cetera.

And we are preparing ourselves for an Armageddon, sure enough, if we go toward this nuclear approach, in my opinion.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Chairman, I simply would like to associate myself with the remarks of my colleagues, the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Washington (Mr. DICKS), the gentleman from Tennessee (Mr. GORE), who have done such a tremendous job of trying to synthesize a number of concepts that I think have finally emerged in a START position which this country can be proud of and hopefully will lead us to successful negotiations in Geneva.

We cannot create the will to negotiate or even affect tremendously an atmosphere in the world that makes it difficult to negotiate, but we have at least put on the table, I think, a document, a piece of paper, that does commit us to some very significant reductions in nuclear weapons over the long haul.

Personally, I would love to see a merger of the INF talks with the START talks, but that remains to be seen as something I think we should all work for.

Today we once again debated the pros and cons of funding for the procurement of the MX missile. This subject is no stranger to any of us; indeed, it is a matter that the vast majority of us are intimately familiar with.

Most of us know how we are going to vote, and I doubt that many votes will hinge on what is learned today. Nevertheless, an issue of such import and with such far-reaching implications warrants a full airing.

Furthermore, while much of what will be said today has been discussed in the past, a great deal has occurred in the few months since Congress last addressed the matter of funding for the MX. I do not wish to belabor this point, nor will I detail all that has happened to directly or indirectly affect this issue.

I do, however, wish to discuss three aspects of this debate that are paramount in my judgment. The first is the misconception that the MX, in and of itself, is a first strike weapon. The second is the real progress that has been made in modifying the administration's arms control policy. The third is what I consider to be essential to the future of our negotiation efforts: The merger of the START and INF talks.

The MX is not a first-strike weapon.

No single weapon is, in and of itself, inherently a first strike weapon, despite all the rhetoric to the contrary. The determining factors are the context in which the weapon is deployed and the size and capacities of our nuclear force in relation to that of the Soviet Union.

It has become a common misconception that the MX, because of its accuracy, basing, and hard target capability, is a first strike weapon. The facts, however, do not bear this out.

First of all, to launch a first strike one would require assurances of the ability to destroy any and all retaliatory capability of the adversary. The Soviet Union currently has 1,398 ICBM's in silos. Assuming that that number remains constant and the accepted standard ratio of two warheads per silo applies, the United States would require 2,800 highly accurate warheads for a first strike against the Soviet silo system.

Our missile force is simply not adequate for such action. We currently have 1,000 Minuteman ICBM's in silos

and 50-odd Titans which are going to be retired. Of the Minuteman force, 550 are Minuteman III carrying three MIRV'd warheads; 450 are carrying single Minuteman II warheads. Of the Minuteman III, 300 missiles have been or are being modified to carry the MK-12A reentry vehicle. The others are armed with less accurate MK-12 reentry vehicles.

It is a matter of controversy as to whether or not the Minuteman III missiles with MK-12A warheads are suitable in a first strike scenario. However, even if we assume them suitable for the sake of discussion, our missile force then breaks down this way: 300 Minuteman III's with 3 (MK-12A) RV's equals 900 RV's, 150 Minuteman III's with 3 (MK-12) RV's equals 450 RV's, and 450 Minuteman II's with 1 RV equals 450 RV's.

Of these, only the 300 Minuteman III's with 3 (MK-12A) RV's are hard-target capable.

Add to this the proposed MX force. In order to insure that the United States does not achieve a land-based first strike capability, I and a majority of my colleagues supported the Gore amendment to the fiscal year 1984 defense authorization bill which reduces MX procurement funding to a level consistent with a final deployment of no more than 50 missiles. This is a significantly smaller number than the original proposal of 200 missiles, or the reduction to 100 missiles following the release of the Scowcroft Commission report: 50 MX with 10 RV's equals 500 RV's, total hard-target capable missiles equals 1,400.

This figure is 50-percent lower than the number of missiles that would be needed for a U.S. first strike. It purposely does not include our current SLBM force because these weapons do not have the necessary accuracy; nor does it include deployment of the Trident II D-5 missile, which is still a number of years away. Furthermore, while a selective first strike against the Soviet heavy ICBM's would no doubt take its toll, by no means could it be carried out with even a theoretical profit to the United States.

Progress has been made in modifying the administration's arms control policies.

The arms control proposal put forth during the fifth round of the strategic arms reductions talks (START), which began October 6, 1983, in Geneva, was significantly different and improved over the administration's original 1981 proposal. You will recall that the President, at the time of the first round of START, recommended a plan which was, for all intents and purposes, nonnegotiable. With a stated goal of achieving equality in numbers of ICBM's, Mr. Reagan called simultaneously for deep reductions in Soviet ICBM's and large increases in U.S. missiles. The Soviet Union, which has 75 percent of its strategic force in ground-based ICBM's, predictably refused the proposal.

Initially, the Reagan administration held to the conservative view that arms control negotiations served to penalize or weaken the U.S. strategic position. Its early proposals merely allowed the President to claim that he had made offers toward arms control, although it was known all along that the Soviets would never accept them.

Recognizing this ploy, I and a number of moderate Members of Congress, concerned about the horrors that could befall the human race if progress was not made toward arms control, set about to determine how we could affect a change in the administration's arms control policies. With the release of the Scowcroft Commission report, an opportunity surfaced for us to make our views known. We knew that the White House wanted the MX. We, on the other hand, wanted a national policy that would bring about nuclear stability and a viable prescription for arms control.

The months of continuous negotiations that we entered into with the White House have, I believe, moved the United States into a more positive, negotiable position in the arms control talks. So far, our efforts with the administration have achieved:

First, an agreement to exercise restraint in deployment plans for the MX; specifically, to avoid deployment at levels that would threaten a first strike capability in the absence of an arms control treaty, or, in the context of a treaty, to decrease the number of MX missiles needed for national security.

Second, an agreement to alter the U.S. START proposal to bring it into line with the general recommendations of the Scowcroft Commission report. This includes:

A commitment to pursue stability as the goal of arms control; and

An agreement to begin the development of a single-warhead ICBM and to lay stress on shifting away from MIRV'd ICBM's to single-warhead versions as a path to strategic stability.

Third, the development of a new START proposal which:

Drops the 850 launcher limit in the administration's original START proposal for a higher total, as a move toward a more stable relationship between warheads and silos and as a move toward the Soviets' preferences in launchers;

Drops the two-phase approach and accepts, instead, negotiations on all systems in one phase;

Deemphasizes the problem of throw weight and seeks outcomes not keyed to rigid requirements of equality;

Drops the administration's rigid insistence on the reduction of Soviet heavy ICBM's to 210 heavy and 110 medium-weight missiles;

Proposes the build-down concept, which penalizes further deployments of new MIRV'd ballistic missiles, including the MX and the D-5;

Proposes a tradeoff between Soviet advantages in ballistic missiles and United States advantages in heavy bombers;

Offers additional constraints on ALCM's as part of this tradeoff;

Names a member of the Scowcroft Commission to the negotiating delegation;

And, alters the composition and increases the prominence of the General Advisory Commission on Arms Control.

The START and INF negotiations should be merged.

Currently, we are engaged in parallel sets of arms control negotiations with the Soviet Union, one dealing with intercontinental nuclear weapons and the other with intermediate range nuclear weapons. Yet, despite the interrelationship between the issues involved in these talks, we have failed to take the very action which is needed if we are to succeed in either forum: simply, merge the negotiations.

No cogent reason exists, nor has ever existed, for separate talks. On the other hand, there are numerous reasons for merging the negotiations, not the least of which is that success in one is dependent upon the resolution of issues in the other.

I would like to bring to the attention of my colleagues an excellent article by Michael R. Gordon which appeared in the October 22, 1983 issue of the National Journal. Mr. Gordon's essay lays out in very precise terms why the START negotiations and the INF negotiations must be merged if we are to have any real chance of reaching a comprehensive and workable arms accord. Rather than attempt to summarize or reiterate Mr. Gordon's points, I am submitting this article for the RECORD and commend it to my colleagues.

The article follows:

[From the National Journal, Oct. 22, 1983]

ONE NEGOTIATION OR TWO?

(By Michael R. Gordon)

In recent weeks, the watchwords in Congress, the press and the community of experts who deal with things nuclear have been "build-down" and START. That was understandable given the congressional debate over appropriating funds for the proposed MX missile. But in terms of U.S.-Soviet relations, the front-burner arms control dispute, however, is not START (for strategic arms reduction talks) but the separate talks on limiting intermediate-range nuclear weapons in Europe.

These parallel Geneva negotiations over intercontinental and intermediate-range nuclear weapons present the U.S.-Soviet negotiators with a riddle. Retired Gen. Edward L. Rowny, the U.S. ambassador to the START negotiations, has told reporters that no headway can be expected on a START agreement until the current dead-

lock is broken in the intermediate-range negotiations or until the Soviets reconcile themselves to the NATO missile deployments. But in the view of some experts, the ultimate resolution of some of the disputes in the intermediate talks is linked to what happens in START and may require merging the two negotiations.

The talks on intermediate-range nuclear weapons were originally billed as negotiations over "long-range theater nuclear forces." But the Reagan Administration dispensed with that term out of concern that it implied that Europe could be a separate theater for a limited nuclear war.

Despite the semantic switch, the United States and the Soviet Union have engaged in separate negotiations over their intermediate-range nuclear systems. And both nations, in their propaganda battle for the hearts and minds of Europe, have advanced the notion that there is a separate European nuclear balance. While the United States has contended that the Soviets have a 6-1, advantage in nuclear forces in Europe, the Soviets have argued that the Euro-strategic balance is more or less even.

In military terms, such distinctions are artificial. For one thing, both the Soviet Union and the United States have forces that are treated as strategic weapons under the terms of the SALT II treaty but that are aimed at Europe. Even if the Soviets eliminated all of their old SS-4 and SS-5 missiles, as well as their newer SS-20 missiles, they would have a sizable force directed against Western Europe, as Robert P. Berman and John C. Baker note in their study on *Soviet Strategic Forces* (Brookings Institution, 1982). "At least one field of SS-11 and SS-19 intercontinental-range missiles, comprising 180 silos, appears to be assigned to covering a variety of regional Western targets in wartime," they write.

On the U.S. side of the equation, America has sea-based missiles treated under the earlier SALT treaty as strategic systems that are dedicated to NATO's defense.

Just as it is misleading to examine European deployments in isolation from the larger strategic picture, it may be difficult to work out a separate intermediate-range agreement. A large sticking point, for example, has been the Soviet insistence that an agreement take into account the independent nuclear arsenals maintained by the British and the French. This demand has been interpreted by U.S. experts as an effort to split the NATO alliance, but Soviet concerns over Britain's and France's 162 missiles seem more plausible when one considers the planned expansion of their forces. The British and French decisions to modernize their sea-based nuclear deterrents will expand their force to more than 1,000 warheads by the 1990s.

The United States, some observers believe, came up with an indirect way to accommodate this fact of strategic life involving an understanding according to which the United States would reserve—but not in fact exercise—the right to match the total number of intermediate Soviet missiles deployed in Europe and Asia. But it may turn out to be easier to deal with the question of third-party nuclear forces in a "merged" strategic and intermediate-range agreement in which such forces would make up a smaller component of the strategic picture.

Even so, the U.S. suggestion in the START talks that both sides slash their arsenals of warheads to 5,000 ballistic missile warheads from more than 7,000 today would make the issue of British and French forces a difficult one to resolve. But as a general rule, incorporating intermediate forces into the START talks would expand the scope of possible trade-offs.

Among academics and former officials, the idea of merging the two negotiations has long been attractive. Lawrence D. Freedman, a professor of war studies at the University of London (Kings College), noted the virtues of an "integrative approach" in a 1981 paper on "Arms Control In Europe" (Royal Institute of International Affairs, 1981) in which he argued that such a procedure would "strengthen the strategic unity of the alliance."

More recently, Brent Scowcroft, who heads the President's Commission on Strategic Forces, praised such an approach while careful not to suggest shifting to it at this time. In a Sept. 19 letter to Scowcroft, former SALT II negotiator Paul C. Warnke, former SALT I negotiator Gerard C. Smith and John B. Rhinelander, legal adviser to the SALT I delegation, proposed that the START and intermediate-range nuclear talks should be combined. "There can be no long-term solutions as long as there are separate negotiations," Warnke told reporters, contending that it was futile to seek to negotiate with the Soviets over the 464 ground-launched cruise missiles America seeks to deploy in Europe at a time when the Pentagon intends to deploy 3,000 to 4,000 sea-launched cruise missiles that can "attack the same targets." The way things stand now, such missiles may ultimately be taken up in START, although they were omitted from the Administration's original START proposal.

In the final analysis, the key objection to merging the two negotiations is political. Administration officials and some outside defense experts have argued that NATO must make good on its deployment plans to demonstrate alliance solidarity and that a new arms control approach would force a delay.

After the missile deployments begin in December, or after a possible Soviet walkout, that political motivation will vanish. At that time, the Administration may conclude that the arms control talks are a case where two Geneva negotiations are worse than one.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, I will close with reading portions of a letter addressed to me, October 25 of this year, from the Secretary of State, George Shultz.

The Secretary says:

The President has given Ambassador Rowny considerable flexibility to explore all possible avenues with the Soviets.

Our experience in arms control negotiations over the past two decades has demonstrated clearly that the Soviets will bargain seriously only when we are determined to modernize our deterrent. We learned this when we negotiated the ABM Treaty.

Now we face a new challenge. If we are unable to modernize our strategic forces, the Soviets will conclude that there is no need for them to reduce their strategic might as part of a mutual and verifiable arms control agreement. They will calculate that they need only to wait for our forces to decline through our own inaction.

The success of our arms control efforts depends on the demonstrated ability of the United States to maintain an effective strategic deterrent. Approval of the MX Peacekeeper missile is essential to moving the Soviets toward serious negotiations. At stake is the future of arms reductions—balanced, verifiable arms reductions that can make the world a safer place for all humanity.

Mr. Chairman, I urge, with every fiber of my being, that the amendment of the gentleman from New York be refused.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, those Members who believe that MX is a route to Midgetman should ponder the words of Richard Pearl, the Assistant Secretary of Defense for International Security Policy. Mr. Pearl, on June 20, said: "It was wrong to believe that the Scowcroft Commission was calling for a fundamental change in the arms control policy of the Administration." He said he could not find that change anywhere.

He went on to concede in this report, "that regardless of what certain Members of Congress may believe, Midgetman is not yet a part of the administration's strategic policy."

I also want to speak to the question of the President's build-down proposal. Members who oppose the Addabbo amendment have talked about the value of the build-down arms control proposal.

Under the build-down proposal, we will be allowed to build 3,600 prompt, hard target, killing D-5 warheads. The Soviets will be allowed the same. Even without MX this is enough to represent a first-strike capability.

And so I hope the Members understand that the build-down proposal permits both sides to bring enough hard target warheads to bear so that both sides are in fact on that hair trigger that rational people would want to avoid.

Mr. Chairman, a lot of Members have made up their minds already on this debate. A lot of Members on that side have made up their minds. And a lot of Members on this side have made up their minds.

But according to the best counts most of us have seen, there may be 12 Members or so who yet are undecided on this question.

I just want to use the remaining minutes of my time to appeal to those dozen or so Members who are undecided to think about the question that faces us.

Just for once, let us not talk about weapons and start talking about targets. The primary target of our strategic weapons is not the Soviet Army, the Soviet Navy or the Soviet Air Force. The primary target of our strategic arsenal is the mind of the Soviet leader, Yuri Andropov.

And what our weapons and what our arsenal ought to do is to send a message to that mind that if he should ever dare to strike us first, we have

the survivable retaliatory capability to make him pay for it. We have that ability now, Mr. Chairman.

□ 1730

We need to send a message to Yuri Andropov that we have the ability to make him pay for any first strike, to retaliate in such a way that his country will no longer work, that his factories will not work, that his industrial base will be destroyed, that his transportation system will be obliterated, that society as he knows it will not be there.

We have that ability now. We have the ability to reduce his entire society to rubble, even if he struck first. What we do not have is the ability with pinpoint accuracy to lob a warhead down the throat of one of his silos.

We do not need that ability to frighten him or the Soviet leadership to legitimate arms control. What we already have is enough for that. The MX would have the opposite effect. It cannot deter because it cannot survive. Instead, by being so lethal, sitting in vulnerable silos, this new missile invites attack. It invites the Soviets to destroy it before we use it.

I hope that the Members will understand that if we procure a weapon that gives us that ability. Then the other side will do the same and both superpowers will be on a hair-trigger state with the incentive going to the side who strikes first. That is destabilizing.

For the sake of a stable world, I urge my colleagues to support the Addabbo amendment to cut funds for the MX.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Alabama. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 217, not voting 8, as follows:

[Roll No. 439]

AYES—208

Ackerman
Addabbo
Akaka
Albosta
Andrews (NC)
Annunzio
Anthony
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
D'Amours
Daschle
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Foglietta
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hawkins
Hayes
Heftel
Hertel
Howard
Hughes
Jacobs
Jeffords
Johnson
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Rahall
Rangel
Ratchford
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)

NOES—217

Alexander
Anderson
Andrews (TX)
Archer
Aspin
Badham
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Cooper
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fazio
Fiedler
Fields
Fish
Flippo
Foley
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gekas
Gilman
Gingrich
Gore
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Neal
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NOT VOTING—8

Barnard
Corcoran
Dymally
Evans (IA)
Lehman (CA)
Sawyer
Simon
Vander Jagt

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Simon for, with Mr. Corcoran against.

Mr. Evans of Iowa for, with Mr. Vander Jagt against.

Mr. WHITLEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1750

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to try to clarify a procedure surrounding an amendment that some of us want to offer tomorrow on the issue of Lebanon.

It is my understanding that the Committee intends to reach "General Provisions" in the bill tonight and then rise. I would like to ask the subcommittee chairman if that is a correct understanding?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Certainly, I yield to the subcommittee chairman.

Mr. ADDABBO. Mr. Chairman, it is our intention to go through title IV, title V, and title VI and then start reading title VII. I will then move that the Committee rise. Any formal motion to report the bill back to the House will not come until sometime tomorrow.

Mr. OBEY. Then, Mr. Chairman, it is my understanding that Members would, before any motion to rise at the end of the bill takes place, have an opportunity under the 5-minute rule to at least explain the parliamentary position we will be in, in regard to any ef-

forts to try to cut off funds for the operation in Lebanon; am I correct?

Mr. ADDABBO. The gentleman is correct.

Mr. OBEY. Mr. Chairman, I would, then, just in my remaining time urge the Members of the House to pay very close attention to what will happen early tomorrow morning. As the Members know, there are a number of us who wish to try to offer an amendment tomorrow on the Lebanese situation. The amendment will be offered by the gentleman from Maryland (Mr. LONG) and the gentleman from New York (Mr. STRATTON).

We will be unable to consider that amendment on its merits unless, when the motion to rise is offered tomorrow, that motion is defeated.

I would simply ask Members overnight to consider this. Whatever their position is on the issue of Lebanon, I would hope that there would not be sufficient votes to rise when that motion occurs tomorrow so that this House can debate directly, without parliamentary impediments except those provided under the normal rule for appropriation bills, the operations in Lebanon and what our policy ought to be in Lebanon.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the ranking minority member of the subcommittee.

Mr. EDWARDS of Alabama. Mr. Chairman, I notice in the RECORD that there are two amendments dealing with Lebanon. Could the gentleman or some other Member enlighten us as to which one will be offered?

Mr. OBEY. Mr. Chairman, I thank the gentleman for asking that question.

We will first offer an amendment, if we do not pass a motion to rise, which says that none of the funds appropriated by this act might be obligated or expended for the Lebanese operation after March 1 unless the Congress adopted a resolution which contains three findings: First, that the President had defined a clear, realistic mission for forces in Lebanon; second, that he had established a set of policy goals in Lebanon which are achievable and a clear agenda for achieving those goals; and third, that security arrangements for American forces had been upgraded to the maximum extent possible.

The problem with that language is that, because it is language on an appropriation bill, it is subject to a point of order. If a point of order is lodged, the gentleman from Maryland will then offer a second amendment which simply says that none of the funds appropriated may be obligated beyond March 1.

It will be our purpose to try to accomplish the language in the original amendment which is subject to a point of order. We would be in the same position that we have been in the House on two occasions on the Hyde amendment on the abortion issue, and we would simply say at that point that it would not be our intention to cut off funds by March 1, but because that would be the only parliamentary opportunity open to us at the moment to try to put some pressure on policy on Lebanon, we would ask the House to go along, with the assurances that in the conference process we would find the additional language acceptable.

Mr. Chairman, have I answered the gentleman's question?

Mr. EDWARDS of Alabama. The gentleman has answered my question, yes, and I thank him.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

Let me say to those Members who may have some questions on this or who may have some doubt as to whether these marines ought to be brought out of Lebanon or not, those Members who believe strongly that they should not be brought out and should stay there, that they should also vote no on the motion to rise because otherwise there will always be a question of doubt as to whether the motion was lost on a procedural point.

□ 1800

If you really believe strongly in your position, see that it is defeated on its merits and not on a procedural issue; so we beg you to vote no, whatever your position is.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

I have asked the gentleman to yield because I, too, have an amendment which is subject to the same procedure, my amendment being one which says that funds appropriated for testing the MX will not be expended unless the Soviets conduct further tests of their next generation intercontinental ballistic missile.

I simply would like to take this occasion to ask the assurances of the chairman of the subcommittee that I would have the same opportunity to make a pro forma amendment before the motion to rise and report, to explain my amendment, the same as has been offered to the gentleman from Wisconsin.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the chairman.

Mr. ADDABBO. The gentleman will have every opportunity to discuss his amendment before the motion to rise is put to the House. If that motion carries, naturally the gentleman cannot offer his amendment, but I will state also to the gentleman that a motion to rise is in order after each limiting amendment.

Mr. GREEN. I thank the gentleman. I thank my colleague, the gentleman from New York, and I am aware of the point he makes.

Mr. OBEY. Mr. Chairman, it is not my intention to debate the Lebanese issue tonight. I just want to reiterate again that the purpose of the amendment being offered tomorrow is to simply send the strongest message possible to the administration and the other forces in Lebanon that a change in policy must be occasioned if continued support for troops in Lebanon is to be sustained over the long haul.

I would urge, therefore, to vote no on the issue of rising tomorrow so that we can debate the issue under a more sensible parliamentary situation.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am moved to speak at this time because of what we have just seen, a discussion of the difficulty in Members being able to bring to the floor a matter of substance because of the change in rules that took place in this House at the beginning of this session, which allows a motion to rise, a procedural vote, to overtake the opportunity for Members in this House to vote on limiting amendments.

I must say that some Members who have voted that we rise without the opportunity to discuss substantive issues when they deal with the Hyde amendment, now may find themselves in the difficult position, those of us who have supported the Hyde amendment in past have found ourselves throughout this.

I rise to mention this because the change in rules was not aimed at just conservative efforts or liberal efforts, but efforts of Members in this House to deal with substantial questions that people have sent us here to deal with and the very problem articulated by the two gentleman a minute ago is at the heart of what we were attempting to get to at the beginning of this Congress when we talked about the effort to stifle Members from discussing substantive questions which may be controversial and which may then in Biblical terms, many Members may then wish to have this cup pass, but the problem is that is we want to deal with them, other Members may deny us

that opportunity on a procedural matter.

I just hope we think very, very deeply about this when we vote tomorrow, because it is not conservative or liberal. It is a question of how we organize ourselves here and whether we have the guts to deal with some very tought issues.

I do not share the gentleman's viewpoint on the question of Lebanon here, but I certainly think he should have every opportunity to allow that to be brought forward, because people in our districts are asking us about that and it would be a shame if on a procedural matter, we would be denied that opportunity here, whether I share the gentlemen's view or not.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman.

Let me point out that I voted no on a motion exactly like that, to provide an up or down vote on the abortion amendment the other day.

Mr. LUNGREN. I appreciate that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I remember during the rules discussion at the beginning of this Congress, the point was made very clearly to those who would vote for those rules that they were, in fact, voting to eliminate something that had been a part of parliamentary democracies for literally decades, and that was the right of individual Members to put limitation amendments in appropriation bills.

The adoption of those rules, we said at that time, was going to bring about a situation where liberals as well as conservatives would be denied their right to bring legitimate issues to this floor. That is precisely what is happening here.

I would say that the American people, who find themselves concerned that this kind of legitimate issue cannot get discussed, ought to go back and see who voted for those lousy, stinking rules at the beginning of the Congress.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I do not see what the discussion is about. You are going to get a vote on it, anyway. If you are against it, you will vote to rise. If you are for it, you will vote not to rise. So what is the problem?

Mr. LUNGREN. That is just the point we made. You can escape a vote on the substance of the issue by voting on a procedural matter. That is not the way this place ought to be organized and our point is that it does not just affect conservatives. It affects liberal points of view. We ought to recognize that when we deal with the question of the rules of the House.

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the 5 minutes. I am sure everyone will appreciate that and this is not the time to get into a lengthy debate about rules; but it is an important rule that we are discussing.

I think the gentleman who spoke before me is correct in saying that it is not a conservative or a liberal issue. It is a question of what makes sense in terms of orderly consideration of important questions on appropriation bills.

Those of us who supported this rule argued at the time that our prior practice permitted all types of issues, legislative in nature, to be considered on appropriation bills, and those of us who have been here for some years will recall that we would spend days and days and days arguing issues of legislative import, many times of a trivial nature, and would hold up appropriation bills as a result. That created a great deal of frustration for many Members on both sides of the aisle.

The purpose of the rule that has been adopted and which will be tested again tomorrow is to permit questions of significance, even though they are legislative in nature and are restrictive on appropriation bills to be considered by the House. If a majority of the House wants to consider a restrictive amendment raising a legislative question, it has every right to do so and may do so by voting down the motion to rise.

I personally will probably not support the Stratton-Long amendment tomorrow, but I will vote not to rise, because it is a significant question which has to be debated and voted on.

We have gotten all types of trivial motions in the past and the purpose of the rule is to permit the will of the House to work with respect to trivial issues and preclude a lengthy debate on those kinds of things on appropriation bills, so the House may work its will in each case. If the House thinks it is a significant issue and wants to debate and vote on it, fine, we have that opportunity.

I think tomorrow's issues present us with that opportunity and I will vote not to rise.

If the House, on the other hand, thinks we are facing some trivial issues of a legislative nature which should not be considered in appropriation bills, then the House may vote to rise and preclude that.

I think that is an orderly process, protecting the legitimate rights of all sides.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $50,000,000, to remain available for obligation until September 30, 1986.

POINT OF ORDER

Mr. BETHUNE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BETHUNE. Mr. Chairman, I make a point of order against line 23, page 32, through and including line 3, page 33, under clause 2, rule XXI, as expenditures not previously authorized.

□ 1810

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order.

The point of order is sustained.

The Clerk will read.

The Clerk proceeded to read title V.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

Are there any amendments to title V?

The Clerk read as follows:

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

● Mr. STARK. Mr. Chairman, in this day and age of nuclear weapons, Tridents subs, gunships, and supersonic jets it is a wonder that such archaic programs as the National Board for the Promotion of Rifle Ranges still exists.

The NBPRR is funded by the Department of the Army which administers instruction in citizen markmanship, and runs an annual shooting match, at Camp Perry, Ohio. It was

founded at the turn of the century when Congress was convinced of the necessity to train civilians how to shoot a rifle. What once was a well intended program has become obsolete because of modern technologies and high cost.

Despite the Army's claim that 1.7 million Americans entering World War II benefited from some civilian marksmanship training, the fact is that of the 156,699 civilians currently participating in this program, only 16 percent will ever participate in military service. Training people to shoot straight can be done much more efficiently at boot camp. This program is not really training prospective soldiers, it is a Government subsidized shooting club and summer camp.

Not only is the effectiveness of this program in question but the cost has been rising. In fiscal year 1983 the cost of this program was $1.6 million. This figure is not large in the context of the Federal Government's $240 billion dollar defense budget and its $195 billion deficits. Yet, Mr. Speaker, it is the many programs like this which make the budget so large. Congress has an obligation to look at more than the headline-grabbing multibillion dollar programs and focus on some of these expenditures that because of their relative size, have managed to hide in the budget year after year, escaping the scrutiny they deserve.

Rather than overlooking the existence of such ineffective programs, what Congress should do, and what I propose, is to help the Army inch toward the 20th century while at the same time saving the American public $1.6 million. Congress can do this by recognizing the civilian marksmanship program for what it is—an 80-year-old relic that has far outlived its useful purpose. It is time this program be eliminated.●

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thought we were going to rise at that point, and I did not want Members to lose rights they may have thought would be protected.

What is the intention of the chairman?

Mr. ADDABBO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereon.

PERMISSION TO HAVE UNTIL MIDNIGHT, NOVEMBER 2, 1983, TO FILE CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, November 2, 1983, to file a conference report on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that it shall be in order at any time Thursday, November 3, 1983, or any day thereafter, to consider the conference report and amendments in disagreement on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and that such conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER. Is there objection to the request for the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3323, AUTHORIZING APPROPRIATIONS FOR GRANTS TO WASHINGTON WORKSHOP FOUNDATION

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-457) on the resolution (H. Res. 353) providing for the consideration of the bill (H.R. 3323) to authorize appropriations for grants to the Washington Workshop Foundation, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2900, ATMOSPHERIC, CLIMATIC, AND OCEAN POLLUTION ACT OF 1983

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-458) on the resolution (H. Res. 354) providing for the consideration of the bill (H.R. 2900) to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4196, STABILIZING A TEMPORARY IMBALANCE IN SUPPLY AND DEMAND FOR DAIRY PRODUCTS

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-459) on the resolution (H. Res. 355) providing for the consideration of the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING PRINTING OF AMENDMENTS TO H.R. 4196 IN CONGRESSIONAL RECORD

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that amendments to H.R. 4196 may be printed in that portion of the RECORD entitled "amendments submitted under clause 6 of rule XXIII."

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON H.R. 4120

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tomorrow to file a report on H.R. 4120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. LEWIS of Florida. Mr. Speaker, reserving the right to object, would

the gentleman advise me if the minority has been advised of this?

Mr. DINGELL. I will be delighted to if the gentleman will yield.

The answer to the question is yes, the matter has been cleared with Mr. BROYHILL. It is part of a unanimous-consent understanding that took place inside the Committee on Energy and Commerce.

It has also been cleared with the minority leader, and the unanimous-consent request relates to the AT&T legislation.

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

Mr. LEWIS of Florida. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Under the unanimous-consent arrangement when this bill came out of committee, we were afforded an extra day for the filing of minority views, and for the opportunity to review the report.

The minority has had that opportunity to review the report and has had ample opportunity to submit extra or dissenting views, and so I will agree to the request of the gentleman to file tomorrow night, is that correct?

Mr. DINGELL. Tomorrow night before midnight, that is correct.

Mr. LEWIS of Florida. Thank you, Mr. Speaker. With those assurances, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR THE SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT AT 2 P.M. ON WEDNESDAY, NOVEMBER 2, 1983

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 2 p.m. on Wednesday, November 2, 1983, for the purpose of holding a hearing on—and to be followed immediately by subcommittee markup of—three bills passed by our Senate colleagues. These bills will clear certain impediments to the licensing of the vessel for employment in the coastwise trade. The bills are:

S. 1015, the vessel *La Joliet*;

S. 1186, the yacht *Dad's Pad*; and

S. 1689, the vessel *Endless Summer*.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the hearing and markup date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW FIGURES ON JAPANESE IMPORTS POINTS UP NEED FOR DOMESTIC CONTENT LEGISLATION

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

Mr. FORD of Michigan. Mr. Speaker, the return of Mr. Brock from Japan and his announcement this week of his new deal, literally selling out thousands of American workers, points up the urgency for us to proceed as early as possible on this calendar with the American domestic content bill.

It is not too much to say that the future health of the domestic small car industry could be at stake in the consideration of the domestic content legislation this week in the House of Representatives. Here is some of the reasons:

The Reagan administration's failure to negotiate a decent voluntary auto restraint agreement with Japan underscores the need for House passage of domestic auto content legislation.

The key problem is that only a 1-year agreement means there is no impetus for the Japanese auto makers to open factories in the United States where they enjoy such a huge market. An ongoing restraint agreement would have put great pressure on those firms to finally agree to expand their investment here and reduce the $13 billion deficit we have with Japan in the auto sector.

Another failure of the Brock mission to Japan is that the short-term, quick fix 1 year deal will be a green light for U.S. General Motors Corp. already plans to bring in 200,000 Isuzu's and 100,000 Suzuki's and this deal, while altering slightly their timetable depending on their MITI allocation, still will provide them the opportunity to import in the long-term rather than building substantial vehicles here.

This puts additional pressure on Chrysler and Ford. Chrysler must decide where to produce the Omni/Horizon replacement and Ford must also decide where to build the Escort/Lynx replacement. Both have said they may be forced to move that production outside the United States.

The 1-year duration of the VRA is a quick-fix, band-aid approach that will expire just 10 weeks after the Presidential inauguration. Rather than stimulating Japanese investment in the United States where the Nissan's and Toyota's are earning huge profits, this deal just gets Reagan by the election.

Then the floodgates open up and the Japanese share of the U.S. market could jump from 35 to 40 percent from an already too high 21 to 22 percent now. This deal is a political accomodation to the 1984 Presidential election, rather than a serious attempt to cope with the ongoing imbalance of trade with Japan.

The voluntary restraint agreement does nothing to attack two major problems: The yen-dollar imbalance and the inequitable tax structure on cars Japan exports.

The yen's overvaluation gives the Japanese auto makers about a 30-percent cost advantage on vehicles exported to the United States. No matter what the domestic companies do to improve productivity nor what the companies and the unions agree to in labor agreements—the currency imbalance wipes that out.

The rebate of the commodity tax on Japanese vehicles exported to the United States amounts to about $600 a year, further improving their cost advantage. The administration has done nothing in this agreement to begin to cope with these underlying problems.

The 1.8 million, 1-year agreement is even more damaging than the number would indicate. That figure does not include "grey vehicles"—hatch backs, station wagons, vans, and so forth. Imports of such vehicles from Japan would not be counted in the 1.85 million figure.

This is a green light for our friends at General Motors to go ahead with their deal to buy 200,000 or make 200,000 Isuzus in Japan and 100,000 Suzukis and bring them here in order to meet their fleet mileage average across the country as GM-manufactured products.

It is about time that we told American industry that we need investment in business and jobs here in the United States, not offshore where they can save a few bucks and make a quick profit.

The press release that follows provides even further documentation about the need for auto content legislation.

REAGAN ADMINISTRATION'S FAILURE ON AUTO IMPORT RESTRAINTS UNDERSCORES NEED FOR PASSAGE OF AUTO CONTENT LEGISLATION

The Reagan Administration's failure to negotiate a decent voluntary auto restraint agreement with Japan underscores the absolute necessity for the U.S. Congress to pass domestic auto content legislation, UAW President Owen Beiber said today.

"The deal Ambassador (William) Brock cut with Japan will cost thousands of American workers' jobs," Bieber said. "A one-year agreement provides little impetus for the Japanese automakers to invest in the U.S. and create some employment where they have such a huge market."

"It's a quick-fix, band-aid approach aimed at getting President Reagan through the 1984 Presidential election," he said. "The agreement expires just 10 weeks after the

inauguration, opening the floodgates to a massive increase in imports."

Bieber called on the U.S. House of Representatives, which is expected to vote on H.R. 1234 (domestic auto content) in the next few days, to pass the bill.

"It's my hope that those Representatives who were undecided on the content legislation now will see that it's the best long-term solution to our long-term problem of maintaining small car production in the U.S.", Bieber said.

The legislation would require auto companies selling in large volumes here to use a certain percentage of U.S. parts and labor. Based on a sliding scale, a company selling 100,000 cars here would be required to have U.S. content of 10 percent, while a firm selling 900,000 units would need to have 90 percent domestic content.

"The auto industry has long lead times," Bieber said. "The voluntary restraint agreement lasting only one year does nothing to provide the type of stable framework in which small-car production decisions can be made."

"What we're talking about here is the question of whether small cars will continue to be built in the U.S.," he said. "General Motors already wants to bring in 200,000 Isuzu's and 100,000 Suzuki's."

"Chrysler must decide whether to build the replacement for the Omni-Horizon here or overseas. Ford will have a decision to make on where it builds the replacement for the Escort/Lynx. The Reagan Administration's deal with Japan does nothing but encourage the U.S. auto companies to export American jobs."

The UAW President said House passage of auto content legislation will be necessary, in part, to keep the domestic manufacturers from massive outsourcing of small car production.

"General Motors conduct is particularly outrageous, particularly in view of the efforts made in the 1982 negotiations by UAW-GM members to save jobs by the painful sacrifices they made," he said. "Now GM is fighting hard to get Japan to give it the maximum possible allocation within the 1.85 million the Administration agreed to."

Bieber cited the major imbalance between the yen and the dollar as giving Japan a cost advantage of about 30 percent. If the yen-dollar relationship were restored to proper balance, about two-thirds of that cost advantage in cars would be wiped out.

He also said that Japan's rebate of the 17.5-22.5 percent commodity tax gives Japanese automakers another $600 cost advantage on each car imported to the U.S.

"Japan is playing by an entirely different set of rules than the U.S.," he said. "Passage of domestic auto content legislation is the only way we're going to be able to change that."

Bieber predicted that Japan's share of the U.S. market would rise to 35-40 percent following expiration of the one-year agreement the Reagan administration negotiated. Absent passage of content legislation this could rise even higher, particularly if fuel price increases push the market more to smaller vehicles.

The UAW President said high profit results for the U.S. automakers should obligate them to put resources into developing and producing small vehicles in this country.

"The health of the auto industry cannot be judged by the profits of the companies alone," he said. "Employment at GM, Ford and Chrysler, for example, continues to be about 30 percent below what it was in our last good sales year, which was 1978."

SPEAKER O'NEILL'S INTERVIEW IN TODAY'S NEW YORK TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, the New York Times this morning reported a rather incredible interview given to them by the Speaker of the House, Mr. O'NEILL. In that interview Mr. O'NEILL said some very insulting things about the character of the President and I think did not distinguish himself or this House in the comments that he made.

But, beyond that, the interview was filled with a number of items which are rather incredible in themselves, and I thought maybe deserved a little bit of discussion. So I thought that this evening I would discuss the interview and try to put some of the statements made by the distinguished Speaker of this House in some perspective.

At the beginning of the interview the Speaker was asked "How are we doing? Where are we going?"

The Speaker replied "I am frightened, not because our Nation isn't big enough, but because the President of the United States, in my opinion, is absolutely going down the wrong road. No, I don't like what I saw last week, even though the Marines were victorious. There may have been a possibility that our students were in jeopardy but for 2 years he has been looking for the opportunity to get into Grenada, from the days Haig was there."

Let us examine that statement a little bit. No. 1, he said, "The President * * * is absolutely going down the wrong road," and he refers specifically to Grenada. But as I recall, it was his President, the leader of his party, while he was in control of the House of Representatives, who decided not to take a similar road and ended up with 52 of our people as hostages in Iran.

Is that the right road? Is that the road that the Democrats support? Is that the road that the Speaker supports?

If the President is on the wrong road in Grenada, is the right road the kind of debacle that this Nation suffered in Iran? I would submit that that would have to be the conclusion that one would draw from that kind of statement.

Then he says, "There may have been a possibility that our students were in jeopardy," "may have been a possibility."

Virtually every student came back and said that they felt that their lives were in jeopardy. All of the commentators on the island who have talked about the situation have said that the students' lives were in jeopardy.

Who doubts it? The only people I have heard express doubts about their lives being in jeopardy are the people who went off halfcocked at the beginning of the argument about Grenada and made some wild and irresponsible statements that they cannot now back up once the students have come back and they are questioning whether the students were in jeopardy. But the students are not, and yet the Speaker is.

What kind of statement is that?

Then he says that he, the President, has been "looking for the opportunity to get into Grenada, from the days Haig was here."

Well, where in the world does that statement come from? How can he make that statement?

The questioner was a little incredulous at that evidently, too because the questioner for the New York Times says, "How do you know that?"

Answer of the Speaker: "We sat in this room and had a breakfast with Haig and Haig outlined the situation. We have got to get to the source (of the Communist intervention) and there is no other way you can read how you get to the source (than) exactly what they did the other day. They have been looking, in my opinion, for two years."

That is the explanation. That is the justification, because he has an opinion that that is what the President was all about, that he can justify the statement that he made up there earlier, that he has been looking for the opportunity to get in Grenada for 2 years with no proof, just the Speaker's opinion. That is a terrible kind of thing to do. It is a misstatement of fact and it just does not warrant the kind of reply that then was given by the Speaker when he was posed the question.

He goes on to say, "You can't justify any government, whether it is Russia or the United States, trampling on another nation."

I think our Ambassador to the United Nations had a pretty good analogy as to the difference between Grenada and what the Russians are doing in Afghanistan. She said that it is the difference between the thief with a gun and the policeman with a gun. Do you say that they are both exactly the same, that the thief that is wielding the gun to rob somebody at gunpoint is exactly the same as the policeman that comes forward with the gun to rescue that victim? Obviously not, and that is exactly the difference between the two situations.

What Russia does in the world, their aggression is totally different from the United States liberating the free nation of Grenada from Cuban and

Soviet interference in their national life.

The Speaker went on to ask the question: "Can you imagine the effect this will have on Nicaragua and Central America?"

Again he is referring to the liberation of Grenada.

Well, I do not know. We have a little bit of hint as to some of the things that might happen as a result of this. In Surinam, as soon as they saw what was happening in Grenada, they threw all of the Cuban diplomats out of the country. I say that is a rather positive effect in that part of the world. We would hope that some of the rest of the people who have taken on Communist influences in their government might also have a similar reaction to that that we have already seen demonstrated in Surinam.

The Speaker went on to say that "He (the President) is wrong in his policy. He has caused us continuous harm. He flubbed everything along the line any time an opportunity that we have had. He has just absolutely missed the boat."

Again, where? In the economy? Is the Speaker saying that the 21.5 percent interest rates that the President has brought down to about 11 percent is not an accomplishment?

Is the Speaker saying that the 12-percent inflation rates that are now down to about 2 percent was not an accomplishment? Is that something that he has flubbed?

Well, maybe he has flubbed it from the Speaker's viewpoint. Maybe the Democrats really were satisfied with 21.5-percent interest and 12-percent inflation and joblessness rising, and the whole economy going down the tubes. Maybe that was fine with them.

But it was not fine with the American people. They do not think the President has flubbed those things. They think the President is right on and that is the reason why the President's popularity polls have been going up.

Then the Speaker makes this incredible statement, he says he, meaning the President, has "got a million people in Europe marching against our policy * * *."

The people in Europe are marching on the question of the stationing of the Pershing missile, a policy that I happen to agree with the President on. But I would submit that it was not Ronald Reagan who made that commitment. It was Jimmy Carter. It was the Democratic leadership in this country during the Carter administration that made that original commitment.

So if that policy is wrong, it was a commitment not made by this President originally. This President is simply backing a commitment that was made originally by another administration, a Democratic administration.

The Speaker then goes on to talk more about the President. He says about the President, "He only works 3 to 3½ hours a day."

Where in the world does that kind of statement come from? I mean that statement is almost outright ignorance because if what he is doing is measuring the amount of time that he spends out in the public where we can see him working, if that is the case then I submit that maybe the Speaker of the House does not work more than about 15 minutes a day, because we only count the time that is spent in the chair.

I mean that is a ridiculous kind of statement to make.

We all know that the President of the United States virtually works 24 hours a day. Every President of the United States does, and this President is no exception.

Then he said, "He doesn't do his homework. He doesn't read his briefing papers. It is sinful that this man is President of the United States."

That kind of statement, in my opinion, has no place in American political life. It is in the same kind of genre as the statement made, that I personally disagreed with, by our Secretary of the Interior a few weeks ago.

The Speaker went on to say, "He lacks the knowledge that he should, on every sphere, whether it is the domestic or whether it is the international sphere."

There is just no evidence of that whatsoever.

□ 1830

You just cannot make that judgment. The President of the United States consistently faces the press asking probing questions about what is going on domestically and internationally and consistently after those press conferences the American people come forward and say that they think the President is on the right track.

The polls after those press conferences consistently go up. The American people understand what the Speaker evidently does not, that the President does have a grasp of what is going on in the country and in the world and is moving us in the proper directions.

The Speaker said a little later in the interview, "I just do not think he can win," speaking of the President, "to be perfectly truthful. He has hurt 70 million people out there. He's hurt so many people."

Well, I would submit that the President has attempted to implement programs that most of the time this House has tried to block which were aimed at helping the broad base of the American people and not hurting anyone.

In many instances this House has blocked the efforts that would have improved the economy even more than we now see it improved.

In many cases this House has stood in the way of the economic recovery. But the President has tried to put people back to work, he has tried to reduce interest rates, he has tried to bring down inflation, he has tried to reduce taxes in this country, he has tried to take the steps toward ridding us of the mismanagement that this Congress has foisted on the country for far too many years.

I do not believe the President has hurt the American people by lowering interest rates, by lowering inflation. I think what he has done is returned income to the American people so that they can pursue their own lives and particularly he has helped people at the bottom end of the economic scale. Those are the people who are most devastated by inflation.

Just by bringing down that inflation rate by 10 full points he has put much money back into the pockets of the poorest of our citizens. That is a calculation that is not often made.

At the same time, under this President the social programs have continued to go up in cost. We are spending far more in social programs today than we have ever spent before.

He has also tried to improve the defense of this country at the same time. It has been a difficult and demanding job. But the President has done it pretty well.

To claim he has hurt 70 million people just does not ring true.

Then the Speaker said, "I think the people that are going to make the judgment," this is about his reelection, "are still the people who are close to him."

Then the question came up, "Who are they?"

The Speaker said, "There are only five of them: Himself and his wife, Mike Deaver, Clark, and Laxalt."

I only mention that because the Speaker in counting five, when he counts himself, then there were four others. So it struck me that the mathematics there is about as good as the mathematics that often takes place on this House floor when we are trying to add up budgets. I only count four people.

You know, the problem is we always have a 20-percent differential in what we do around here. Maybe we see the reason why; our leader cannot count.

Now, he also said later on, "But I think the fiscal policy, the supply side economics is a disaster. We're in a temporary rise at the present time."

At least the Speaker admits that there is something going on out there, that the economy is improving. The economy is improving precisely because of what supply side economics has done. It is a disaster that just happens to have worked. Evidently the

point that is being made here, he says, "I hope it can continue. I can't conceive it will continue because of the deficits out there which are mainly because of the defense increase, and the giving back of taxes to the people of America."

Boy, now, there you finally find out what the leader of the House is all about. In other words, he would be for slashing defense and more taxes, is what he is saying. If you think that is a policy that we ought to go to, then you will evidently believe that we have sufficient defense strength in the country, and some people would probably argue that that case can be made and we ought to spend no more and ought to spend much less. You are also arguing that the people of this country are undertaxed.

Let me give you a few statistics to show how ridiculous this argument becomes. If you did what the——

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

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. BETHUNE. I thank the gentleman for yielding.

I just want to make one point with respect to the defense budget. This House, which is controlled by the Democratic majority by almost a 2-to-1 margin, has approved every single defense program that the President has requested, save one, and that is the chemical weapons program. And that happened to have been taken out by an amendment that I offered, a Republican. But that is the only one that was taken out. And we have had most of the people here in this House on the Speaker's side of the aisle arguing for increases in defense spending this year of amounts ranging anywhere from 3, 4, 5 percent and upward. No one is arguing for an actual freeze in defense expenditures.

So where is he going to get the support to cut that defense budget by the amount that he talks about?

And then, by the way, insofar as raising taxes is concerned, that is no solution. Taxes are still going up. If raising taxes could get rid of the deficit we would have had a deficit of zero a long time ago. But the fact of the matter is taxes are still going up. We really have not cut taxes. They are still going up. And the deficit gets bigger and bigger.

Mr. WALKER. The gentlemen is absolutely right. The gentleman is absolutely right. And that is the reason why this statement makes absolutely no sense whatsoever, just as the interview does not make any sense.

Mr. BETHUNE. I thank the gentleman for calling the Speaker's hand on this because I think it is one thing to make responsible commentary about what is going on here in the House of Representatives and we all should be held to account for what we say because the measure of what we say is whether it squares with what has gone on here in the House of Representatives. So I am glad you are bringing these points out because the facts there upon which he relies to make the incredible statements about the President of the United States, which do not do this country any good. It does not do this country any good to undermine the President and pull him down.

Mr. WALKER. I think the gentleman is absolutely correct. The point being that to discuss the policies of this country and to discuss the policies of the administration vis-a-vis the policies, the liberal policies the Speaker wishes to pursue, that is perfectly legitimate; everybody thinks that that is the kind of debate we ought to have.

The problem here is that a personal attack was launched. It seems to me that that discredits the political process.

But to get back to the point with regard to the statistics on this business of the deficit and whether or not it could be solved with cuts in defense and more taxes, I think that it is important to recognize that we do have a very serious deficit problem in this country. The deficit of this country amounts to 90 days of Federal Government spending, almost one-quarter of the year or just about exactly one-quarter of the year is spent in deficit dollars.

Ninety days of deficit spending.

However, let us say you want to go out and raise taxes to do something about that deficit. One of the things you can do is tax every dime of income over $75,000. Let us do what the Democrats so often suggest, tax the rich. Let us tax away every penny of income over $75,000 that some poor fellow goes out and strikes it big in Atlantic City or Las Vegas and he makes over $75,000, tough one, "We are going to take anything over $75,000 away from you." All the rich people in this country, we are going to take every dime away from them over $75,000. Let us get rid of all the so-called wealth in this country.

If you did that you would raise enough money to fund 14 days of Government spending.

So then you are left with getting 76 days of Government spending out of the defense budget. The defense budget amounts to about $275 billion. You would have to cut the defense budget by $175 billion in order to get 76 days of spending. There is nobody, there is nobody who says that you can do that. You could not even pay the troops and pay the retirement bill by taking those kinds of massive cuts.

Well, somebody might say, "Well, $75,000 is too high, that is much too high. I consider anybody over $50,000 plenty wealthy. I would bet you that we could get the money if we confiscated every penny of income over $50,000. We confiscate every dime of income that the Congressmen make over $50,000, we confiscate it all." Out of that you get 40 days worth of Government spending which means you still have 50 days to take out of the defense budget which means you have got to cut the defense budget by $115 billion.

Once again this House, nobody is talking about cutting the defense budget $115 billion because they know you cannot get it.

Let me tell you why you cannot get it. If you cut out the MX missile, which we just had a discussion about a little bit ago, the B-1 bomber, which we just had a discussion about a few minutes ago, if you cut out the Pershing and the cruise missiles, if you cut out the Army tank, the new tank for the Army, if you cut out all of those new weapon programs and then in addition let us just throw in that you cut out all the bullets for the Army, do not give them any bullets, let us cut out all the ammunition expenditures, too, if you cut them all out you save a total of $6 billion out of this year's defense budget.

□ 1840

That means that if you had to lose $115 billion you only have about $110 billion to go. And you have virtually stripped this Nation of every major weapons system that is now in the pipeline.

What I am saying is that the statements like the Speaker made make good political rhetoric, but they do not make any economic or fiscal sense whatsoever.

Later on in the interview the Speaker talked about the situation in Beirut. And he said:

> I told him the American people don't know why the Marines are there. What is their mission there? I said to the President, "Shultz couldn't sell diapers in a nursery."
>
> We need our Marines there as an inspiration to the diplomatic work that we are doing. We have to show to the Syrians that we are serious. We're having problems with the Syrians, but they did give us their word at one time (that they would leave) and we're working on it now.

Well, that is exactly what the American people heard the President say the other night. What does Speaker O'NEILL say? The President has made it very clear what the mission of the marines is in Lebanon and he has made it very clear that we have got to provide security for our marines. And he has made it very clear that we are pursuing the diplomatic work that is needed to be done to resolve those issues over there. And he has made it quite clear that the Syrians, backed by their Soviet sponsors, are the main problem in the Middle East. And that we do have to deal with them.

So in that the Speaker is right. But then the Speaker goes on to say:

What I'm driving at is, No. 1, he hasn't got the knowledge himself.

Well, if he does not have the knowledge why is he doing all the things that the Speaker says are what are needed?

He has never put together a first-class team of negotiations.

Philip Habib, Bud McFarland, people who are widely respected in the international community in this country and throughout the world are not first-class people? I do not think you would find anybody who would make the case that Phil Habib is not one of the most distinguished people this country has ever had in its foreign service and Bud McFarland as well.

No. 3, there's never been a real follow-up as to what they're trying to do when they're negotiating with the Israelis to get out.

We did move the Israelis back. Part of the reason why our marines are there is because we had to take those kinds of actions.

And so this interview amounts to a collection of political hype without any real substance. The only real substance in the interview comes when he launches personal insulting attacks on the person of the President of the United States.

It is too bad when you cannot discuss the issues you have to resort to insult. Shame, Mr. Speaker, shame.

THE MEANING OF THE ETHICS COMMITTEE RULING ON SPOUSE'S EMPLOYMENT

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

● Mr. LENT. Mr. Speaker, I rise to a point of personal privilege to set forth in the RECORD a full account of the circumstances surrounding an advisory opinion I requested from the House Committee on Standards of Official Conduct, regarding my voting responsibilities in relation to my wife's employment.

I do this in the belief that this account may provide some worthwhile information for those of my colleagues who may encounter similar circumstances because of the employment of their spouses or close relatives.

On October 24, 1983, a newspaper published a distorted and partly inaccurate report concerning the employment of my wife, Barbara Morris, as the Washington director of government relations for the new regional telephone company, Nynex. The newspaper account raised a question of a conflict between her employment and my voting on the telecommunications bill, which at that time was pending in the House Committee on Energy and Commerce, on which I serve.

Prior to her employment, I had directed my staff to research the question. My staff obtained materials from the American Law Division of the Congressional Research Service, which I interpreted then, and interpret now, as indicating that a Member of Congress has an obligation to vote on all issues unless he or she has a direct personal or pecuniary interest in the outcome of the legislation.

Despite this personal conviction, I felt that in order to remove any possible question on the issue, I should seek an advisory opinion from the House Committee on Standards of Official Conduct. I requested such an opinion on October 24, 1983, the same day the newspaper article appeared.

Within 24 hours, the committee had responded to my request with an opinion which confirmed by original interpretation of the House rules. The ruling restates the obligation of Members of vote on issues. Abstention from voting—disenfranchising one's constituents—is only justified where a Member can demonstrate "a direct personal or pecuniary interest" in the outcome of the legislation.

While I am, of course, interested in the career of my wife, Barbara, it is abundantly clear that I had no "direct personal or pecuniary interest" in the telecommunications legislation, as such. It followed, therefore, that I vote. As it developed, the bill passed the committee on October 27, 1983, by a vote along strict party lines, 27-15. I was one of the 15 Republicans who voted "Nay", and it is obvious that my vote did not influence the outcome.

I want to express my gratitude to the chairman of the House Committee of Standards of Official Conduct, Representative LOUIS STOKES, and the ranking Republican, Representative FLOYD SPENCE for their efforts to expedite action on my request, because the speedy response I received enabled me to lay to rest at once the ugly innuendoes and charges being circulated in the media from unidentified sources and to participate in the final vote in the committee with a clear conscience.

I also wish to thank and commend the chairman of the Energy and Commerce Committee, Representative JOHN DINGELL, the ranking Republican, Representative JAMES BROYHILL, and my other colleagues on the committee for their understanding, support, and counsel in an awkward situation.

Mr. Speaker, I am commenting on what is a closed incident because of my feeling that it demonstrates the importance of the Committee on Standards of Official Conduct—popularly known as the Ethics Committee—for Members of our body who come under attack or vilification as the result of unattributed charges, speculation, or attempted character assassination. By providing an authoritative, unbiased opinion, based on House rules and precedents, the Committee on Standards of Official Conduct makes a substantial contribution to maintaining public respect and confidence in the integrity and responsibility of Members of the House of Representatives.

Mr. Speaker, I include at this point in the RECORD copies of my letter to the Ethics Committee, its response, and an explanatory news release circulated to the media and to members of the Energy and Commerce Committee so that the record of this incident may be complete.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 24, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to request an advisory opinion from the Committee as to whether I can continue to represent the interests of the constituents of the Fourth District of the State of New York in communications issues before the Energy and Commerce Committee. An article in the Wall Street Journal today (Attachment #1) has prompted my request.

Prior to my wife's employment with NYNEX, I directed my staff to research the question. My staff obtained materials from the American Law Division of the Congressional Research Service (Attachment #2), which I interpreted then, and interpret today, as indicating that there is no conflict between my wife's employment and my continued full participation as a voting Member of the House and the Committee in communications issues.

I have also included for your information a copy of the statement issued by NYNEX in New York concerning my wife's employment with that company (Attachment #3). As the statement indicates, she is not a lobbyist and is not registered as such. Beyond that, to the best of my knowledge, she has not discussed the details of H.R. 4102 with any Member of the Committee.

Because the Committee consideration of H.R. 4102, the Universal Telephone Service Preservation Act, will resume tomorrow, votes are imminent and I feel a responsibility to my constituents to continue to represent what I believe to be in their interests. I hope that you will be in a position to advise me as expeditiously as posible whether I need to abstain from voting on this bill.

Sincerely,

NORMAN F. LENT,
Member of Congress.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., October 24, 1983.

Hon. NORMAN F. LENT,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR COLLEAGUE: This is in response to your letter of October 24, 1983, requesting an advisor opinion from the Committee as to whether you can continue to represent the interest of your constituents in the Fourth District of the State of New York, in communications issues before the Energy and Commerce Committee. The question

arises as a result of your wife's recent employment by NYNEX.

Clause 1 of Rule VIII of the Rules of the House of Representatives states

"Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question."

In an interpretation of Rule VIII of the House of Representatives, at page 324, Section 658 of The Manual, it states as follows:

"It has been found impracticable to enforce the provision requiring every Member to vote; and the weight of authority also favors the idea that there is no authority in the House to deprive a Member of the right to vote. In one or two early instances the Speaker has decided that because of personal interest, a Member should not vote; but on all other occasions and in the later practice the Speaker has held that the Member himself and not the Chair should determine this question, and the Speaker has denied his own power to deprive a Member of the constitutional right to vote."

Rule VIII is made pertinent in answering your question by Rule XI, clause 1(a)(1) of House Rules wherein it states that:

"The Rules of the House are the rules of its committees and subcommittees so far as applicable, . . ."

As can be seen then, the determination as to whether or not you should vote on matters before your committee is left for you to decide, taking into account the personal or pecuniary interest, if any, you may have in the legislation.

Sincerely,

LOUIS STOKES,
Chairman.

FLOYD D. SPENCE,
Ranking Minority Member.

LENT ANNOUNCES ETHICS COMMITTEE RULING

Representative Norman F. Lent (R-N.Y.) announced today that he had received a favorable response from the House Committee on Standards of Official Conduct to his request for an opinion as to whether he should be required to abstain from voting on telecommunications issues by reason of his wife's employment with Nynex.

"I am gratified that the Committee response confirms my original interpretation of the House rules that a Member has the duty to vote on issues unless he has 'a direct personal or pecuniary interest' in the legislation," Lent said. "It is abundantly clear to anyone's view that in my case there is no direct personal or pecuniary interest in the legislation before the House Energy and Commerce Committee."

"I wish to thank Chairman Stokes and the Committee for their prompt response to my request."

The ruling restates the affirmative obligation of Members to vote on issues. Abstention from voting—disenfranchising our constituents—is only justified where a Member can demonstrate "a direct personal or pecuniary interest" in the outcome of legislation.

"I am sure this ruling will be useful in guiding the significant number of my colleagues in Congress whose spouses, sons, daughters or other close relatives earn their livelihoods in government relations, other government positions, trade associations, public interest research groups, corporate affairs, or as attorneys representing clients interested in legislation," Lent stated. "It is clear the rules of ethics governing Congress do not require Members to attempt to control or redirect the careers of relatives or spouses—even if we could!"

"I trust that our committee's consideration of telecommunications legislation will continue free from further controversy over what to me has been something of a tempest in a teapot. I will continue, as in the past, to base my voting judgments on the merits of the issues with regard to my constituency.

"I might add," Lent remarked, "that my wife and I are doubly gratified that she will not have to forfeit her career but will be able to retain her role as an independent and successful businesswoman. It would be a step backward for the progress the women's movement has made if a woman had no choice but to design her career around the career choice of her husband."●

CONGRESS HAS RESPONSIBILITY TO BE HEARD ON FOREIGN POLICY DECISIONS

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

● Mr. KEMP. Mr. Speaker, during the time of the Cuban missile crisis, John Kennedy spoke about the tough decisions this country had to make to preserve freedom in the Western Hemisphere. His insight proved true again last week, as President Reagan made the tough decisions necessary to protect American lives and restore the freedom and inalienable rights of the people of Grenada.

Yet instead of rising in support of that action, instead of commending the courage of our troops for their performance and bravery, instead of rejoicing for the people of Grenada as they are freed from tyranny, instead of taking note of how our strategic interests and those of our neighbors in this hemisphere have been served by removing a Soviet-Cuban launching pad for aggression—instead of these proud and proper responses, Congress debated and passed an invocation of the War Powers Resolution.

I believe that the U.S. Congress has a clear responsibility to make its voice heard in foreign policy decisions. Frankly, I would like to hear some of my colleagues tell the American medical students who were rescued in the operation—who, when they arrived here in the United States, kissed the ground and said God bless the American military—that it was wrong for them to be rescued.

Mr. Speaker, this is the first time in history that the Brezhnev doctrine has been repudiated. It is a victory for freedom-loving people everywhere, and a sign of hope for others struggling against totalitarian regimes. Instead of recognizing this historic turn of events, however, this body has spent its time in debate over procedural prerogatives, invoked an act that is of highly questionable constitutionality, and, as a result, made a clearly negative impact on our ability to conclude successfully our actions in Grenada. Why should we signal any adversary, including the Cubans in Grenada, that if they only hold out for 60 days, maybe the U.S. Congress will rescind authority for the U.S. military to stay? If ever there was an action likely to prolong conflict, it is the invocation of this act.

Mr. Speaker, this body should have risen in support of the President's decisive actions in Grenada, not challenged his authority to act.

ALZHEIMER'S DISEASE LEGISLATIVE PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. SNOWE) is recognized for 20 minutes.

● Ms. SNOWE. Mr. Speaker, during the past few months, both the House and Senate have conducted hearings on Alzheimer's disease, a progressive, debilitating illness which affects from 2 to 4 million Americans. During these same past few months, some of my colleagues and I have produced a rather astonishing inventory of facts and figures associated with Alzheimer's disease, which until recently was a virtually unknown ailment of middle aged and older Americans.

Senile dementia of the Alzheimer's type is the fourth leading cause of death among adults. Many thousands are afflicted in their forties and fifties. Moreover, between 5 and 15 percent of those in their sixties contract the disease and 20 percent over 80. It is a degenerative brain disorder and the most frequent cause of mental impairment among the elderly. Once affected, a victim can live from 3 to 15 years, progressively declining from seemingly unimportant losses of memory to total mental breakdown. Finally, all bodily functions are impaired, and the victim is completely incontinent. During the congressional hearings in Washington, D.C., and Bangor, Maine, witness after witness described the horrendous anguish—and burden—such an affliction causes an entire family for many years.

In response to such testimony, Congress recently passed an appropriations bill which earmarks significantly increased funding to the Institutes of Health for Alzheimer's disease research. I am pleased to have contributed to this process by having introduced a bill last May which called for an interagency task force to coordinate Government research activities and to increase research dollars.

Research is absolutely essential to finding the cause or causes and the treatment of Alzheimer's disease, but in the meantime, families are struggling to take care of stricken loved ones. Alzheimer's disease steadily and relentlessly weakens its victims, both

mentally and, finally, physically. The caretaking spouse or child must provide constant care through most, if not all, the illness' duration as professional custodial and respite services costs are usually prohibitive. One hearing witness stated she spent over $30,000 per year for around the clock services for her mother. Most families do not have such resources. Most families try to cope with an increasingly difficult situation from day to day, year to year, with no financial or professional help. In the final months of the illness, when the victim is virtually helpless and incontinent, families find that many nursing homes and/or veterans' hospitals will not accept such patients for the lack of personnel or consistent policy.

In an effort to address these pressing problems, I have introduced three bills today which, if enacted, would help families who are caring for loved ones in their homes and to enlarge the pool of trained custodial and skilled personnel so that when victims must be moved to institutions, the facilities will be prepared and equipped to serve them.

The first of these measures, H.R. 4274, provides for a tax deduction from the gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease. This measure would allow deductions of expenses, other than medical, which are related to the home care of an Alzheimer victim, including home health services, custodial and respite care.

The second bill, H.R. 4273, would amend several provisions of the Veterans' Administration program, the net effect of which would initiate a consistent, nationwide policy of dealing with Alzheimer victims who are also veterans. H.R. 4273 would require the administration to carry out comprehensive screening, counseling, treatment, and information programs on Alzheimer's disease and related neurological disorders. Other provisions of this legislation would require that the age of eligibility of any veteran suffering from Alzheimer's disease be lowered to 50. Furthermore, a fourth eligibility priority catagory would be designated, calling for hospital and/or nursing home care for Alzheimer victims.

To help provide the institutions with trained personnel, the third bill, H.R. 4272, would amend title IV of the Older Americans Act to authorize the Administration on Aging Commissioner to give priority for student grants to those who will specialize in custodial or skilled care of Alzheimer patients. Such trained individuals would then be available for employment in nursing homes, veterans hospitals, and community home health programs. Additionally, the measure proposes the addition of a new section which tasks State area agencies on aging and service providers to address those needs of Alzheimer patients through the establishment of training and special demonstration projects. To implement these changes, the bill authorizes an additional $5 million for fiscal year 1985.

As our elderly population increases during the next decade due to our increased life expectancy, we can only expect even more Alzheimer victims and more families trying to cope. Congress has just challenged our research community to find the cause and cure of the disease. We now must address the most immediate problem—that of assisting those many, many sufferers and their families and training the professional personnel needed for the care of such victims. I urge my colleagues' support for these measures and the bills' speedy enactment.

H.R. 4272

A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds as follows:

(1) Alzheimer's disease is a progressive, neurological, degenerative, brain illness and is the most frequent cause of mental impairment among the elderly.

(2) Senile dementia of the Alzheimer's type currently affects between 1.5 to 3 million adults in this country and causes over 120,000 deaths per year.

(3) Alzheimer's disease is the fourth leading cause of death among adults, affecting 5 to 15 percent of those over 65 years of age and 20 percent of those over 80 years of age.

(4) Although it is estimated that one-half of the individuals admitted to nursing homes in the United States suffer from Alzheimer's disease, many nursing homes are unable to admit Alzheimer victims because an insufficient number of trained individuals is available for employment to provide custodial and skilled care for Alzheimer victims.

(5) The number of elderly people in the United States is expected to reach 30 million during this decade and to exceed 40 million by the year 2020.

(6) Although one victim is directly affected, Alzheimer's disease actually claims many victims because of its serious toll on the sufferer's family and friends.

SEC. 2. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end thereof the following: "In making grants and contracts under this section, the Commissioner shall give special consideration to the recruitment and training of volunteers and persons employed in or preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological diseases and to providing family respite services with respect to such individuals.".

SEC. 3. (A) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by inserting a period after "elderly."

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking out "and" at the end thereof,

(B) in subparagraph (D)(ii) by inserting "and" after the semicolon, and

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

"(E) older individuals who suffer from Alzheimer's disease and other neurological diseases;",

(2) in paragraph (6) by striking out "and" at the end thereof,

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

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

"(8) provide family respite services with respect to older individuals who suffer from Alzheimer's disease and other neurological diseases.".

SEC. 4. Section 431 (a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "and", and

(2) by inserting ", and $33,000,000 for fiscal year 1985 of which not less than $5,000,000 shall be available to carry out the provisions of this title relating to Alzheimer's disease and other neurological diseases" before the period.

H.R. 4273

A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 610 of title 38, United States Code, is amended—

(1) by inserting "or (f)" in subsection (a)(5) after "subsection (e)";

(2) by inserting "to a veteran to whom this subsection applies" in paragraphs (2) and (3) of subsection (e) after "may not be provided"; and

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

"(f) The Administrator is authorized to carry out a comprehensive program of providing screening, counseling, treatment, and information to veterans suffering from Alzheimer's disease and related neurological diseases under the provisions of this chapter. A veteran who is suffering from Alzheimer's disease or a related neurological disease and who is 50 years of age or older may be furnished hospital care or nursing home care for such disease under subsection (a)(5) of this section.".

SEC. 2. The amendments made by the first section of this Act shall take effect on October 1, 1984.

H.R. 4274

A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease

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

SEC. 1. DEDUCTION ALLOWED FOR INDIVIDUALS FOR HOME CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. HOME CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE.

"(a) DEDUCTION ALLOWED.—In the case of an individual who maintains a household which includes a qualified dependent of such individual, there shall be allowed as a deduction the qualified home care expenses of such individual with respect to such dependent.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any individual (including the spouse of the taxpayer but not including the taxpayer) who—

"(A) has as his principal place of abode the principal residence of the taxpayer, and is a member of the taxpayer's household, for more than 180 days of the calendar year during which the taxable year of the taxpayer begins,

"(B) is a dependent of the taxpayer (within the meaning given to such term by subsection (a) of section 152 other than paragraph (9) of such subsection) for such calendar year, and

"(C) at the close of such calendar year, suffers from Alzheimer's disease and is physically or mentally incapable of caring for himself, as determined by a physician.

"(2) QUALIFIED HOME CARE EXPENSES.—The term 'qualified home care expenses' means the excess of—

"(A) the reasonable and necessary expenses paid or incurred by the taxpayer for—

"(i) household services for a qualified dependent, and

"(ii) the care of such dependent, over

"(B) the reasonable and necessary expenses such taxpayer would have paid or incurred for household services for, and the care of, such qualified dependent if such dependent had been capable of caring for himself.

"(3) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

"(c) SPECIAL RULES.—For purposes of this section.—

"(1) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for such period is furnished by such individual (or, if the individual is married, by the individual and his spouse).

"(2) MARRIED COUPLE MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return under section 6013 for the taxable year.

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—If—

"(A) an individual who is married and who files a separate return maintains a household which includes a qualified dependent,

"(B) over half the cost of maintaining such household is furnished by such individual, and

"(C) during the last 6 months of the taxable year, the spouse of such individual is not a member of such household,

such individual shall not be considered as married.

"(4) MARITAL STATUS.—The marital status of a taxpayer shall be determined in the manner provided in section 143(a).

"(d) CERTIFICATION OF DIAGNOSIS BY PHYSICIAN.—Any determination by a physician that—

"(1) an individual suffers from Alzheimer's disease, and

"(2) such individual is mentally or physically incapable of caring for himself,

shall be certified by the physician to the Secretary at such time and in such manner as the Secretary shall by regulation prescribe.

"(e) COORDINATION WITH SECTIONS 44A AND 213.—If any amount allowable under this section would (but for this subsection) also be allowable as a credit under section 44A (relating to expenses for household and dependent care services necessary for gainful employment) or as a deduction under section 213 (relating to medical, dental, etc. expenses), this section shall apply only if the taxpayer elects its application. If this section is elected with respect to any amount, such amount shall not be allowable as a credit under section 44A or as a deduction under section 213. Such election shall be made at such time and in such such manner as the Secretary shall by regulation prescribe."

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) QUALIFIED HOME CARE EXPENSES.—The deduction allowed by section 223."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 223 as section 224 and by inserting after the item relating to section 222 the following new item:

"Sec. 223. Home care expenses for dependents with Alzheimer's disease."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.●

CONGRESSMAN STRATTON RELEASES HIS ANNUAL DISCLOSURE OF HIS JOINT 1982 INCOME TAX RETURN AND STATEMENT OF CURRENT NET WORTH

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

● Mr. STRATTON. Mr. Speaker, every year since 1974 my wife and I have released a copy of our joint Federal income tax return for the current year, plus a statement of our present net worth.

To be sure the Federal Disclosure Act now requires Members of Congress and other top Government officials to disclose certain financial information in May. However, the information that we have released annually is more detailed and this information is accordingly included herewith as a portion of my remarks.

The information follows:

1982 Joint Federal Tax Return of Samuel S. and Joan H. Stratton

Total exemptions (self, 65 or over—2; spouse—1)	3
Wages (congressional salary)	$60,662.50
Interest income (U.S. Government bonds and savings accounts)	491.83
Dividends	None
Exclusion	None
Subtract line 9b from line 9a	None
Refunds of State and local income tax	1,450.70
Fully taxable pensions and annuities (Naval Reserve retirement)	12,838.38
Other income (speaking honorarium)	200.00
Total income	75,643.42
Total adjustments (D.C. cost-of-living adjustment)	3,000.00
Adjusted gross income	72,643.42
Itemized deductions (summary from schedule A):	
Total medical expenses	747.93
Total taxes (State, real estate, sales)	7,764.33
Total interest paid	2,151.38
Total contributions	1,362.00
Total miscellaneous	234.10
Add lines 10 through 27	12,259.74
Zero bracket amount	3,400.00
Subtract line 29 from 28	8,859.74
Tax table income	60,783.68
Total tax (from tax rate schedule X,Y,Z)	18,088.96
Credit for contributions	10.00
Total Federal tax paid	18,078.95
Total taxes paid for 1982:	
1982 Federal tax paid	18,078.96
1982 New York State tax	4,154.00
Maryland real estate tax, 1982	2,234.40
Total taxes paid	24,467.36

Net worth of Samuel S. and Joan H. Stratton (as of Oct. 31, 1983)

Assets:	
Cash on hand or in checking accounts	$2,849.17
Cash in savings accounts	7,124.82
Cash value of life insurance policies	3,963.34
Accumulated dividends on life insurance	481.20
U.S. Government bonds (Series E & H), purchase price	2,250.00
Bethesda, Md. residence (estimated market value)	160,000.00
Automobiles:	
1982 Chevrolet Caprice (book value)	8,200.00
1979 VW Beetle convertible (book value)	6,075.00
Total	14,275.00
Sailboat and trailer	900.00
Furniture, clothes, personal possessions (estimated)	10,500.00

Accumulated contributions to date in congressional retirement fund (available only for retirement purposes)	78,618.02
Total assets	280,961.55

Note on assets:
1. Bethesda residence—purchased in 1965 for $42,600.
2. Schenectady residence is a rented apartment.
3. Total term life insurance held: $89,600.

Liabilities:	
Balance of GMAC loan on 1982 Chevy Caprice	7,315.54
Mortgage on Bethesda residence	20,471.83
Installment accounts payable	1,815.86
Total liabilities	29,603.23
Computation of net worth:	
Total assets	280,961.55
Total liabilities	29,603.23
Net worth	251,358.31

THE FEDERAL EMPLOYEES' HEALTH BENEFITS INFORMATION ACT OF 1983

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

● Mr. BARNES. Mr. Speaker, today I am introducing the Federal Employees' Health Benefits Information Act of 1983 to assist Federal employees and retirees in exercising their choice of health benefits provided by the Federal employees' health benefits program (FEHBP). The bill would establish an information center within the Office of Personnel Management (OPM) to act as a national information clearinghouse for over 10 million Americans covered by FEHBP.

Mr. Speaker, each year well over 100,000 Federal employees join the Federal service. Each new hire must select a health plan that meets his or her individual and family needs. In addition, during the annual open season that enables Federal employees and retirees to switch from one health plan to another, hundreds of thousands of employees and retirees switch from one FEHB plan to another. The health benefits of more than 1 million Americans were affected by last year's open season. The right to choose among many different types of health plans, in this way, plays a key role as part of the Federal compensation package. In the past, the FEHBP had been considered a model program, a program offering affordable alternatives and comprehensive benefits.

Benefit reductions, accompanied by premium increases exceeding 75 percent in the last 30-month period alone, have seriously weakened the FEHB program. Sharp swings in premiums and coverage reflect a number of factors, from continuing virulent inflation in the health care sector of the economy to policy decisions that have expanded cost-sharing features throughout the FEHB program. Federal employees and retirees, therefore, have been compelled each year to carefully review their FEHB coverage as part of their compensation package and to insure that shrinking coverage would not present untenable financial risks to themselves and their families.

The administration has touted cost-sharing as the sole means of bringing the taxpayer's cost of the FEHB program under control. But unless the FEHB consumer enters the marketplace fully informed about the wide range of choices, the myriad of complex coverages, and procedures used to distinguish among the various health plans, cost-sharing deteriorates into the kind of open season chaos we began to witness last year. Instead of systematic selections, many retirees in particular chose health plans based upon their fear of switching from a familiar carrier or on the basis of hearsay and guesswork.

HOW A NATIONAL INFORMATION CENTER OVERCOMES THE PROBLEM

This legislation serves a host of purposes important not only to Federal employees and retirees, but also significant to private health care consumer and the taxpaying public. It would direct the Office of Personnel Management (OPM) to establish an FEHB information center operational by October 1, 1984.

The information center would furnish Federal employees, retirees, Government agencies, Members of Congress, and interested parties with a great variety of information, including: steps to take in selecting an appropriate health plan, how experts rate the various health plans currently being offered, plans of particular interest to those in need of certain kinds of health care such as mental health or dental coverages.

Perhaps equally important, the center would also develop information to assist FEHB enrollees in making use of the coverage they select. For example, an FEHBP newsletter could be published on an irregular basis to inform enrollees about savings that could be achieved by employing techniques such as seeking a second opinion or selecting an alternative form of health delivery system.

Traditionally, OPM has wisely adhered to the self-enforced policy of refraining from making public any value judgments about the various plans offered under FEHBP. This legislation would encourage OPM to continue this policy, but would enable OPM to enter into contracts with independent experts who annually review FEHB plans. Experts and consultants could also assist the national information center by recommending improved information delivery techniques and systems. This could include the development of information delivery systems accessible to individual employees and retirees.

CONTINUOUSLY UPGRADING FEHBP SYSTEMS

The bill provides statutory authority to OPM to expand activities that will continuously upgrade the FEHB program. In consultation with appropriate agencies, including the Department of Health and Human Services, OPM would be required to submit an annual report to congressional committees of jurisdiction describing recent developments in health delivery systems and comparable health insurance programs in the private sector. In its report, OPM would also make recommendations for legislative or administrative action.

To enable OPM to test its recommendations, the bill also provides specific authority for demonstration projects. For example, in developing an information delivery system accessible to individuals, OPM could test various forms of software or hardware.

COSTS

The FEHB Information Act of 1983 has no budgetary impact. Funding for procuring consultants and demonstration projects would come directly from the administrative fund established in section 8909(b)(1) of title 5, United States Code. The administrative fund is based upon a sum equal to 1 percent of all contributions—both the Government and the employee contribution—made into the employees' health benefit fund. In fiscal year 1984, administrative funds should approach $8 million. The OPM rarely spends the bulk of the administrative fund, but has rolled substantial unused portions back into the contingency reserves it maintains on behalf of each carrier.

By utilizing available administrative funds to improve FEHB delivery systems, the bill should actually result in both a short- and long-term budget savings. In the coming year, it will be possible for employees and retirees to purchase plans with lower premiums without reducing their present coverage. If the majority of employees are equipped to routinely make an informed FEHB selection, therefore, the result should be significant reductions in premium costs for both the employee, the Government, and the taxpayer.

Sharpening the abilities of employees and retirees to reduce both out-of-pocket and reimburseable expenses should also have a salutary effect on FEHB contributions. Perhaps most important of all, the FEHB Information Act of 1983 will help brake the steady erosion of the Federal employees' compensation package, an erosion that has alarmed and demoralized the Federal work force.

ANNUAL OPEN SEASON

Of course, the success of this proposal depends in no small measure on an annual open season. A number of FEHB reform proposals have, therefore, sought to guarantee an annual open season. The most comprehensive

of these proposals, H.R. 656, introduced by the distinguished Chair of the Compensation and Employee Benefits Subcommittee, Congresswoman MARY ROSE OAKAR, provides for an open season whenever a change in FEHB benefits and or premiums occurs. Provisions in the FEHB Information Act of 1983 that mandate an open season are identical to those in the Oakar bill.

Mr. Speaker, in recent years Members with large Federal constituencies have worked hard to provide the kind of information enactment of this bill would supply as a matter of course. Members have recognized that selecting the appropriate health benefit plan is no simple matter. In fact, I can safely say that every Member of this body has had to struggle with complex FEHB brochures and has experienced the difficulties this legislation seeks to remedy for themselves. I believe that we have found a flexible, practical, worthwhile approach to the problem that will benefit everyone. I urge every Member of this body to join me in cosponsoring this important legislation.

For further information, Members are asked to contact the Federal Government Service Task Force, which I chair, at 226-2494.

I also submit the text of the Federal Employees Health Benefits Information Act at this point:

H.R. 4261

A bill to amend chapter 89 of title 5, United States Code, to provide for the establishment of a Federal Employees Health Benefits Information Center, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Employees Health Benefits Information Act of 1983".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to establish within the Government a comprehensive information delivery system and to expand the types of services currently available to Federal employees and annuitants in order to assist those individuals to make better-informed decisions in matters relating to the selection or use of a health benefits plan under chapter 89 of title 5, United States Code;

(2) to provide reasonable opportunity for employees and annuitants enrolled in a Federal health benefits plan to transfer or cancel their enrollment in the event of a change in the terms of their coverage and under certain other circumstances;

(3) to authorize demonstration projects and experiments to improve the quality or timeliness of information provided by the Government with respect to health benefits plans; and

(4) to provide for a continuing program designed to keep the Government fully abreast of changing practices and techniques, both in health care and information delivery systems, to ensure that participating Federal employees and annuitants have greater access to the latest and most effective forms of health care available at the minimum costs practicable.

ESTABLISHMENT OF FEDERAL EMPLOYEES HEALTH BENEFITS INFORMATION CENTER

SEC. 3. Title 5, United States Code, is amended by inserting after section 8907 the following new section:

"§ 8907a. Federal Employees Health Benefits Information Center

"(a) The Director of the Office of Personnel Management shall establish a Federal Employees Health Benefits Information Center (hereinafter in this section referred to as the 'Center').

"(b) The Center shall—

"(1) establish and maintain, and disseminate or provide information from, a national information clearinghouse for employees and annuitants eligible to enroll in a health benefits plan under this chapter, for purposes of furnishing to such employees and annuitants information concerning the relative advantages and disadvantages of the respective plans, based upon—

"(A) general categories of needs or circumstances; and

"(B) individual needs or circumstances;

"(2) assist employees and annuitants in understanding any information furnished under this chapter in order to promote better-informed decisions relating to the choice of, or use of coverage under, a health benefits plan; and

"(3) conduct surveys, market analyses, and feasibility studies in order to identify problems or deficiencies in any health benefits plans under this chapter or any system relating to the delivery of information or assistance under this chapter, and to develop methods by which such problems or deficiencies may be corrected.

"(c) The Center may procure by contract the services of such experts or consultants or organizations thereof as may be appropriate in order to carry out the purposes of this section.

"(d) The Office of Personnel Management shall prescribe regulations under which—

"(1)(A) a carrier shall be given notice of, and reasonable opportunity to submit written comments upon, the form or content of any information proposed to be disseminated or provided under subsection (b)(1)(A) of this section, to the extent that such information relates to a plan offered by such carrier under this chapter; and

"(B) information may not be disseminated or provided under subsection (b)(1)(A) of this section until after sufficient opportunity for the Office to review such comments and to make appropriate modifications, additions, or other changes in the form or content of such information; and

"(2) information may be provided under subsection (b)(1)(B) of this section, taking into consideration the information available under subsection (b)(1)(A) of this section.

"(e) Information provided under subsection (b) of this section shall supplement the information made available under section 8907 of this title.".

(b) The analysis for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8907 the following new item:

"8907a. Federal Employees Health Benefits Information Center."

STUDIES, REPORTS, DEMONSTRATION PROJECTS, AND ADUITS

SEC. 4. (a) Section 8910 of title 5, United States Code, is amended to read as follows:

"§ 8910. Studies, reports, demonstration projects, and audits

"(a) The Office of Personnel Management shall make a continuing study of—

"(1) the operation and administration of this chapter, including surveys and reports on health benefits plans available to employees and on the experience of the plans; and

"(2) the costs, benefits, and coverage under the plans available to employees under this chapter and how they compare with the costs, benefits, and coverage generally available to similarly situated employees in private industry, including comparisons by occupation and location.

"(b)(1) Each contract entered into under section 8902 of this title shall contain provisions requiring carriers—

"(A) to furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

"(B) to permit the Office and representatives of the General Accounting Office to examine records of the carriers as may be necessary to carry out the purposes of this chapter.

"(2) The Office shall prescribe regulations under which the requirements of paragraph (1) of this subsection with respect to contracts with carriers shall apply with respect to contracts with experts or consultants (or organizations thereof) under section 8907a(c) of this title.

"(3) The Office, in consultation with the Department of Health and Human Services, shall submit annually to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate information relating to any recent developments in medical research, health care delivery systems, or any other subject relevant to improving the scope or quality of health-related services under the plans under this chapter, and recommendations for any administrative or legislative action which may be appropriate.

"(c) The Office may conduct experiments and demonstration projects to test methods for improving the quality or timeliness of information provided under section 8907 or 8907a of this title.

"(d) Each Government agency shall keep such records, make such certifications, and furnish the Office with such information and reports as may be neccessary to enable the Office to carry out its functions under this chapter, including a brief description of any services or resources provided by such agency to assist employees in obtaining or making use of any information provided by such agency under this chapter, and the extent to which such services or resources are used.".

FUNDING

SEC. 5. (a) Section 8909(a) of title 5, United States Code, is amended by striking out "for administering this chapter" and inserting in lieu thereof "referred to in subsection (b)(1) of this section".

(b)(1) Section 8909(b)(1) of title 5, United States Code, is amended to read as follows:

"(1) A percentage, not to exceed 1 percent of all contributions made available by subsection (a) of this section, out of which is to be allocated that part determined by the Office to be reasonably adequate to pay expenses for administering this chapter with the balance to be available (A) for procurement of the services of experts and consultants under section 8907a(c) of this title, and

(B) for experiments and demonstration projects under section 8910(c) of this title."

(2) The first sentence after paragraph (2) in section 8909(b) of title 5, United States Code, is amended by striking out "for administrative expenses" and inserting in lieu thereof "under paragraph (1) of this subsection".

(3) Section 8906(c) of title 5, United States Code, is amended by striking out "costs and the reserves" and inserting in lieu thereof "costs, consultant services, demonstration projects, and reserves".

OPEN SEASON

SEC. 6. Section 8905(e) of title 5, United States Code, is amended to read as follows:

"(e) The Office shall prescribe regulations under which, before the start of any contract term in which an adjustment is to be made in any of the rates charged or benefits provided under a health benefits plan described by section 8903 of this title, or a newly approved health benefits plan is offered or an existing plan is terminated, a period of not less than three weeks shall be provided during which any employee or annuitant enrolled in a health benefits plan described by that section may either transfer that individual's enrollment to another such plan or cancel that enrollment.".

INFORMATION AND SERVICES

SEC. 7. (a) Section 8907 of title 5, United States Code, is amended to read as follows:

"§ 8907. Information and services available to employees and annuitants

"(a) Beginning not later than 30 days before the commencement of any period described in section 8905(e) of this title, the Office of Personnel Management shall make available to each employee and annuitant eligible to enroll in a health benefits plan under this chapter—

"(1) such information, in a form acceptable to the Office after consultation with the carrier, and such services as may reasonably be required by an employee or annuitant in order to exercise an informed choice among the types of plans described by section 8903 of this title; and

"(2) a brief description of the types of information and services available from the Federal Employees Health Benefits Information Center and the procedures for obtaining access to such information and services.

"(b) Each employee and annuitant enrolled in a health benefits plan shall be issued—

"(1) an appropriate document setting forth or summarizing—

"(A) the services or benefits, including maximums, limitations, and exclusions, to which the employee or the employee and members of his family, or the annuitant or the annuitant and members of his family, are entitled thereunder;

"(B) the procedure for obtaining benefits; and

"(C) the principal provisions of the plan affecting the employee or annuitant or members of the family of such employee or annuitant; and

"(2) a copy of the policy under which such employee or annuitant is covered.

"(c)(1) In the event that there is to be an adjustment in the rates charged or the benefits provided under a health benefits plan described by section 8903 of this title, written notice of such adjustment shall be provided to each employee and annuitant who is then currently enrolled in such plan, together with an appropriate supplement to the information provided under subsection (b)(1) of this section reflecting such adjustment.

"(2) The notice and supplement required under this subsection shall be provided not later than 30 days before the commencement of the period described in section 8905(e) of this title preceding the start of the contract term in which the adjustment first takes effect.

"(d) For the purpose of this section, 'policy' means a contract of insurance under this chapter with respect to the employee or annuitant concerned.".

"(b) The analysis for chapter 89 of title 5, United States Code, is amended by striking out the item relating to section 8907 and inserting in lieu thereof the following new item:

"8907. Information and services available to employees and annuitants.".

EFFECTIVE DATE

SEC. 8. This Act and the amendments made by this Act shall be effective beginning on October 1, 1984, except that the Director of the Office of Personnel Management shall take such actions as may be necessary before that date to prepare for the commencement of operations of the Federal Employees Health Benefits Information Center (established under the amendment made by section 3(a) of this Act) beginning on that date.●

PARAMOUNT HIGH CHIEF LE'IATO TULI

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

● Mr. SUNIA. Mr. Speaker, I rise today sadly to report the passing of one of American Samoa's leading chiefs, Paramount High Chief Le'iato Tuli. Late last week, he finally gave up the long and hard fight against cancer. He was buried at his village, Faga'itua, on Sunday. The traditional rites befitting the passing of a high chief will be held today and tomorrow.

When President-elect John F. Kennedy saw an article in Reader's Digest titled, "American Samoa—America's Shame in the South Pacific," he was appalled. He handpicked and sent to American Samoa a Federal officer who could correct the shameful situation in a hurry. He picked Rex Lee. When Rex Lee became Governor of the territory in May of 1962, he immediately realized he needed the advice and assistance of a high chief who was a strong leader and respected by his people. He turned to High Chief Le'iato.

In a matter of months, new school buildings were completed, roads were built and paved, and the jet airstrip was opened. Plans for more schools, a medical center, the introduction of educational television, and a tourist hotel were approved. The entire infrastructure was overhauled and rebuilt overnight. Governor Lee said he could not have done it without the advice, counsel, and strong leadership of High Chief Le'iato. In his role as Secretary of Samoan Affairs, the highest government post given to a local in those days, High Chief Le'iato was head of the island wide system of district, county, and village chiefs. He made sure the chiefs focused their interest and placed their full support to the new program of development.

I was privileged to serve under this man, as a young college graduate, and can attest to his inspired leadership. For a man who never went to high school, he was remarkable in his ability to grasp the meaning of new ideas, and was never relaxed until a project to improve the people was completed.

High Chief Le'iato was to have been 79 years old last Sunday, the day he was buried. He had retired in 1977 after having served as Secretary of Samoan Affairs—director of local government—for 15 years.

His government service began in 1940 when he joined the U.S. Marines. Following the war he joined the local police force and left as a lieutenant. After the title "Le'iato" was bestowed upon him in 1953, he was appointed district governor of the eastern district.

The proper development of local political institutions was a matter of serious concern with the chief. He was an avid debater of issues in the constitutional committees and conventions. In his vision, there will always be a fundamental and a tremendously useful role for the chiefly system in any political structure devised for the territory.

He loved his church work and became a pioneer and driving force in the establishment of the 3-year old Christian Congregational Church of American Samoa. He held a church post through his entire adult life.

Like most active leaders, High Chief Le'iato loved sports. One of his credits is a leading role in the construction of the only golf course in the territory. He loved the game. He was my golf teacher. He gave me my first set of golf clubs. That is the kind of heart this man had.

No tribute would be complete without a mention of the person who was his strongest supporter, his lady, Puao. To Puao, here seven children, and several grandchildren, I extend my deepest sympathies.

Finally, I want to note the unswerving support and service of the Districts of Sua and Vaifanua to their chief. No chief can succeed in the system of Samoan matais without the support of his people. High Chief Le'iato always enjoyed the loyalty of Sua and Vaifanua as well as the village of Faga'itua where he now lies amongst Le'iatos of the past.

May the passing of this great chief become an inspiration to the current and future leaders of American Samoa.●

INTRODUCTION OF LEGISLATION INCREASING THE DEDUCTION FOR BUSINESS GIFTS

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

● Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation to raise the current limitation on the deduction for business gifts from $25 to $100. Typically, these are gifts made by employers to their employees. Under present law, a taxpayer's deduction for business gifts generally is disallowed to the extent that the total cost of all gifts to the same individual from the taxpayer during the taxable year exceeds $25. This provision was added to the Internal Revenue Code by the Revenue Act of 1962 (Public Law 87-834), and the $25 limit has not been raised since that time.

It is only appropriate that this limit should be increased in light of the inflation that our economy has experienced since 1962. Permitting deductions for business gifts of less than $100 appears to present little additional potential for the abuse that Congress was concerned about in 1962. However, retention of the $25 limitation may deny taxpayers deductions for what are legitimate business expenses.

Mr. Speaker, this legislation will eliminate that inequity by providing a more realistic limitation on the deductibility of business gifts.●

ARGENTINE ELECTIONS: A BREAK WITH THE PAST AND A CHANCE FOR THE FUTURE

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

● Mr. GLICKMAN. Mr. Speaker, along with MIKE BARNES, the chairman of our Subcommittee on Western Hemisphere Affairs, as well as Mr. WRIGHT, Mr. KEMP, Mr. BEILENSON, Mr. WINN, Mr. LEVITAS, Mr. SIMON, Mr. YATES, Mr. ZSCHAU, Mr. SCHEUER, Mr. SLATTERY, and Mr. GORE, I am today introducing a resolution commending the Argentine people for their successful and peaceful conduct of elections this past Sunday and encouraging a smooth and prompt transition from military rule to the newly elected civilian government.

These elections in Argentina were most significant both as a break from the past decade of military rule under a state of seige and as an opportunity for the future. Activities that have been allowed to transpire in Argentina during the last decade have shown a wholesale disregard for human and religious rights. Thousands of Argentine citizens have disappeared with no explanation and others have been killed without due process. Antisemitism has been on the upswing and has turned violent with armed attacks in Jewish communities, bomb threats against Jewish schools and defacing of synagogues. At the same time, the Argentine economy has deteriorated severely leaving the new government facing 12-percent unemployment, 1,000-percent annual inflation, and the world's third largest foreign debt.

The newly elected government has indicated its intention to tackle all of these problems. It will not be an easy task, but it is one that we must encourage the new government to follow through on. The return to democracy in Argentina deserves our commendation and encouragement. Just as our revolution in 1776 was at the vanguard of other republics being established, sustained success in Argentina can likewise set an example for other Latin American peoples. That would be an incredible step forward for Latin America and the principles of democracy for which this country stands.●

BOB CHRISTOFFERSON—ONE OF CALIFORNIA'S FINEST PUBLIC SERVANTS

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

● Mr. PANETTA. Mr. Speaker, I would like to bring to the attention of my colleagues the departure from Salinas, Calif., of one of the finest public servants in our State, Bob Christofferson.

Bob, who has served since 1972 as city manager of Salinas, is moving on to become the city manager of Fresno, Calif. Judging from the excellent record Bob has compiled in Salinas, the people of Fresno can look forward to effective and efficient management of their city.

Bob's move to Fresno is the most recent in a line of advancement from one challenging California city management job to the next. After earning a master of science degree in public administration from the University of Southern California in 1956, and with experience already under his belt as an administrative intern in the city of Beverly Hills, Bob became assistant to the city manager of Glendale and served in that capacity until 1965. At that time, Bob moved on to San Dimas, where he obtained his first full-fledged city manager's job. From there, it was on to Covina in 1968, and in 1972, Bob made his way to Salinas.

Mr. Speaker, Bob's long tenure in Salinas is an indication of the fine work he has done there and the satisfaction of both the elected officials of Salinas and the people of that city with his work. In addition, Bob has won numerous awards, including the Administrator of the Year Award presented by Brigham Young University, and the Harry Scoville Award for Administrator of the Year, presented by the Los Angeles chapter of the American Society for Public Administration.

In addition to his work for the city of Salinas, Bob has been very active in urban and professional public management organizations. He currently serves as president of the Monterey chapter of the American Society for Public Administration and as a board member of the League of California Cities. He also serves on the Social Issues Committee and the Tax Reform Task Force in that organization. In 1981, he served as president of the City Manager Department of the League of California Cities.

Mr. Speaker, on November 5, Bob Christofferson will be honored with a special celebration in recognition of his years of service to the people of Salinas. I know my colleagues join me in wishing him well as he moves on to Fresno.●

NOTICE OF HEARING BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff.

Also, on September 14 of this year, I addressed the House and invited interested Members and staff to share their advice, comments, and suggestions regarding the procedure by which the official records of the House are published. The September 14 invitation was followed by letters on this subject dated September 16 to every Member. The committee has reviewed and analyzed the responses it has received and is now ready to receive testimony from interested parties.

To this end, I invite any Member, staff, or other individual wishing to present public testimony on the editing and publishing of House documents to do so on November 3, 1983, at 3 p.m., in room 2359-A Rayburn House Office Building.

In order that the committee can make necessary arrangements, we request that anyone wishing to testify contact the committee not later than 5 p.m. on November 2, 1983, and provide 20 copies of any prepared statement at that time.

MAJ. GEN. JAMES TAYLOR, JR., WELL DONE AND WELCOME HOME

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

● Mr. NEAL. Mr. Speaker, I would like to pay special tribute today to Major General Taylor of Winston-Salem who recently retired from the Air Force after nearly 32 years of service to his country.

General Taylor, who was born in Rural Hall, N.C., received his primary and secondary education in Jonesville. In 1945, he was graduated from Mars Hill College and in 1947 was awarded a bachelor of arts degree from the University of North Carolina. He received his juris doctor from the university's law school in 1949. After 2 years in private practice in Boone, N.C., he accepted a direct commission in the Judge Advocate General's Department, U.S. Air Force, and was assigned to Biggs Air Force Base in Texas. Following this initial tour, General Taylor served in England at RAF Greenham Common and with the 7th Air Division at RAF South Ruislip. In 1956, he was assigned to HQ SAC at Offutt Air Force Base, Nebr., and 4 years later was brought to the Judge Advocate General's Office in Washington, D.C., as an appellate Government counsel. From there, General Taylor was assigned for 3 years as base staff judge advocate at Hickam Air Force Base in Hawaii. He returned to Washington in 1967 to deal directly with Congress, first as legislative attorney and then as Chief of the Legislation Division of the Office of the Secretary of the Air Force. He left Washington again in 1972 to become staff judge advocate of the 13th Air Force in the Philippines, but was reassigned to the Capital 2 years later as director of civil law for the Judge Advocate General. In 1977, he was promoted to the grade of brigadier general and, shortly thereafter, selected as Assistant Judge Advocate General of the U.S. Air Force, the position in which he served until his nomination and for confirmation as the first Deputy Judge Advocate General in 1980. General Taylor has accepted a position as the director of clinical education programs and visiting professor of law at the Wake Forest University School of Law in Winston-Salem, N.C. General Taylor is married to the former Louise Lewis of Boone. They have a daughter, Dawn, who is a graduate of and employed by the University of North Carolina at Chapel Hill.

Major General Taylor was presented the Distinguished Service Medal at ceremonies recently held at the Pentagon. This award, the highest military decoration awarded in peacetime, recognized General Taylor's exceptional meritorious service in duties of great responsibility.

Today I ask the Members of this House to join me in honoring General Taylor for his devoted and selfless service to this great Nation—well done and welcome home.●

PRESIDENT EXHIBITS SKILLS AS CASUIST IN CASE OF COMMUNISTS

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

Mr. DYMALLY. Mr. Speaker, President Reagan in his public statements gives the impression that he is the most fervent and monolithically anti-Communist American leader since John Foster Dulles. Some credit him with restarting the cold war. We can easily picture his anger at Cuba for sending workers to Grenada to build an airstrip—an airstrip probably not unlike the one we are building in Honduras. We know how intent he is on deploying Pershing II missiles in Europe to save the Western Europeans from being destroyed by the Russian Communists.

But to Mr. Reagan it appears there are "Communists" and then there are "Communists." In the midst of all the anti-Communist rhetoric, it is easy to lose sight of the fact that the President can make rather esoteric distinctions when he chooses to—like the distinction between Chinese Communists and all other Communists. He considers it all right to arm some Communists even as he pressures other Communists to disarm. A recent article by Robert Scheer in the Los Angeles Times reflects on this ability of the President. I think the article provides an insight that is important to understand. The distinction he makes between Communists, I might add, appears to be revisited in the distinction he makes between totalitarian—bad Communist regimes and authoritarian—supportable Communist regimes. I shall enter the Scheer article in the RECORD for the benefit of my fellow Members of Congress.

[From the Los Angeles Times, Oct. 2, 1983]

U.S. ARMS FOR CHINA: LEARNING TO LOVE THOSE CHICOM HORDES

(By Robert Scheer)

There was something oddly disconcerting last week about the pictures of Defense Secretary Caspar W. Weinberger happily cavorting atop the Great Wall, while on a mission to sell sophisticated U.S. weapons to the Chinese communists. During his amicable stay in China he also held out the possibility of a strategic partnership with Peking, and promised eventually to end arms sales to Taiwan, thereby implicitly endorsing China's claim to Taiwan.

Arms for Red China and the "betrayal" of Taiwan. The very idea would have caused the impeachment of an American President not so very long ago. Yet now the offer has been made by an Administration that has based much of its foreign policy on what it believes is the inherent immorality and imperial drive of communist ideology.

This is a remarkable turnabout for the President and the many others in his Administration who once believed that vast hordes of ChiComs could be expected to land in San Diego, if not first stopped in Korea or Vietnam or on some other Asian shore. Whatever became of those implacable foes of Western democracy and common decency, who not only dominated Cold War nightmares, but also killed tens of thousands of Americans in the Korean War?

What has changed? Have the Chinese stopped being communists? Have they freed the captive souls in what was, until a short decade ago, thought of as little more than a concentration camp of a country?

No. What has happened is that the Chinese communist leaders are now hostile to the Soviets' "evil empire" and no more need be said. This is a reversal of the situation in the 1960s, when the Soviets were thought by many experts in the U.S. government to be the more mellow communists, while the Chinese were defined as the rabid revolutionaries. But in the current mood, anything anti-Soviet becomes, if not virtuous, at least acceptable.

To the Reagan Administration, anti-Soviet totalitarian regimes are—in the jargon of U.N. Ambassador Jeane J. Kirkpatrick—assumed to be merely authoritarian.

There has been no official word on where the Chinese communists fit into this pantheon of evil. Up to now the authoritarian regimes approved by Kirkpatrick have all been right-wing. But, given that the Administration now proposes to sell the Chinese not only butter, but also guns, one must assume that they are now judged to have slipped across the line from totalitarian to authoritarian, although that may be of small comfort to the tens of thousands held prisoner in that country. At the very least, Washington apparently thinks of the Chinese as good communists, as compared with the evil ones in Moscow.

But does the White House now believe that good communists kill or imprison fewer of their people than evil ones? The plight of Soviet dissidents has been better publicized than that of Chinese dissenters, but their situation is no less precarious. Last year, Amnesty International reported "a noticeable deterioration in the human rights situation" in China and was similarly pessimistic about human rights inside Russia. Although very little is heard in this country about Chinese human-rights violations, it cannot be safely assumed that the thousands of shaven-headed convicts recently trucked about China prior to their execution were accorded due process of law.

Nor are good communists necessarily less expansionist and oppressive of foreign nationals. China plans to grab Taiwan no matter what the people there may want, and it has been just as insensitive to the national aspirations of Tibetans as the Soviets have been to those of Estonians or Poles.

On his trip to China, Weinberger joined with the Chinese in a condemnation of the Soviet-financed Vietnamese invasion of Cambodia. But no mention was made of the Chinese-financed Khmer Rouge, which not long ago murdered several million relatives of the people it would now liberate. Nor does the United States judge that past performance as grounds for disqualifying the Khmer Rouge as legitimate spokesmen for

the Cambodian people at the United Nations.

The U.S. strategic rapprochement with China also raises some doubts about the essential rationale of U.S. policy, based as it is on an assertion of past U.S. passivity in response to growing Soviet military and geopolitical power. For example, the Administration has condemned Soviet arms shipments to Cuba and Nicaragua as an asymmetrical boost in Soviet global power, but the prospect of sophisticated U.S. weapons in China must be every bit as disturbing to the Soviets.

The military rapprochement with China challenges this pet notion of the Administration—that the Soviets have been successful in expanding their geopolitical influence. Surely the defection of China from the Soviet Bloc and its emergence as an avowed enemy armed by the United States, must be interpreted as a severe setback for the Soviets—one that far outweighs whatever gains they have made during this same period in Latin America and Africa. Surely, the presence of a billion hostile Chinese on one's borders is a bit more disconcerting than the threat posed to America's national security by 12 million Cubans and Nicaraguans.

Refusal to take such comparisons seriously points to the limitations of the Administration's world view, which characterizes the competition between the superpowers as a theological struggle between good and evil, a devil theory of communism in which the other side cannot possibly have a case to make. But a fixation on communist ideology per se cannot explain such real world events as the Chinese-Soviet split.

The fact that the two major communist powers are now at each other's throats makes a hash of Reagan's simplistic anticommunist ideology. Take, for example, Reagan's interview with The Times during the 1980 election campaign in which he said: "They (China and Russia) were allies, and the only argument that caused their split was an argument over how best to destroy us. That was not one that reassured me that when they split, that we should immediately rush over there and trust them. And even now, though I think it's fine now that we are attempting to establish a contact, it should be done with our eyes open, it should be done with a cautious holding back of one foot. . . ."

When asked whether he would "entrust them with sophisticated weapons at some point," candidate Reagan replied: "No because just like the Soviets broke their agreement—or Hitler broke their agreement with the Soviets, they could turn right around and the day after tomorrow discover that they and the Soviets have more in common than they have with us."

Confusions and contradictions of this sort are the inevitable product of an attempt to make a complex and sometimes chaotic world conform to a Reader's Digest condensed version of 20th-Century history.

□ 1850

BIKE FOR PEACE '83

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

Mr. MORRISON of Connecticut. Mr. Speaker, the last 2 months have graphically demonstrated how fragile is the peace in this world which we all profess to believe in. In particular, the possibility of reaching an understanding with the Soviet Union to stop the arms race has been cast in doubt by growing official hostility between the two superpowers. The lack of effective communication between the two countries has been demonstrated.

In this light, I believe that a unique and important event which took place this past summer deserves to be recognized by this body. A group of 32 men and women of various ages and from five countries bicycled over 1,200 miles together in the name of world peace. The trek was called Bike for Peace '83 and was originated by several Norwegians. Tore and Bjoerg Naerland of Oslo, Norway, conceived the idea and then joined together with Andrew Kroglund, also of Oslo, to suggest a partnership with groups in the Soviet Union and the United States.

First the Norwegians formalized an association with the Soviet Peace Committee and Sport Committee of the U.S.S.R. in Moscow. Their agreement took the form of a written protocol which was based on their desire to contribute to the struggle against the nuclear arms race and to establish better understanding between different nations and peoples. The protocol was signed by Eugene Oskolosky and Vladimir Kokashvili for the Soviet Peace Committee, and Ildar Valimulin for the Sport Committee and Andrew Kroglund of Norway.

Naerland and Kroglund then traveled to the United States and in March met with Christopher Senie of Westport, Conn., who agreed to serve as the American coordinator.

A parallel protocol was signed on May 8, 1983, in Oslo, by Mr. Senie and Mr. Naerland, officially joining citizens of the Soviet Union, the United States, and Norway in a demonstration of the universal desire for peaceful relations beween nations.

□ 1900

The bike tour itself lasted 30 days beginning in Moscow on July 6 and ending in Washington, D.C., on August 5. The group consisted of 20 Soviets, 9 Norwegians, 1 Swede, 1 Finn, and 9 Americans.

The route brought Bike for Peace '83 through many small towns and cities as well as the following major cities: Moscow, Norgorod and Leningrad in the U.S.S.R.; Helsinki, Stockholm, Oslo, New York City, Philadelphia, Baltimore, and Washington, D.C.

The group carried with it a petition which was signed by over 100 town, city, and regional leaders and which was then delivered to the Secretary General of the United Nations. This petition, which was written in three languages, was read or quoted from at almost every lunch and overnight stop along the route. Crowds of people bearing gifts and flowers greeted the group at each stop as the bicyclists read from the petition.

The petition is addressed to the United Nations and the people of the world and calls for peace and disarmament, urging the leading politicians of the great powers "to take the responsibility for the people of the world so that humanity, and the basis for all life on Earth, will not be destroyed by a nuclear war." The petition also declares the participants' active support for the cause of peace and the important role of the United Nations in efforts to reach that goal.

The Bike for Peace group met on August 9 with the U.N. Secretary General, who praised them for having engaged in the type of citizen involvement in the struggle for peace which is so desperately needed. The peace cyclists rode approximately 60 miles each for all but 5 of their 30 days on the road. The terrain and weather at times presented difficulties but the high level of cooperation and friendship that developed added to each rider's strength and endurance.

A tandem bicycle led the group for most of the 1,200-mile journey ridden by the U.S. Coordinator, Christopher Senie, and Soviet Vladimir Semenets. Semenets won a gold medal in the Tandem Sprint in the 1972 Olympics held in Munich, Germany. This Soviet-American tandem symbolized the possibility for Soviets and Americans working together in order to move forward toward world peace.

Bike for Peace '83 represents the first time Americans and Soviets have joined together to demonstrate for peace on the soil of each country. Credit must be given to the government departments in each country which issued the visas that made it possible for the full participation of citizens from all five countries.

Bike for Peace '83 is best characterized as a colorful, professionally run, emotional appeal which remained nonpolitical in the sense that no political parties or governmental policies were endorsed.

We have learned from Bike for Peace '83 that peace is a universal concern and that ordinary citizens can and should participate in the call for effective and meaningful disarmament agreements.

This is an event which I think we in this country can take justifiable pride in because it is through these kinds of events and the kinds of activities by our citizens that the concern of disarmament, the concern of world peace, can be brought to the forefront not only in this country but elsewhere in the world.

Debates on Government policy will move us a certain distance, but a commitment of the citizens of countries in the world, and particularly the superpowers, the Soviet Union and the

United States, are the most essential ingredients to reaching agreements leading to disarmament, agreements that will prevent war.

This event, led by people from several nations, and led in particular in this country by a resident of Connecticut, is something of which I am proud and which I think we, as Members of the House, should pay attention to and should praise.

SPECIAL ORDERS GRANTED

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

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

Mr. LENT, for 5 minutes, today.
Mr. PORTER, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.
Ms. SNOWE, for 20 minutes, today.

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

Mr. STRATTON, for 5 minutes, today.
Mr. BARNES, for 10 minutes, today.
Mr. RICHARDSON, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. SUNIA, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. STOKES, for 5 minutes, today.
Mr. NEAL, for 10 minutes, today.
Mr. DYMALLY, for 30 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. BEREUTER.
Mr. GREEN.
Mr. SCHAEFER.
Mr. MCGRATH.
Mr. WOLF.
Mr. CLINGER.
Mr. GILMAN.
Mrs. ROUKEMA.
Mr. DUNCAN.
Mr. LEACH of Iowa.
Mr. JEFFORDS.
Mr. MYERS.
Mr. GUNDERSON.
Mr. LEWIS of Florida in two instances.
Mr. FIELDS.
Mr. HYDE.
Mr. COUGHLIN.
Mr. DAUB.
Mr. HORTON.
Mr. WHITTAKER.

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

Mr. LONG of Maryland.
Mr. TALLON in two instances.
Mr. JACOBS in two instances.
Mr. HAMILTON.
Mr. MARKEY.
Mr. CARR.
Mr. RATCHFORD.
Mr. OBERSTAR.
Mr. BORSKI.
Mr. DE LA GARZA.
Mr. CLARKE.
Mr. FROST.
Mr. ACKERMAN.
Mr. ZABLOCKI.
Mr. LEHMAN of Florida.
Mr. BENNETT.
Mr. PATTERSON.
Mr. MINETA.
Mr. SHANNON.
Mr. SKELTON.
Mr. LEVIN of Michigan.
Mrs. SCHROEDER.
Mr. SUNIA.
Mr. LANTOS in three instances.
Mr. ROE.
Mr. YOUNG of Missouri.
Mr. WYDEN.
Mr. VALENTINE in two instances.
Mrs. BURTON of California.
Mr. HUBBARD.
Mr. OTTINGER in two instances.
Mr. HARRISON.
Mr. WON PAT.
Mr. EDWARDS of California.
Mr. TORRES.
Ms. FERRARO.
Mr. ROE.
Mr. KOLTER.
Mr. WEISS.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983, through November 9, 1983, as "National Drug Abuse Education Week."

ADJOURNMENT

Mr. MORRISON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 2, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2074. A letter from the Comptroller General of the United States, transmitting a review of the proposed 20 deferrals contained in the special message from the President dated October 3, 1983, pursuant to section 1014 of the Impoundment Control Act (H. Doc. No. 98-126); to the Committee on Appropriations and ordered to be printed.

2075. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting a report analyzing the impact on the provision of basic human needs of economic adjustment programs supported in 1982 by financing from the International Monetary Fund, pursuant to the act of July 31, 1945, chapter 339, section 30(b), as amended; to the Committee on Banking, Finance and Urban Affairs.

2076. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 5-74, "Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983," and report, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2077. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 5-75 "D.C. and PEPCO Blue Plains Real Estate Exchange Act of 1983", and report, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2079. A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting the council's annual reports for the years 1980, 1981, and 1982 under the Government in Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2080. A letter from the Deputy Administrator, General Services Administration, transmitting a clarification of the report transmitted regarding the proposal for the establishment of the Carter Presidential Library (Ex. Com. No. 1692), pursuant to 44 U.S.C. 2108(a); to the Committee on Government Operations.

2081. A letter from the Librarian of Congress, transmitting the annual report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1982, together with four issues of its supplement, the Quarterly Journal of the Library of Congress, and the annual report of the Library of Congress Trust Fund Board, pursuant to section 1, chapter 265 of the act of February 19, 1897 and section 7, chapter 423 of the act of March 3, 1925; to the Committee on House Administration.

2082. A letter from the Director, National Science Foundation, transmitting a copy of the "Five-Year Outlook on Science and Technology, 1982," the third in that series prepared by the Committee on Science, Engineering and Public Policy of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine; to the Committee on Science and Technology.

2083. A letter from the Assistant Secretary for Trade Administration, Department of Commerce, transmitting the 43d annual report of the Foreign-Trade Zones Board for the fiscal year ended September 30, 1981, together with the reports from the 42 zone projects in operation during the period, pursuant to section 16(c) of the act

of June 18, 1934, as amended; to the Committee on Ways and Means.

2084. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the 17th quarterly report on the status of the Alaska Natural Gas Transportation System for the period July through September 1983, pursuant to section 7(a)(5)(E) of Public Law 94-586; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. OAKAR: Committee on House Administration. House Resolution 305. Resolution dismissing the election contest against Ron Packard (Rept. No. 98-452). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 304. Resolution dismissing the election contest against James McClure Clarke (Rept. No. 98-453). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. Leap before you look: The Federal Communications Commission's access charge decision (Rept. No. 98-454). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Who cares about privacy? Oversight of the Privacy Act of 1974 by the Office of Management and Budget and by the Congress (Rept. No. 98-455). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Farm program decisions, 1980-83: The road that led to PIK (Rept. No. 98-456). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 353. Resolution providing for the consideration of H.R. 3323, a bill to authorize appropriations for grants to the Washington Workshop Foundation (Rept. No. 98-457). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 354. Resolution providing for the consideration of H.R. 2900, a bill to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes (Rept. No. 98-458). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 355. Resolution providing for the consideration of H.R. 4196, a bill to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products (Rept. No. 98-459). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4248. A bill to authorize appropriations for fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes (Rept. No. 98-460). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WAXMAN (for himself, Mr. WIRTH, Mr. MOORHEAD, Mr. SCHEUER, Mr. OTTINGER, Mr. SHARP, Mr. FLORIO, Mr. MARKEY, Mr. WALGREN, Mr. GORE, Ms. MIKULSKI, Mr. LELAND, Mr. SHELBY, Mrs. COLLINS, Mr. SYNAR, Mr. ECKART, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRYANT, Mr. BATES, Mr. DANNEMEYER, and Mr. FIELDS):

H.R. 4260. A bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interest, and prime time access; to the Committee on Energy and Commerce.

By Mr. BARNES (for himself, Mr. AKAKA, Mrs. BOXER, Mrs. BRYON, Mr. DICKS, Mr. DYMALLY, Mr. ERDREICH, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. GRAY, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. HOWARD, Mr. HOYER, Mr. LANTOS, Mr. MATSUI Ms. MIKULSKI, Ms. OAKAR, Mr. ROE, Mr. WEISS, Mr. WIRTH, and Mr. WON PAT):

H.R. 4261. A bill to amend chapter 89 of title 5, United States Code, to provide for the establishment of a Federal Employees Health Benefits Information Center, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 4262. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, N.C., against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4263. A bill to designate certain lands in the Cherokee National Forest, Tenn., as wilderness areas, and to allow management of certain lands for uses other than wilderness; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. HATCHER (for himself, Mr. ROWLAND, Mr. THOMAS of Georgia, and Mr. RAY):

H.R. 4264. A bill to amend the Highway Amendment Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects; to the Committee on Public Works and Transportation.

By Mr. LONG of Maryland:

H.R. 4265. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

H.R. 4266. A bill to amend title IV of the Social Security Act to require, as a condition of receipt of funds by a State under the aid to families with dependent children (AFDC) program, that the courts of the State consider joint custody as the first option in child custody cases; to the Committee on Ways and Means.

By Mr. MOLINARI:

H.R. 4267. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and the disabled; to the Committee on Energy and Commerce.

H.R. 4268. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MOORE:

H.R. 4269. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction; to the Committee on Ways and Means.

By Mr. MRAZEK:

H.R. 4270. A bill relating to the dumping of dredged material in Long Island Sound; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI:

H.R. 4271. A bill to amend the Internal Revenue Code of 1954 to increase the limitation on the deduction for business gifts from $25 to $100; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 4272. A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes; to the Committee on Education and Labor.

H.R. 4273. A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 4274. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. MCNULTY, Mr. MCCAIN, Mr. REID, and Mrs. VUCANOVICH):

H.R. 4275. A bill to authorize the Secretary of the Interior to construct, operate and maintain hydroelectric powerplants at various existing water projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WORTLEY:

H.R. 4276. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to carry out a demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PATTERSON:

H.J. Res. 408. Joint resolution designating November 12, 1983, as "Anti-Defamation League Day" in honor of the 70th anniversary of the founding of the Anti-Defamation League of the B'nai B'rith; to the Committee on Post Office and Civil Service.

By Mr. DONNELLY (for himself, Mr. BOLAND, Mr. CONTE, and Mr. MOAKLEY):

H. Res. 356. Resolution authorizing the printing of a collection of statements in tribute to the late Representative James A. Burke; to the Committee on House Administration.

By Mr. DORGAN (for himself and Mr. CARPER):

H. Con. Res. 202. Concurrent resolution to freeze spending at current levels and reduce

deficits; to the Committee on Government Operations.

By Mr. FUQUA:

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to organize and obtain funding for a national STORM program; to the Committee on Science and Technology.

By Mr. GLICKMAN (for himself, Mr. BARNES, Mr. WRIGHT, Mr. KEMP, Mr. BEILENSON, Mr. WINN, Mr. LEVITAS, Mr. SIMON, Mr. YATES, Mr. ZSCHAU, Mr. SCHEUER, Mr. SLATTERY, and Mr. GORE):

H. Con. Res. 204. Concurrent resolution expressing the sense of the Congress in support of the return to democratically elected government in Argentina; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

293. The SPEAKER presented a memorial of the Senate of the State of Illinois, to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 242: Mr. ROBINSON.

H.R. 287: Mr. MOORHEAD and Mr. SILJANDER.

H.R. 953: Mr. HAYES.

H.R. 1315: Mr. PENNY and Mr. SIKORSKI.

H.R. 1743: Mr. DONNELLY, Mr. LUNDINE, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. LEHMAN of California, Mr. AUCOIN, Mr. SWIFT, Mr. DICKS and Mr. ST GERMAIN.

H.R. 1773: Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. HAMILTON, Mr. MCDADE, Mr. ERDREICH, and Mr. KASICH.

H.R. 1880: Mr. LEVIN of Michigan and Mrs. SCHNEIDER.

H.R. 1918: Mr. MRAZEK.

H.R. 2109: Mr. ALBOSTA and Mr. KILDEE.

H.R. 2116: Mr. LONG of Maryland, Mr. NEAL, Mr. GREEN, and Mr. SMITH of New Jersey.

H.R. 2250: Mr. WORTLEY, Mr. GREGG, Mr. ANNUNZIO, Mr. DANIEL B. CRANE, Mr. WYLIE, Mr. MORRISON of Connecticut, and Mr. WOLPE.

H.R. 2380: Mr. BARNES, Mr. BEDELL, and Mr. MATSUI.

H.R. 2424: Mr. WYLIE.

H.R. 2522: Mrs. HALL of Indiana.

H.R. 2562: Mr. SOLARZ.

H.R. 2928: Mr. DORGAN.

H.R. 2977: Mr. HYDE, Mr. FROST, and Mrs. HALL of Indiana.

H.R. 3037: Mr. WYLIE.

H.R. 3170: Mrs. KENNELLY.

H.R. 3240: Mr. BOSCO, Mr. PENNY, and Mr. CONTE.

H.R. 3309: Mr. CAMPBELL.

H.R. 3417: Mr. HARTNETT.

H.R. 3457: Mr. DORGAN.

H.R. 3614: Mr. WHEAT, Mr. VOLKMER, Mr. YOUNG of Missouri, Mr. EMERSON, Mr. CLAY, Mr. COLEMAN of Missouri, Mr. TAYLOR, Mr. GEPHARDT, Mr. FASCELL, Mr. LANTOS, Mr. WORTLEY, Mr. TORRES, Mr. BARNES, Mr. DOWDY, Mr. BERMAN, Mr. HANSEN of Idaho, Mr. WINN, Mr. DYSON, Mr. DURBIN, Mr. BEILENSON, Mr. ROE, Mr. SMITH of Florida, Mr. PERKINS, Mr. WILSON, Mr. WON PAT, Mr. VANDERGRIFF, Mr. BONER of Tennessee, Mr. MONTGOMERY, Mr. SABO, Mr. PATMAN, Mr. HUGHES, Mr. ALBOSTA, Mr. FAZIO, Mr. VENTO, Mr. BRYANT, Mr. FRANK, Mr. SLATTERY, Mr. AUCOIN, Mr. ANDREWS of North Carolina, Mr. SUNIA, MR. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. HATCHER, Mr. MOLLOHAN, Mr. BIAGGI, Mr. HORTON, Mr. BEVILL, Mr. STENHOLM, Mr. NICHOLS, Mr. RICHARDSON, Mr. MATSUI, Mr. FROST, Mr. LUKEN, Mr. ANDREWS of Texas, Mr. RATCHFORD, Mr. CHAPPELL, Mr. DASCHLE, Mr. BENNETT, Mr. EVANS of Illinois, Mr. ROYBAL, Mr. MARTINEZ, Mr. LEVINE of California, and Mr. STUMP.

H.R. 3665: Mr. MINETA.

H.R. 3681: Mr. GEKAS.

H.R. 3803: Mr. SEIBERLING, Mr. CONTE, Mr. ROTH, Mr. LAGOMARSINO, Mr. CHAPPIE, Mr. WALKER, Mr. ROBERT F. SMITH, Mr. MCDADE, Mr. PARRIS, Mr. CLINGER, Mr. PENNY, Mr. HORTON, Mr. NIELSON of Utah, Mr. KOSTMAYER, Mr. BONER of Tennessee, Mr. LANTOS, Mr. BURTON of Indiana, Mr. EMERSON, and Mr. APPLEGATE.

H.R. 3832: Mr. SUNIA, Ms. KAPTUR, Mr. MATSUI, Mr. RICHARDSON, Mr. DYSON, Mr. PENNY, Mr. WON PAT, Mr. MCHUGH, Mr. FOGLIETTA, Mr. MITCHELL, Mrs. SCHNEIDER, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. FLORIO, Mr. SIKORSKI, Mr. COYNE, Mr. WEAVER, Mr. ROE, Mr. MCEWEN, Mr. OBERSTAR, Mr. BRITT, Mr. DELLUMS, Mr. WEISS, Mr. HAWKINS, Mr. SMITH of Florida, and Mr. VENTO.

H.R. 3846: Mr. GOODLING and Mr. BLILEY.

H.R. 3870: Mr. BARNES.

H.R. 3973: Mr. VOLKMER.

H.R. 4016: Mr. MINETA.

H.R. 4098: Mr. FRANK, Mr. LIVINGSTON, Mr. EMERSON, Mr. FRENZEL, Mrs. SCHROEDER, Mr. WON PAT, Mr. FOGLIETTA, Mr. BERMAN, Mr. STOKES, Mr. MORRISON of Washington, Mr. JEFFORDS, Mr. MCGRATH, Mr. TALLON, Mr. BEDELL, Mrs. MARTIN of Illinois, and Mr. MCNULTY.

H.R. 4111: Mr. TORRICELLI, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. HUGHES, Mr. MITCHELL, Mr. CROCKETT, Mr. STOKES, Mr. ROE, Mr. SEIBERLING, Mr. BEDELL, Ms. KAPTUR, Mr. BERMAN, Mr. WILSON, Mr. PEASE, and Mr. MCNULTY.

H.R. 4126: Mr. DELLUMS, Mr. MITCHELL, Mr. LEVINE of California, Mr. FASCELL, Mr. DEWINE, Mr. BIAGGI, and Mr. CROCKETT.

H.R. 4162: Mr. SOLOMON, Mr. FRANK, Mr. DAUB, Mr. MADIGAN, Mr. STENHOLM, Mr. FRENZEL, Mr. ARCHER, Mr. CORCORAN, Mr. DURBIN, Mr. BLILEY, Mr. BEREUTER, and Mr. APPLEGATE.

H.R. 4206: Mr. SHELBY, Mr. GEKAS, Mr. HARKIN, Mr. THOMAS of California, Mr. VANDER JAGT, Mr. HILER, Mr. ST GERMAIN, Mr. VANDERGRIFF, Mr. GRADISON, Mr. JONES of Oklahoma, Mr. MOORE, Mr. CAMPBELL, Mr. HUTTO, Mr. DANIEL B. CRANE, Mr. CONABLE, Mr. EVANS of Illinois, Mr. SCHULZE, Mr. STARK, Mr. HALL of Ohio, Mr. LELAND, Mr. HARRISON, Mr. PASHAYAN, Mr. KAZEN, Mr. WINN, and Mr. FOWLER.

H.J. Res. 243: Mr. MCEWEN.

H.J Res. 268: Mr. WILLIAMS of Ohio, Mr. PRICE, Mr. PRITCHARD, Mr. KRAMER, Mr. ROBERTS, Mr. TOWNS, Mr. GRAY, Mr. GEPHARDT, Mr. ROYBAL, Mr. SCHUMER, Mr. JENKINS, and Mr. YOUNG of Alaska.

H.J. Res. 360: Mr. SMITH of New Jersey, Mr. LAGOMARSINO, Mr. FAUNTROY, Mr. FORSYTHE, Mr. MOLLOHAN, Mr. FRANK, Mr. VANDERGRIFF, Mr. ANNUNZIO, Mr. WORTLEY, Mr. NOWAK, Mr. HORTON, Mr. ANDREWS of Texas, Mr. WOLF, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. PANETTA, Mr. DAUB, Mr. BEVILL, Mr. HYDE, Mr. HARRISON, Mr. PATMAN, Mr. NCNULTY, Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. SAM B. HALL, JR., Mr. HUGHES, and Mr. WILLIAMS of Montana.

H.J. Res. 375: Mr. BEDELL.

H.J. Res. 386: Mr. FUQUA, Mr. HIGHTOWER, Mr. GAYDOS, Mr. FROST, Mr. ALEXANDER, Mr. BARNARD, Mr. TORRICELLI, Mr. DANIEL, Mr. HARRISON, Mr. KASICH, Mr. BOEHLERT, Mr. BOSCO, Mr. DUNCAN, Mr. SWIFT, Mr. BATEMAN, Mr. FORSYTHE, Mr. HAYES, Mr. BRYANT, Mr. GEJDENSON, Mr. GEPHARDT, Mr. LEHMAN of Florida, Mr. FORD of Michigan, Mr. SHUMWAY, Mr. DE LUGO, Mr. TAUZIN, Mr. LONG of Maryland, Mr. DENNY SMITH, Mr. O'BRIEN, Mr. HILER, Mrs. BOGGS, Mr. JACOBS, Mr. BONIOR of Michigan, Mr. OLIN, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. JONES of North Carolina, Mr. RAHALL, Mr. LUJAN, Mr. COELHO, Mr. SCHUMER, Mr. STUDDS, Mr. HUBBARD, Mr. WOLF, Mr. WINN, Mr. BOLAND, Mr. CONYERS, Mr. GREEN, Mr. DELLUMS, Mr. APPLEGATE, Mr. MCNULTY, Mr. JEFFORDS, Mr. DERRICK, Mr. BROYHILL, Mr. CARR, Mr. COUGHLIN, Mr. OBERSTAR, Mrs. COLLINS, Mr. BREAUX, Mr. ACKERMAN, Mr. AKAKA, Mr. WOLPE, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. WHITEHURST, Mr. MCGRATH, Mr. SAM B. HALL, JR., Mr. HYDE, Mr. CARPER, Mr. CHENEY, Mr. D'AMOURS, Mr. SNYDER, Mr. LENT, Mr. STRATTON, Mr. MOLINARI, Mr. WEAVER, Mr. STOKES, Mrs. HOLT, Mr. HEFNER, Mr. WON PAT, Mr. LOWERY of California, Mr. WILLIAMS of Ohio, Mr. WHEAT, Mr. TRAXLER, Mr. SKEEN, Mr. PRICE, Mr. SAVAGE, Mr. MURPHY, Mr. MURTHA, Mr. DYSON, Mr. LEVINE of California, Mr. MCHUGH, Mr. ANNUNZIO, Mr. MCKERNAN, Mr. LUNDINE, Mr. LAGOMARSINO, and Mr. FUQUA.

H. Con. Res. 163: Mr. TAUKE.

H. Res. 278: Mr. PORTER.

H. Res. 334: Mr. STUDDS, Mr. MARKEY, Mr. ROE, Mr. LEVINE of California, Mr. JONES of Oklahoma, and Mr. MADIGAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

265. The SPEAKER presented a petition of the City Council, Pittsburgh, Pa., relative to a freeze on nuclear armaments; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

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

H.R. 4185

By Mr. LONG of Maryland:

—Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. After the end of the 90-day period beginning on the date of enactment of this Act, no funds appropriated by this Act may be obligated or expended for any United States Armed Forces which are in Lebanon as part of the Multinational Force in Lebanon.

—Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. None of the funds appropriated by this Act may be obligated or expended for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon after March 1, 1984 unless the Congress of the United States adopts a concurrent resolution which contains the following findings:

(a) That the President of the United States has defined a clear and realistic mission for U.S. forces in Lebanon.

(b) That the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for achieving those goals.

(c) That security arrangements for American forces in the area have been upgraded to the maximum extent possible.

H.R. 4196

By Mr. CLINGER:

—Page 4, line 7, insert the following after "producers": "in excess of their respective marketing histories as determined under paragraph (3) and prorated quarterly, and by producers who have no marketing histories as determined under paragraph (3),".

(Amendment in the nature of a substitute.)

By Mr. CONABLE:

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Dairy Adjustment and Stabilization Act of 1983".

SEC. 2. Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended by the Omnibus Budget Reconciliation Act of 1982, is amended, effective sixty days after enactment, by—

(1) deleting subsection (d) thereof; and

(2) amending subsection (c) to read as follows:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level not less than $11.60 per hundredweight as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs and taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. The support price shall be established annually by the Secretary at the beginning of each fiscal year.".

By Mr. HARKIN:

—1. On page 9, strike out lines 20 through 25, and page 10, strike out lines 1 through 6, and insert in lieu thereof the following new subparagraph:

"(E) The Secretary shall, in accordance with such rules and procedures as prescribed by the Secretary, modify the required reduction in milk marketed for commercial use under contracts entered into under this paragraph if the Secretary determines that as a result of such contracts (i) there would be an excessive reduction in the level of milk production in the United States, or (ii) during a period of ten consecutive market days there has been a reduction of 10 percent or more in the average price received by producers of all beef cattle sold for slaughter at representative locations in the United States in the prior 60-day period, or (iii) there has been other substantial hardship to producers of beef cattle, dairy cattle, hogs or poultry sold for slaughter. The Secretary may modify the required reduction on a uniform basis among all contracts, or may provide for adjustments on such other basis as the Secretary determines equitable.".

—2. On page 14, immediately after line 23, insert the following:

"(P)(i) Each producer of milk in the United States seeking to enter into a contract for diversion payments under this paragraph shall, prior to entering into such contract, provide the Secretary with a plan which describes the manner in which the producer intends to achieve the reduction in milk marketings that would be required under such contract.

"(ii) Such plan shall include an estimate by the producer of the amount of such reduction which the producer intends to achieve through increased slaughter of dairy cattle (including the approximate number of dairy cattle that will be sold for slaughter during each month of the contract), and the amount of such reduction through other means, including a description of such means.

"(iii) Each producer shall report to the Secretary any changes in such plan as soon as practicable after the producer decides to make or makes such changes.

"(iv) If, on the basis of the information provided by producers under this paragraph, the Secretary determines that for any period of the diversion program there will be substantial hardship to producers of hogs, beef cattle, or dairy cattle sold for slaughter, or to producers of any other livestock or poultry caused by depressed prices for such commodities that the Secretary determines would result from the increased slaughter of dairy cattle under the program, the Secretary shall adjust the reduction in milk marketed for commercial use required during the various periods of the contract so as to provide for the orderly marketing of dairy cattle for slaughter, or limit the amount of the reduction that may be achieved through the increased number of dairy cattle sold for slaughter during such period and require that the balance of such reduction in milk marketings be achieved through other means: *Provided*, That in the event the Secretary should specify a reduction in marketings in any quarter that is less than the contracted-for percentage, such specified reduction shall not be so great as to require the producer to make a reduction in excess of 150 per centum of the contracted-for reduction in any succeeding quarter; and *Provided further*, That after making any adjustments in milk marketed for commercial use in any period of the contract, except to the extent required by the foregoing proviso, the aggregate reduction in milk marketed for commercial use for the entire diversion period must continue to be at least equal to the total reduction required by the contract.".

—3. On page 18, immediately after line 20, insert the following new section:

AVOIDANCE OF ADVERSE IMPACT OF DAIRY DIVERSION PROGRAM ON BEEF AND PORK PRODUCERS

SEC. 103. In order to minimize the adverse impact of the dairy diversion program on beef and pork producers in the United States during the period the diversion program is in effect—

(1) the Secretary of Agriculture shall, to the maximum extent practicable, utilize funds available for the purposes of clause (2) of section 32 of Public Law No. 320, 74th Congress (7 U.S.C. 612c) and other funds available to the Secretary under the commodity distribution and other nutrition programs of the Department of Agriculture to increase the utilization of beef and pork for such purposes;

(2) the Secretary of Defense and other U.S. Government and State agencies are encouraged to utilize increased quantities of beef and pork to meet the food needs of the programs which they administer; and

(3) the Secretary of Agriculture shall take appropriate action to encourage the consumption of beef and pork by members of the public.

By Mr. LEACH of Iowa:

—At the end of the bill add the following new title:

DROUGHT AMENDMENTS OF 1983

SEC. 1. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1920) is amended—

(1) in the first sentence by striking out "based upon the average monthly price in effect for the previous year and" and inserting in lieu thereof "and if", and

(2) in the last sentence by inserting "and based upon the higher of the average monthly price in effect for the previous year and the average monthly price in effect for the three-month period beginning on the first day of the first month occurring after the date of such disaster" before the period.

SEC. 2. Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d) is amended by adding at the end thereof the following: "The value of the farm, if used as security for a loan made under this subtitle, shall be the higher of the current value of such farm and the value of such farm in the preceding calendar year determined for the period corresponding to the period for which such current value is determined.".

SEC. 3. Any determination made under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) that a natural disaster exists as a result of a drought occurring in 1983 shall be deemed to be a determination that because of such drought an emergency exists for purposes of section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267). Under the authority provided in such section 1105, the Secretary of Agriculture shall implement an emergency livestock feed program for assistance, to operators of farms not larger than family farms, to preserve and maintain livestock and poultry during such emergency.

By Mr. MADIGAN:

—On page 7, line 20, strike out "'(D) No payment" and insert "'(D)(1) No payment".

On page 9, between lines 19 and 20, insert the following:

"'(2) The total payments made to a producer under subparagraph (C) may not exceed the higher of—

"(i) $125,000, or

"(ii) the amount collected from the producer under paragraph (2).".

—On page 7, line 13, strike out "$10 per hundredweight" and insert "$8 per hundredweight" in lieu thereof.

By Mr. MORRISON of Washington:

—Page 27, line 10, insert after "marketed" the following: ", or up to the aggregate rate in effect on the date of the enactment of this Act of such contributions to such programs (but not to exceed 15 cents per hundredweight of milk marketed) if such aggregate rate exceeds 10 cents per hundredweight of milk marketed.".

By Mr. OBERSTAR:

—Page 2, line 19, strike out "April 1, 1985" and insert in lieu thereof "October 1, 1985".

Page 3, line 3, strike out "July 1, 1985" and insert in lieu thereof "January 1, 1986".

Page 4, line 1, strike out "fifteen-month" and insert in lieu thereof "21-month".

Page 5, line 20, strike out "fifteen-month" and insert in lieu thereof "21-month".

By Mr. SKEEN:

—Page 18, line 20, strike out the close quotation marks and the period at the end thereof.

Page 18, after line 20, insert the following:

"(7) For purposes of this subsection, the terms 'milk produced for commercial use' and 'milk marketed for commercial use' do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.".

Page 21, line 18, strike out "and".

Page 21, line 21, strike out the period and insert in lieu thereof "; and".

Page 21, after line 21, insert the following:

(m) the terms "milk for commercial use" and "milk produced for commercial use" do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.

Page 27, line 11, strike out "Any" and all that follows through line 14.

EXTENSIONS OF REMARKS

JANICE A. PICCININI RECEIVES COLUMBUS DAY AWARD OF ORDER OF SONS OF ITALY

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, November 1, 1983

● Mr. MATHIAS. Mr. President, last month Vice President BUSH attended the Columbus Day awards banquet sponsored by the Maryland Lodge of the Order of the Sons of Italy in America. The dinner was held in Baltimore, where so many of the buildings and monuments give eloquent testimony to the contribution of Italian Americans to our civilization.

That evening Vice President Bush presented the organization's highest award not to a son, but to a daughter of Italy. Janice A. Piccinini, head of the Maryland State Teachers' Association and a former Baltimore County teacher, was the recipient. To understand why Ms. Piccinini was singled out for this honor, it is only necessary to read the remarkable address she made acknowledging the award. The spirit that shines through Ms. Piccinini's remarks is the spirit that has made this Nation of immigrants great. And, if we follow her advice, "to teach (our) children and grandchildren the values that have made our culture strong—the values of education, hard work, of integrity and family," it is the spirit that will keep this Nation great.

It is an honor to submit the text of Ms. Piccinini's talk for the RECORD.

COMMENTS BY JANICE A. PICCININI

Vice President Bush, Judge Valle, honored guests, Sons and Daughters of Italy:

My grandfather Caesar would be so proud tonight to know that his granddaughter—a first generation American—would have the privilege of sitting down to dinner with this distinguished gathering and the Vice President of the United States of America. It was within the lifetime of some of you here, that my grandfather came to this country, a penniless pilgrim in search of a better life. He came with no knowledge of English, with no relatives or friends to greet or help him in a foreign land. He brought with him only his young family and with them a vision and a determination to create a new and better life—a life with hope and opportunity—for his children, and his children's children.

I thank him tonight and the countless other pioneers from Italy who worked in the steelmills, in the factories, on the railroads; who persevered despite language barriers, poverty and discrimination. I thank them not only for creating opportunities but also for instilling in their children those values from the old country which would serve them well in the new. Whether as laborers, craftsmen or artisans, Italians as Americans have approached their work with pride. And they passed on to their children this same sense of pride in whatever they do, whether it be work with the hands or of the mind. Italian-Americans have made significant contributions to virtually every technological and cultural achievement for which the United States is recognized worldwide.

I have chosen education as my field of endeavor. You honor me this evening, but in doing so you honor more my family. It is my family with their commitment to education—a commitment that is deep in Italian tradition—who made it possible for me to be here tonight. It is also a tribute to America. For where else but in this great country could the sons and daughters of immigrants have such access to educational opportunities? Where else but in this country could a people flourish as citizens while maintaining their pride in the traditions and culture of the "old country."

I am proud to be an Italian-American and I'm proud to be an educator. I urge all of you to teach your children and grandchildren the values that have made our culture strong—the values of education, hard work, of integrity and of family. That is our heritage and passing it on is our payment of debt to an illustrious past and our guarantee of success for future generations.

On a personal note, I want to mention my grandmother, Rosa Piccinini. She shared the deprivation and hardship with her husband and raised and nurtured her family with a quiet strength born of love and devotion. The role of women as pioneers is seldom fully recognized, and I would like to believe that I am here tonight, receiving this prestigious award as a stand-in for her and for all Italian-American women, whose strength, dedication and loyalty built the foundation and framework of the Italian-American culture.●

GUY W. NICHOLS, NEW ENGLANDER OF THE YEAR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MOAKLEY. Mr. Speaker, I urge that it be recorded that Guy W. Nichols, chairman of the New England Electric System, has been named New Englander of the Year by the New England Council, Inc., the region's leading business and industry association.

Mr. Nichols, whose company provides electric power to more than 1 million customers in Massachusetts, Rhode Island, and New Hamphire, received the award this year in recognition of his many contributions to the New England economy.

I would like to cite a few of those contributions.

Mr. Nichols has been a leader in New England and the Nation in voluntary efforts to convert oil-burning generating units to domestic coal in an economical and environmentally sound manner. Six of his company's generating units have been converted to coal. This has reduced New England's dependence on foreign oil by approximately 14 million barrels per year. By making use of state-of-the-art environmental protection equipment, this conversion to coal has resulted in an improvement in air quality.

Mr. Nichols has helped create more than 1,000 jobs for New England by initiating the construction of New England Electric's own coal-fired, coal carrying ship to deliver coal supplies to its powerplants. This U.S.-flag vessel, which is now operational, is helping assure a reliable, embargo-proof supply of domestic fuel for the company's coal-fired generating units.

Mr. Nichols' was one of the first utility leaders in the Nation to embrace renewable energy sources such as small hydro, wind, and solid waste, as viable power supply options. His company has signed five contracts for purchase of power from trash-burning facilities, for example. To the best of my knowledge, no other utility in the United States has surpassed this record.

Mr. Nichols is also taking a leadership role in the effort to bring relatively low cost surplus hydroelectric power from Quebec to New England. His company will build and finance a major portion of the international transmission tieline between New England and Quebec's extensive hydroelectric facilities. This power will be of great value to New England consumers in terms of lower energy costs.

Mr. Nichols has actively encouraged energy conservation among New England's homeowners, businesses, and industries. This year, his company sponsored a competition for the design of energy-efficient houses suited to New England's unique climate. More than 180 entries were submitted, and the winning designs are now being made available to consumers. Under Mr. Nichol's leadership, New England Electric has also expanded its grant program for weatherization improvements to electrically-heated homes and has demonstrated energy conservation measures to thousands of consumers as its two conservation houses in Massachusetts and Rhode Island.

Mr. Nichols has made an important contribution to the effort to improve

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

the economy of Rhode Island, the New England State which has been particularly hard-hit by high unemployment levels and a decline in industrial activity. Mr. Nichols was a guiding force in the development of his company's multifaceted action plan designed to boost the State's economy. The plan's primary feature is a 20-percent discount on basic electric rates to industries that provide new jobs either through expansion or through the State of new operations in Rhode Island.

I applaud Guy W. Nichols' many contributions to the economic health of the New England region, and am pleased to acknowledge his selection as the New England Council's New Englander of the Year for 1983.●

FEDERAL CAPITAL INVESTMENTS AND PUBLIC POLICY: THE BUDGETING LINK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CLINGER. Mr. Speaker, capital budgeting is the art of spending wisely. A bill that I have sponsored in the House of Representatives that would provide a more cost effective and rational approach to spending money for public facilities has been cleared by the Public Works Committee and is presently in the Government Operations Committee. Once approved there, it will head to the House floor for a vote.

I thought you might be interested in the following article on capital budgeting entitled "Federal Capital Investments and Public Policy: The Budgeting Link," which was written by Dr. Lawrence A. Gordon of the University of Maryland.

The article follows:

FEDERAL CAPITAL INVESTMENTS AND PUBLIC POLICY: THE BUDGETING LINK

(By Lawrence A. Gordon)

The federal government's expenditures, like those of most businesses, states, and municipalities, can be classified as either current or capital in nature. Whereas current expenditures relate to items that benefit only the current fiscal year, capital expenditures relate to items that benefit future as well as current years. Thus capital expenditures are usually referred to as "capital investments."

Federal capital investments help determine the future strength and direction of our overall economy. Therefore, it is important that the federal government's decision makers approach these investments with public policy goals in mind. Unfortunately, the public policy implications of capital investments are usually not explicitly considered and thus it is not surprising to find a haphazardly derived, and somewhat deteriorating, infrastructure with respect to federally owned fixed assets such as buildings, highways, and equipment. This situation, and the need for correcting it, has been noted by many and was recently the subject of an entire General Accounting Office (GAO) report. In discussing the need for improvement, the GAO (1981, p. 95) noted:

"Planning, budgeting, and controlling physical capital is a complex process. Yet, this process can be carried out successfully, as some of the organizations we studied demonstrate. We conclude that a policy-level approach to capital investment must be added to the Federal Government's decision-making, and that sound, up-to-date information is needed to support that approach. * * *"

The lack of a clear policy level approach toward federal capital expenditures is a complicated issue. One important aspect of this issue has to do with the federal government's budgeting practice. More to the point, a clear distinction between current and capital expenditures during the budgeting process will, ceteris paribus, facilitate priority setting with respect to capital expenditures. But the federal government prepares a unified budget that does not distinguish capital from current expenditures.[1] Under the unified budgeting approach capital investments are treated as expenses in the period incurred. In contrast, most states, municipalities, and businesses separate capital expenditures from current expenditures during their budgeting process. This separation is accomplished through a dual budget procedure, according to which a detailed budget is prepared for current expenditures and one for capital investment items. Under such an approach, capital investments are initially treated as assets (i.e., capitalized) and subsequently depreciated as current expenditures during the periods in which they are consumed.

The absence of a policy-level approach toward federal capital expenditures has led some to argue that the federal government should abandon its unified budget practice and replace it with a dual budget. Others have argued that the tradeoffs between a dual and a unified budget favor the latter. Consequently, this latter group argues that a policy-level approach toward federal capital expenditures is best achieved by other means (e.g., expanding Special Analysis D in Special Analysis Budget of the United States Government). In a recent briefing document, the GAO (1982) took this position.

At the heart of the controversy concerning a dual versus a unified budget in the federal government are the following seven issues: (1) whether capital expenditures should be financed differently from current expenditures in the federal government, (2) the effect a dual budget would have on reporting the federal government's net worth, (3) the political aspects of not separating federal capital expenditures from current expenditures, (4) the details required on the nation's capital formation, (5) the lack of agreement on an operational definition of capital expenditures, (6) measurement problems, and (7) management control of federal capital investments. These issues, which have been noted by others (Musgrave 1939; Goode and Birnbaum 1956; Comiez 1966), are briefly discussed below.[2]

The first issue listed above, financing expenditures, has its origin in fiscal policy. Those advocating the separation of capital from current expenditures often claim that long-term borrowing is appropriate for capital expenditures, whereas current expenditures should be financed through current revenues. The rationale for such a government borrowing rule usually hinges on the fact that future generations benefit from capital expenditures and thus it is fair to expect them to pay part of the costs. Critics of the dual budgeting system claim that long-term debt financing of capital expenditures produces an inflationary bias because taxing to cover expenditures is generally less inflationary than borrowing. Furthermore, it is often noted that by associating long-term debt with capital expenditures one is mixing up financing with operating decisions.

The second issue listed above, reporting the federal government's net worth, has its origin in profit-oriented accounting. Advocates often claim that one of the advantages of a dual budget is that it parallels the private accounting treatment of capitalizing and depreciating expenditures, which generate benefits over future periods, and showing such assets on the statement of financial position. Such an approach would thus facilitate the assessment of the federal government's net worth. Critics of the dual budgeting procedure usually claim that the "balance sheet" approach used in the private sector does not have the same value for the public sector.

The third issue underlying the arguments for and against a divided budget has to do with political aspects of government expenditures. Proponents often argue that a comprehensive budget ignores the asset acquisition aspect of capital expenditures and thus overemphasizes the notion of deficit financing. Their claim is that capital expenditures, which may be covered by long-term borrowing, should not be considered as contributing to the operating budget's deficit. Consequently, the deficit of concern should, according to this line of reasoning, result from only current expenditures, which decrease the government's net worth.[3] Such a philosophy, if accepted, would surely make government expenditures on capital items politically more palatable. In contrast, opponents of the dual budgeting system normally argue that the political ramifications of such a procedure would be blatant government overexpenditures.

The fourth fundamental issue underlying the arguments for and against the dual budget concept concerns information on capital formation. Advocates often claim that a divided budget would result in valuable information in terms of the formation of capital in the economy. But as the critics of a divided budget point out, a separate capital budget is not essential to gathering information on capital formation.

The fifth and sixth issues underlying the arguments for and against the dual budget concern a definition of capital expenditures and measurement problems. The distinction between capital and current expenditures is crucial to the implementation of a divided

[1] Special Analysis D, in the Special Analysis, Budget of the United States, is the only document that provides an analysis of federal capital investments. As anyone who has carefully examined this document knows, however, it has at least two fundamental flaws. First, it is prepared after the fact, thereby having little or no impact on national priority setting during the budgeting process. Second, even as an after-the-fact document, it is not a comprehensive statement of total federal capital investments.

[2] Goode and Birmbaum (1956) provide an excellent discussion of these issues.

[3] This approach would have significant implications for debate concerning whether the federal government should have a balanced budget.

budget. Unfortunately, numerous questions arise in this connection. For example, How should investments in human capital be handled? How does one determine if an expenditure really generates future benefits? Even if an expenditure does result in future benefits, the question arises as to the time horizon of these benefits. Furthermore, the measurement of periodic depreciation on capital expenditures is a particularly sticky issue.

Finally, it is often noted that a separate capital budget will result in better management control. A separate capital budget, and the accompanying depreciation charges, would highlight whether capital assets are being used in the most productive manner.

The debate concerning the merits of separately budgeting for capital expenditures has been carried on largely by economists, public administrators, lawyers, political scientists, and politicians. With the exception of the GAO, accountants have been conspicuous by their absence from this debate. Yet it should be obvious that many of the issues surrounding the controversy squarely fall within the domain of accounting. Such issues as defining capital expenditures, measuring depreciation, financing assets, and management control of capital investments have long been a part of the heartland of accounting research. Unfortunately the expertise of accounting researchers in these areas has been only sparsely applied to the federal government—a situation that seems long overdue for change.[4] By addressing these issues accountants cannot only shed new light on the dual versus the unified budget debate but, more important, can aid in the development of a policy-level approach toward federal capital expenditures. Whether arguing for a dual budget or some modified version of the extant unified budget practice, the resolution of most of the aforementioned issues is a necessary although not sufficient condition for the development of a sound policy-level approach toward federal capital expenditures. Accounting researchers surely have a role to play in this arena, and we hope some of our readers will take up this challenge.

REFERENCES

Comiez, Maynard. 1966. "A Capital Budget Statement for the U.S. Government." Washington, D.C.: The Brookings Institute.

General Accounting Office. Feb. 26, 1981. Federal capital budgeting: a collection of haphazard practices, PAD-81-19.

General Accounting Office. June 28, 1982. Briefing on the pros, cons and alternatives to a separate capital budget for the federal government, PAD.

Goode, Richard and Birnbaum, Eugene. Feb. 1956. Government Capital Budgets. "International Monetary Fund Staff Papers," pp. 23-46.

Gordon, L. A. and Hamer, M. Spring 1983. The survival potential of GASB: an agency theory perspective. "Public Budgeting and Finance" (forthcoming).

Musgrave, Richard. June 1939. The nature of budgetary balance and the case for the capital budget. "American Economic Review," pp. 260-271.

[4] In contrast, accountants have been involved in such issues at the state and municipal levels, where dual budgeting practices are the rule rather than the exception. The establishment of the GASB (Governmental Accounting Standards Board) will likely further strengthen the involvement by accountants in such issues at the state and municipal levels (Gordon and Hamer, 1983).

Special Analysis, Budget of the United States Government.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FIELDS. Mr. Speaker, in 1935, the noted historian, Will Durant, wrote:

For barbarism is always around civilization, amid it and beneath it, ready to engulf it . . . Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost.

In all the history chronicled in Durant's monumental, 11-volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930:

Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them . . . (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live.

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence.

[From the Washington Times, Oct. 26, 1983]

SLAUGHTER OF AFGHANS BY SOVIETS REPORTED

ISLAMABAD, PAKISTAN.—A former Afghan diplomat said yesterday Soviet troops slaughtered 126 villagers in Afghanistan—mostly old men, women and children, by lobbing grenades in their houses, stabbing them with bayonets or shooting them.

Habibullah Karzai, a former Afghan diplomat living in the Pakistan border town of Quetta, said in an interview survivors told him 51 villagers in Kolchabad were killed Oct. 13, apparently in retaliation for guerrilla attacks on Soviets earlier in the week.

"The tragedy is that almost all the victims were old men, women and children," he said.

"When the mujahedeen (guerrillas) launch an attack they never return to their villages—they always seek safety in the hills."

Survivors told him Soviets also killed 75 civilians Oct. 13 in nearby Moshkizai and Timor Kalacha, on the outskirts of Kandahar city in southeastern Afghanistan.

The report could not be confirmed independently.

Karzai, who represented the Kabul government at the United Nations in 1972, is a resistance member directing guerrilla operations in the Kandahar area. His reports have proved credible in the past.

The Soviet attacks appear to have been triggered by a string of guerrilla ambushes in which scores of Soviet troopers were killed and a large quantity of military equipment was destroyed, the sources said.

Afghans in the area reported that a guerrilla attack on a Soviet troop convoy outside Istalef on Oct. 17 wiped out about a dozen armored personnel carriers, killing at least 36 Soviets, the diplomatic sources said.

Karzai said guerrillas attacked Soviet convoys when troops began installing military outposts around Kandahar the week of Oct. 9.

In two attacks, Moslem rebels managed to destroy 18 tanks and armored vehicles, he said, adding two helicopters transported Soviet dead and wounded back to Kandahar.

The area north of the capital bombed by the Soviets is vital for control of the road toward the Soviet Union.

Sources said half the houses and most of the bazaar area in Istalef were flattened by the attack in which Moslem rebels also knocked out several Soviet armored vehicles.

The town had a population of 2,000 to 2,500, the sources added.

They said Soviet forces had looted money, jewelery, rugs and food.

About 100,000 Soviet troops moved into Afghanistan in December 1979 to install the pro-Moscow regime of Babrak Karmal.

"For four years the Russians have been bombing towns and villages, killing women and children. How is that different from bayoneting people or blowing up houses with grenades?" asked Zia Javad, a resistance sympathizer.

"You will be shocked if I tell you that time and again the Russians have taken their prisoners for helicopter rides. When they reach a high altitude they toss them out. When are you Westerners going to believe the Russians are capable of such things?"●

CRISIS OF COMPETENCE IN PUBLIC SERVICE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to draw my colleagues' attention to an excellent letter to the editor that appeared in the October 31, 1983, Wall Street Journal. Mr. C. William Fischer, a former Assistant Secretary of Education and Deputy Assistant Secretary of Energy, responded to a Journal article describing the crisis of competence in the public service. As Mr. Fischer so accurately points out, this crisis comes not from a lack of skill or dedication on the part of Federal employees, but as a direct result of the attacks and neglect of many of our political leaders toward our Government work force.

The article follows:

GOVERNMENT AND CAREER EMPLOYEES

Your Page-one article Busy Bureaucrats (Sept. 22) aptly describes a crisis of competence in the public service. The competent and hardworking civil servants described by

Reporter Birnbaum are indeed an endangered species. However, the predators are often those who seek and hold high public office.

There is mounting evidence that, in the U.S., many political leaders are having the effect, if not the intent, or arson when it comes to career goverment employees. Don't misunderstand, they are not burning them out with needed challenges and strong demands for excellent performance; they are turning them out through demoralization. Career federal employees are now paid about 21.5 percent less than their peers in the private sector according to a Federal determination based upon a recent survey by the U.S. Bureau of Labor Statistics. In response to that hard evidence of accumulated neglect, President Reagan has recommended a 3.5 percent raise delayed three months into the fiscal year. Federal retirement benefits, which were always at best a form of deferred compensation, have recently been cut after reliance was placed on them by long-term employees. Political aspirants, and even incumbents, continue to run down those career employees who can either help or hinder them if they win and have to perform.

Since 1980, 1,400 of 20 percent of the key Federal Senior Executive Service have left government.

In their recent book, "In Search of Excellence," authors Peters and Waterman convincingly document the fact that, like the ancient Roman army at its best, those U.S. corporations, which are having the greatest success against domestic and international competition do so by giving serious attention to the care, feeding, and motivation of their human resources. That is, they work hard at challenging, training, rewarding, and listening to their employees—at all levels.

Recent surveys of top government and corporate administrators by Professors Schmidt and Posner, of the University of Santa Clara's School of Business, show the natural results of this contrasting employee treatment by the private and public sectors. In short, among federal executives, 71 percent said they would advise competent young people to seek careers in the private sector; 58 percent were "generally pessimistic" about prospects for rewarding government work in the next 10 to 15 years; one-third said they did not expect to be with their present organization three years from now.

In sharp contrast, the same two researchers found that top business leaders were very optimistic about personal and general prospects in the private sector including great change and innovation. This perception mirrors the findings of Peters and Waterman.

Last Jan. 16th, the present form of the U.S. Civil Service celebrated its 100th anniversary. Hopefully, we will never return to the "spoils system," but federal political leaders, candidates for the Presidency, and especially incumbents, can be institutional Luddites or they can infuse the 2.8 million federal workers with the challenge of mission and the meaning of earned rewards.

The business world understands this. Isn't it time that political leaders start to tell the public that, if we do not treat career public servants as though good government and the tax-payers' trust depend on them, the result will be a self-fulfilling prophecy? ●

ROPER POLL ON UNITED NATIONS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEACH of Iowa. Mr. Speaker, the United Nations Association recently released the results of a public opinion poll conducted by the Roper Organization.

Given the recent public debate over the United Nations, I am taking the liberty to provide for the RECORD a summary of the findings of that survey, in the hope that it might be useful to the Members of this body in understanding public attitudes toward the United Nations. The summary follows:

DIRECTIONS FOR THE U.N.: U.S. PUBLIC OPINION ON THE UNITED NATIONS—RESULTS OF THE 1983 ROPER POLL COMMISSION BY UNA-USA, SEPTEMBER 1983

SUMMARY OF THE FINDINGS

Americans have once again reaffirmed their belief that the United Nations plays a constructive role in U.S. foreign policy. They recognize a tremendous need for enhancing international stability and promoting economic development and see the U.N. as an appropriate vehicle for accomplishing these tasks. A clear majority of the American people finds that "enough common ground exists on most issues to make it worthwhile for the United States to work within the U.N." or that "decisions taken by U.N. members are largely compatible with our own interests." In addition, a near majority wants the United States to pursue active engagement in the U.N. in order to "work for agreements on major global issues that are acceptable to the broadest number of countries possible."

In terms of the American public's agenda for the U.N., the results are rather clear cut—strive for consensus agreements in the U.N. to reduce the danger of superpower conflict, strengthen human rights, conserve natural resources, and speed economic development.

The attitudes expressed in the Roper Poll cut across all groups in the population, ranging from conservative to liberal, from Republican to Democrat. Indeed, the "common ground" position and the "consensus" position represent not only the first choice of the total sample, but even more significantly, they represent the first choice of everyone of the forty population subgroups tabulated. Opinion is also remarkably uniform throughout the country on giving the UN more power to deal with the priority tasks listed above.

An important conclusion from this year's Roper Poll is that fewer people appear to be dissatisfied with the UN that was true in the past. Indeed, the number of respondents asserting that the United Nations is doing a poor job is less in 1983 than it was three years ago when UNA-USA conducted its last Roper Poll, and more think the UN is doing a fair job (46%) than think it is doing a poor job (37%). At the same time, a smaller percent of the population is supportive of increasing US participation in the UN than was the case in 1980,[1] although a majority is still in favor of either maintaining current levels of activity or increasing the US role in the UN. When the UN acts contrary to perceived American interests, however, there is a clear mandate for curtailing financial support for specific UN programs.

Despite disappointments with the past, there still exists a consistently strong constituency for strengthening the United Nations. Well over 60% of the American people believe that the UN should be given more power to reduce the danger of superpower confrontation, enhance human rights, and conserve natural resources. In addition, over 50% believe the UN should play a greater role in helping poor countries develop. Of the seven specific issues listed, in no case did the public feel that the UN ought to have less power to deal with the problem.

The groups which give the United Nations the greatest degree of support are the following:

Stronger with women than men;

Stronger with under 60 year olds than over 60;

Stronger with above average incomes than below;

Stronger outside the South than in it;

Stronger with Democrats and Independents than Republicans;

Stronger with liberals than conservatives; and

Stronger with political/social actives than with others.

These are the major conclusions of a poll recently conducted by the Roper Organization for UNA-USA. This poll was commissioned in June 1983 as part of UNA's program on Multilateral Issues and Institutions and updates an earlier 1980 survey of American perceptions of the UN and the US role in the United Nations.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OBERSTAR. Mr. Speaker, during House consideration of H.R. 2867, legislation to amend the Solid Waste Disposal Act, I was absent for the recorded vote on an amendment which strikes the authority of the Environmental Protection Agency to litigate cases if the Justice Department fails to act within 150 days.

Had I been present, I would have voted against this amendment.●

[1] See "Analysis of Data in the Roper Poll on U.S. Public Attitudes towards Foreign Affairs" (Background Paper prepared by UNA-USA, October 1980), cited by Paul Martin, "U.S. Public Opinion and the U.N.," in Toby Trister Gati (ed.), "The U.S., the U.N. and the Management of Global Change" (New York: New York University Press, 1983).

OUR PRESENCE IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HAMILTON. Mr. Speaker, I was pleased to have been chosen to give the Democratic response to the President's radio message on October 29. The text of my remarks follows:

This is Congressman Lee Hamilton. I represent the people of the Ninth District of Indiana.

In the wake of the ghastly terrorist attack which claimed the lives of over 225 Marines in Beirut, many people are confused about American involvement in Lebanon, what the Marines are defending there, and why they need to stay.

In looking at these questions we must first put American involvement in Lebanon into proper perspective. We should avoid overstating what we are trying to do. Our goals in Lebanon are worthy and are important to the peace process in the Middle East, but accomplishing a united, sovereign Lebanon is NOT, in and of itself, vital to the security of the United States.

How long must the Marines stay? If we say we will stay until Lebanon is a stable country and Syria no longer a threat, our commitment is too open. If we say the Marines will stay a fixed number of days or weeks, our commitment is too feeble, and we hand our adversaries the ability to outmaneuver us. Perhaps it is best for us to say that when the Lebanese are on the road to national reconciliation and a better security system is available in the country, our Marines will be on their way home.

The United States needs a diversified strategy in Lebanon in order to withdraw the Marines before the 18-month deadline worked out by the President and the Congress.

Six goals should be the focus of American policy:

The first is an agreement on the withdrawal of all foreign troops from Lebanon. We must press hard for agreements for the withdrawal of Syrian and Israeli troops, Palestinian guerrillas and other nationals.

Second, we must work with urgency to restart the whole Middle East peace process. That process cannot wait for developments in Lebanon. Achieving progress in these broader Middle East peace talks may be one way to move toward peace in Lebanon.

Third, the process of national reconciliation must get underway in a conference of all Lebanese factions. A conference will likely begin Monday in Geneva. Out of this conference must come the critical compromises Lebanon needs if it is to survive. Such compromises must lead to a broadly based government of national unity, backed by international economic assistance. American diplomats can help this process along, but only Lebanese leaders can make it succeed. If Lebanese leaders do not see it that way, the Marines will be useful no longer and should be withdrawn. Strong pressure to compromise must be put on all factions in Lebanon. They must understand that their choice is unity or anarchy, and that the hour is late. It is their nation, not ours, whose future is on the line.

Fourth, an acceptable security structure could be built up around a better trained and equipped Lebanese army, depoliticized and organized to reflect the religious mosaic of the nation. Military aid from a number of nations could be made available to the Lebanese army. Soldiers of disinterested countries, which the Lebanese factions perceive as neutral, could be rotated through the multinational force, keeping it in place as long as it was needed but allowing the Marines to depart more quickly than would have been possible otherwise.

Fifth, in the days just ahead, we must strengthen security for the Marines in Beirut. We can not accept the notion that nothing can be done to protect the Marines from kamikaze tactics. There is no higher priority in the Middle East than the protection of their lives.

Finally, we should make a prompt, careful investigation of the terrorist attack, which may have been launched by a small group of fanatics seeking to create anarchy for their own purposes. They should be dealt with before their twisted vision for Lebanon overwhelms the sensible vision of most Lebanese.

The mission of the Marines now on the ground in Lebanon should also be put into perspective. The Marines are not in Lebanon to tip the balance of power. They are there as one element among several to help achieve stability. Their mission remains one of keeping the peace, not fighting a war.

They are symbols of our commitment to the Lebanese people and to a sovereign, independent Lebanon. Withdrawing them immediately would make hollow our insistence that diplomacy be given a chance. What we have worked for, and what those men have died for, would be jeopardized, if not lost. The Soviet Union would gain in its efforts to dominate Lebanon. Syria would not honor its pledge to pull its troops out, nor would it end its support of rebel factions or its collaboration with Iran. Israel's northern border would be more vulnerable. Moderate Arab states would be alienated from us. Our general influence in the Middle East would sink while the influence of radicals rose. We would also have more difficulties in restarting Middle East peace talks. The road to peace in the Middle East has always been strewn with formidable obstacles.

As a great power, the United States must shoulder the responsibility that accompanies power. We cannot walk away from Lebanon and expect the world to be the same again.●

SUPPORT FOR THE PRESIDENT'S ACTIONS IN GRENADA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. BENNETT. Mr. Speaker, I call attention to the following editorial from the Jacksonville Journal of Jacksonville, Fla., which pays deserved tribute to the President for his decisive action in protecting American citizens in Grenada. The editorial reads as follows:

TINY GRENADA WAS A BIG THREAT

Although the U.S. invasion of Grenada seems to have been planned before the slaughter of more than 200 U.S. Marines and Navy men in Beirut on Sunday, it may prove to be an irony of history that the United States followed up, and quickly, a tactical defeat in the Mideast with a strategic victory in the Caribbean Sea.

Whatever the degree, if any, of Soviet complicity in the Beirut bombing, there is no doubt that the intent of that barbaric act would have served the Kremlin's strategic interests in the Mideast.

The intent, without a doubt, was to inflict such a heavy loss of life on the United States that the Reagan administration would be forced by domestic political pressure to withdraw the U.S. peacekeeping force from Beirut. Reagan said quickly and firmly he would not. Thus the Soviets are no closer to their strategic goal of dominating the Mideast at the expense of U.S. influence there.

Grenada, tiny as it is, is an entirely different matter. It is of great strategic importance to the Soviets, therefore Soviet control of Grenada is a great strategic threat to the United States—indeed, all of the Western Hemisphere.

Grenada is the third point in a triangle—Cuba and Nicaragua being the other two points—that can control shipping throughout the Caribbean. Ships entering the Caribbean must pass through narrow "choke points." Military domination of that triangle can give an enemy of this country awesome power in a war over shipping in the Caribbean, because so much vital cargo for the United States traverses that water.

It is hardly in the military interest of the United States to allow the Caribbean, in effect, to become a "Soviet lake." And it is incredible that tiny Grenada was building an airport with a 9,000-foot runway with the help of armed Cuban workers in order to boost its tourist trade, as Grenada claimed. (A recent Heritage Foundation study said Grenada was not making "any efforts" to build hotels, without which tourism cannot be developed.) It is reasonable to believe, then, that Grenada was being developed frantically by the Soviets and their clients to complete that triangle of military dominance over the Caribbean.

Since a coup last week in Grenada brought a regime into power that President Reagan called "a brutal group of leftist thugs," Grenada had been turned into a virtual prison for everyone there, with a 24-hour "shoot on sight" curfew in effect. Whether Americans on Grenada were in actual danger is the focus of critics of the invasion—some of whom are our friends but many of whom seem incredibly agitated in view of their lack of concern over Soviet barbarism in Afghanistan.

Let them rave; Reagan has sent two clear messages to the Kremlin this week that he will not be content with mere U.S. handwringing while the Soviet Union uses every form of brutality to advance its imperialist policies.●

NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. VALENTINE. Mr. Speaker, time and again, national attention is focused on the giant strides made by the State of North Carolina in improving the quality of public education.

Notable among my State's accomplishments is establishment of the North Carolina School of Science and Mathematics in Durham. This renowned institution offers its students advanced courses and a rigorous academic environment, thus serving to help meet our Nation's future trained work force requirements while each year providing hundreds of young people with unparalleled educational opportunities.

A recent article in the Christian Science Monitor describes this school's unique program, and I ask that it be inserted in the RECORD.

The article follows:

[From the Christian Science Monitor, Oct. 21, 1983]

NORTH CAROLINA'S LAUNCHING PAD FOR GIFTED STUDENTS

(By Craig Savage)

DURHAM, N.C.—The North Carolina School of Science and Mathematics has come a long way since September 1980. At that time, dedication ceremonies for the new school had to be held outdoors because the buildings that were to house it were too dilapidated.

Born of the crisis in science and math education in the United States and nurtured by a governor whose commitment to education reform extends to taking time to tutor a student for an hour every Monday morning, the NCSSM has flourished as both a haven and a launching pad for the gifted. It's also a resource for the entire state.

The institution is a two-year residential high school for juniors and seniors who have shown a special aptitude or potential for science and math. Selected from high schools across the state, the 400 students are brought together on the school's campus in Durham. They take several science and math courses a year as well as courses in the humanities, arts, and language.

Framed by ancient oaks, the former hospital and outbuildings form a natural campus setting. The buildings are open, bright, and breezy. Most of the facilities on the 27-acre plot have been, or are in the process of being, renovated. Plans call for construction of a gymnasium and biological research pond. (Legislators are more apt to fund a "biological research pond" than a "lake," students say).

The idyllic setting belies the acrimonious legislative debate that greeted the original proposal to found such a school. There was concern that the institution would, by definition, become an elitist ivory tower for the young; that it would siphon off top students and teachers; and that it would draw away badly needed funds from the bulk of public schools.

F. Borden Mace, principal and deputy director of the school, tackles the elitism charge head on. "What would we do in music or sports if we didn't support an elite? No one questions it there. They just seem to question it when we get around to academics. There is growing evidence that it's the interaction of very bright kids with very bright kids that's the most important contribution that we're making."

In fact, administrators have built in a rigid set of extracurricular requirements to ensure that the students understand that with the privilege of attending the school comes added responsibility. Each student spends four hours a week on work service, everything from washing dishes to raking leaves. Students graduate from menial labor to become teacher aides, lab assistants, and tutors. In addition, every junior has to give community service, tutoring elementary students, or visiting senior citizens.

The string of successes the young school has notched so far are impressive. One hundred percent of the graduates were accepted last year into some of the leading colleges and universities in the country. Most of the students qualified for advance-placement credits, and the graduating class of fewer than 200 was offered a total of about $1.5 million in merit scholarships. Another mark of success: Louisiana just opened a similar school in September, using the same basic curriculum and list of textbooks.

But for the state legislators who fund the schools, and the taxpayers that administrators ultimately answer to, the fact that the school is highly beneficial to the student who attend it is not enough. A second, tacit obligation is seen—to spread the wealth.

Administrators have devised a series of outreach programs to do just that. Much of the specialized equipment that corporations have donated to the North Carolina school is shared throughout the year with other local schools. There are special summer workshops for teachers from all over the state, and also conferences. Teachers and administrators also act as consultants to local schools.

This summer, because of costs associated with bringing some of the teachers to the campus, the program went on the road. And to the delight of school administrators, teachers who had been through the summer program the year before were used to teach the new crop of teachers who were seeking additional training.

Despite their best efforts, administrators are still having to justify the $3.5 million a year their budget drains from state coffers. They argue, in the first place, that their funding comes not from the overall state education budget, but from a special fund in the governor's budget.

The school has also raised more than $7 million from private donors, "new" money that would not have been attracted otherwise, and money which, through the school's outreach program, will eventually benefit all the schools in the state.

It is no accident that the school was placed on one corner of the much-publicized Research Triangle Park, the high-tech research park that has attracted some of the top corporations in the country. In addition to tapping Triangle companies for talent, cash, and hardware, the school places upwards of 90 students in internship slots with various companies. Still, neither the companies nor the school expects to see a direct return on corporate investment.

"We are not set up to be a feeder school that will turn out engineers and researchers who will then go to companies in North Carolina," says NCSSM director Charles R. Eilber. "We are not a trade school for IBM."

The school took on the residential component entirely by necessity—the distances across the state making daily commutation an impossibility—but that doesn't mean living-in hasn't become a vital part of the educational process at the school.

Says Mr. Eilber: "I think it's a crime that throughout this country the lights go off at 3:30 in most high schools and the kids get on buses and go home. The library doors are closed 10 minutes after the last bells ring; the computers are shut down. I think communities ought to make available this marvelous resource of time that we have here."

Just as important as making resources available to the students is bringing them together with their peers, a practice administrators find helps unlock potential.

"We try to have a bias-free, culturally enriched environments," says Mr. Mace. "We not only mean the usual biases, but one more that is often overlooked, and that is an anti-intellectual bias. Very often those among the brightest in their class may have had to conceal that fact. You don't have to do that here."

David Petranick, a junior from Concord, N.C., speaks directly to the issue. "At my old school if you said, 'I'm going to study,' some guy would say, 'You think you're so smart,' and would think you were stuck up. Here you can study with other people and talk about it and it's no big deal."●

NUCLEAR WAR: SCIENTISTS SAY EVERYONE LOSES

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CARR. Mr. Speaker, a number of prominent scientists have just released the results of a study of the long-term effects of nuclear war. Their conclusion, which has been endorsed by other scientists reviewing their data, is that even a limited nuclear war will put so much dust into the atmosphere that all life in the Northern Hemisphere and eventually the world would be threatened.

Their results are clear and sobering. There can be no "winnable" nuclear war when the Sun's rays are blocked out for weeks or months after such a war. It will make no difference that a war is limited, for the results will be virtually the same. The long, dark night which will descend upon the Earth after a nuclear war will be a night of extinction.

This morning's Washington Post contains a summary of the study. I urge my colleagues to read it and consider its conclusions.

The article follows:

[From the Washington Post, Nov. 1, 1983]

SCIENTISTS SAY NUCLEAR WAR COULD CAUSE CLIMATIC DISASTER

(By Philip J. Hilts)

Nuclear war involving most of the long-range missiles in the U.S. and Soviet arsenals could trigger a global climatic disaster that could wipe out billions of people and perhaps mankind, scientists said yesterday.

For the first time scientists released evidence that the detonation of 100 megatons would trigger a "dark nuclear winter" during which a cloud of debris would begin to block the sun and cause temperatures to plunge.

If a nuclear war reached 5,000 megatons—a massive exchange that would involve almost all the long-range missiles on both sides—temporary ice-age conditions over at least half the Earth would be inevitable, a scientific conference here was told.

Until recently, scientists had not calculated in detail what would happen to the world's climate after a nuclear war.

But over the past 18 months European and American scientists have made the calculations repeadtedly, using mathematical models of the atmosphere and powerful computers.

More than 100 eminent scientists, including Nobel laureates David Baltimore and Hans Bethe, Los Alamos National Laboratory theoretician Carson Mark and sociobiologist Edward O. Wilson, have reviewed the work and endorsed its conclusions, according to Cornell astronomer Carl Sagan, one of the leaders of the group.

The world's nuclear arsenal contains between 12,000 and 15,000 megatons, scientists said. Each meagaton is equal to 1 million tons of TNT. The bomb that destroyed Hiroshima was equivalent to 12,500 tons of TNT.

Sagan said that a war in which 5,000 megatons were detonated would produce the following:

About 225 million tons of smoke would be spewed into the air over several days, enough to blanket the Northern Hemisphere and block out more than 90 percent of the sun's light.

At least half the Earth would become dark as night. Temperatures would plunge between 40 and 80 degrees Fahrenheit, freezing standing water to a depth of 2 to 3 feet. The temperature would remain below zero for up to three months, and probably would not return to normal for more than a year.

The lack of sun would probably eliminate photosynthesis, the ability of plants to turn sunlight into energy, the key process that supports life on Earth. The conditions would kill plant life and, in turn, animals that feed on plants. Thus, carnivorous animals could starve. The entire food chain might collapse.

Though previous studies of nuclear war have suggested that the Southern Hemisphere would be relatively uneffected, new calculations of climatic circulation show that the pall of smoke could spread to that hemisphere.

The amount of radiation deposited great distances from nuclear blasts has apparently been underestimated by tenfold.

Finally, after the years of darkness and cold another danger would emerge: chemical reactions from nuclear blasts would cause a major breakdown of the ozone layer of the atmosphere. Ozone protects the Earth from the sun's harmful ultraviolet rays. More ultraviolet radiation would damage the vision and immune sytems of any surviving animals.

The detonation of 5,000 megatons would require the United States to fire almost all its long-range submarine and land-based missiles and for the Soviets to fire about half of theirs.

One of the more surprising findings of the scientists' report is that there appears to be a "nuclear-war threshold," above which global catastrophe would be triggered. That level comes roughly at 100 megatons.

Donald Kennedy, president of Stanford University, in his somber keynote address at a two-day scientific conference on the world after nuclear war, said, "It is highly significant that a large group of distinguished biologists has reached a thoughtful consensus on the ecological consequences of nuclear war."

The studies paint quite a different picture of the climatic effects of nuclear war than had previously been drawn. Kennedy quoted from a pamphlet on nuclear war now distributed by the government that states flatly, "Ecological imbalances that would make normal life impossible are not to be expected."●

HUD DOES IT AGAIN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FROST. Mr. Speaker, when the Subcommittee on Housing of the Banking, Finance and Urban Affairs Committee, chaired by the Honorable HENRY B. GONZALEZ, holds its hearing and investigation at 10 a.m., Thursday morning, November 3, in room 2128 of the Rayburn Office Building, they will be examining the very serious matter in Dallas involving the Department of Housing and Urban Development relative to an October 14 meeting here in Washington between HUD officials and Dallas Mayor Starke Taylor.

At that meeting, Mayor Taylor was informed by HUD Deputy Under Secretary for Intergovernmental Affairs June Koch that the Dallas Housing Authority must dispose of 1,000 public housing units in West Dallas before the Federal Government will approve the sale of the Washington Place project in Dallas.

This blatant and arrogant misuse of Government power—to force a city to completely abandon 1,000 public housing units in one of its most distressed areas—has now, since the airing of HUD outrageous demands, been followed by an unfortunate, but understandable, decision by DHA as a result of HUD's position.

HUD's actions have now forced the Washington Place to be taken from the bargaining table, where the Baylor University Medical Center was seeking to purchase the project.

This new development—the failure of Washington Place negotiations—prompted the Dallas Morning News to editorialize on the Washington Place and West Dallas subject matter this morning.

I insert at this point in the RECORD the Morning News editorial:

[From the Dallas Morning News, Nov. 1, 1983]

WASHINGTON PLACE—ENOUGH IS ENOUGH

The abandoned sale of the Washington Place housing project in East Dallas is another sorry example of the damage that foot-dragging federal bureaucrats can wreak when they do not want to make a decision.

After nearly a year of negotiating, the Dallas Housing Authority board finally has said "enough" and scrapped plans to sell Washington Place to the Baylor University Medical Center.

In sports terms, DHA board members realized they could not win the game because federal officials in Washington, D.C. kept moving the goal posts. There are many losers in this story. The DHA has lost $9 million from the sale of the property, which could have been plowed back into much-needed repairs at other housing projects. Baylor Medical Center now will have to revise expansion plans for its facilities. And tenants of Washington Place are stuck in dilapidated housing that needs millions of dollars in renovation.

Throughout the sales talks, officials at the U.S. Department of Housing and Urban Development have treated Washington Place as if it were a political hot potato that would go away if they delayed the matter long enough.

Mayor Starke Taylor and DHA representatives never seemed to know what new stipulations they would face each time HUD officials sat down to discuss the Washington Place proposal. The final straw probably came last month when Taylor said a HUD representative told him the sale would be predicated upon the divestiture of some 1,000 uninhabitable federal housing units in West Dallas.

The unfair tactics employed by HUD have provided a disturbing message for all major cities that are trying to get a handle on their low-income-housing problems. In effect, HUD officials have warned they will not look kindly on innovative ways to find more dollars for rehabilitation for the seriously deteriorated housing projects here.

For the Dallas Housing Authority, the lesson has been an expensive one that should not go unchallenged. The DHA has wasted hundreds of thousands of dollars in work hours on the aborted Washington Place sales proposal. The bill for this ill-fated plan should go directly to the people at HUD who are responsible for the failure.

Let us hope that the DHA board will stick to its request for a lawsuit, if necessary, to gain full restitution from HUD for the cost of the Washington Place fiasco. The compensation will not restore the lost goals of the proposed sale. But it will make the federal government pay the bill for the disservice HUD has done all of the others involved.●

THE CHEMICAL PEOPLE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GILMAN. Mr. Speaker, the tragedy of drug abuse in our Nation has reached epidemic proportions, particularly among our young people. The staggering statistics indicate that substance abuse in America is the highest of any developed nation in the world. Over one-third of all Americans try an illicit drug before they finish high school; over one-third have illicitly used drugs other than marihuana. One in sixteen high school seniors smokes marihuana on a daily basis, and 34 percent of high school seniors regularly abuse drugs.

The single leading cause of death among 15- to 24-year-olds is drunk driving, and about 1 in 16 high school seniors drinks alcohol daily, with 41 percent regularly abusing alcohol.

Most of these people began chemical use between the ages of 11 and 14.

These statistics indicate to us that our young people need help—now. For a nation which has a remarkably high standard of living, our standard of drug abuse is also unbelievably high. What will happen to our young people who find they cannot face their teen years without drinks or drugs? What will happen to our Nation when these young people assume the reins of the future?

I know that the American people want to help; parents want to help their children, and society in general would like to abolish the scourge of drug abuse before it is too late. As a Member of the House Select Committee on Narcotics Abuse and Control, I am pleased that many people in our Nation are becoming aware of the tragedy of drug abuse and are mobilizing against it.

On November 2 and November 9, the Public Broadcasting System (PBS), in conjunction with Metropolitan Life Foundation and the Richard King Mellon Foundation will present a two-part television special called "The Chemical People." First Lady Nancy Reagan has generously given of her time and energy to appear in this important program, as well as having promoted it in the weeks prior to broadcast.

"The Chemical People" is designed to combat school-age drug and alcohol abuse and it will be aired on 300 PBS stations nationwide. Public Broadcast System has organized over 10,000 "town meetings" in the cities where the television program will be shown, where local options, problems and solutions can be discussed on a community level. It is hoped that local task forces will be formed to educate and motivate people to take action against substance abuse.

The National Federation of Parents for Drug-Free Youth, a parents' group deeply involved in the issue of drug and alcohol abuse among young people, was instrumental in the planning and publicizing of "The Chemical People" program.

In my congressional district, New York's 22d Congressional District, I am pleased to report that we have a very active group of dedicated people who have volunteered to serve on our 22d Congressional District Advisory Committee on Narcotics Trafficking and Substance Abuse. Our advisory group is composed of people from all walks of life, representing parents, teachers, students, health professionals, law enforcement officers, clergy, attorneys, and other interested citizens all or whom are dedicated to the goal of eliminating drug abuse as a way of life among our young people.

On June 11, our advisory committee met with Federal and State experts in the field of narcotics abuse and control. The panel reporting to the advisory committee included Tom Cash, associate special agent in charge, New York Field Division, Drug Enforcement Administration; Rayburn Hesse, Special Assistant to the Assistant Secretary of State for International Narcotics Matters, Department of State; Bernard McColgan, Chief of Prevention, National Institute on Drug Abuse (NIDA); Kathleen Coughlin, deputy director, training and resource development, New York State Division of Substance Abuse Services; Tom Sullivan, contract manager for New York State Division of Substance Abuse Services, Region 6; Anthony Di Benedetto, chief, Drug Education Bureau, New York State Education Department; and Dennis Zimmerman, New York State Division of Substance Abuse Service's Bureau of Government and Community Relations.

These representatives told our advisory committee that the problem of drug abuse is indeed the most critical health problem our Nation is facing today. Drug abuse is a national problem which affects every aspect of our lives, and which is becoming a way of life among too many of our young people. We heard that while narcotics are illegally smuggled into our Nation, as long as there is a demand for the drugs by our young people, foreign nations are literally going to make a killing. We must stop drugs at the source, before they find their way into our Nation.

Our district drug advisory committee will be holding its next meeting on November 19 at the Monroe-Woodbury Middle School in Central Valley, N.Y., at which time we will hear from representatives of the White Plains, N.Y., School District who will report on their successful drug education programs. I am pleased that so many of our citizens in our region have taken such an active role in helping to combat drug abuse.

If the war on drug abuse is going to be won, then citizens throughout our Nation must organize to help combat this deadly menace. In this regard, the President today signed Senate Joint Resolution 57, designating November 2 through 9 as "National Drug Abuse Education Week." Combating drug trafficking and drug abuse is not just for 1 week but is a never-ending 365-day battle that requires the best efforts of all of us to help eliminate this scourge of all mankind.

I urge all of our colleagues to participate in this nationwide effort to raise the public's consciousness of the need to combat this threat to the youth of our Nation.●

CLOVERLEAF LANES: COMMUNITY SPIRIT TO SPARE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, I believe that the private sector has a responsibility to local communities, and I am pleased to take note of one businessman in my congressional district who is giving back to the community as much as, if not more than, he has received.

John I. Smith is the owner of the Cloverleaf Lanes located in north Dade County. Cloverleaf, however, is more than a place to go bowling. It serves as a community center as well.

John Smith is a real man of vision who seeks to improve the lives of this north Dade neighbors. I have been working with him on a proposal for a commuter rail system that would connect Dade, Broward, and Palm Beach Counties. Such an ambitions project would bring many benefits to south Florida, and if we are successful in bringing it to fruition, it will be largely because of the efforts of John Smith.

A recent article in the Miami Herald described the many community activities carried out at Cloverleaf Lanes, and I would like to bring it to my colleagues's attention as an excellent example of what the private sector can do in the community.

The article follows:

CLOVERLEAF LANES: COMMUNITY SPIRIT TO SPARE

(By Chris Vaughan)

Bowling is the business of record at Cloverleaf Lanes, but as the Cloverleaf "family" celebrate the establishment's 25th anniversary this week, the talk centers not on tenpins but on community.

More than 12,000 people pass through Cloverleaf each week, and most of them aren't rolling balls, says John I. Smith, the lone survivor of all 25 years of Cloverleaf's history.

Smith, who has come to be known as the "Mayor of North Dade," makes it clear: He doesn't just manage a bowling alley, he guides an institution.

"There isn't much that goes on in North Dade County that Cloverleaf isn't involved in," says Smith.

Headquarters for the North Dade Chamber of Commerce and the National Football League Alumni Association's South Florida chapter, training ground for youth, haven for the retarded, center for the community—Cloverleaf is a focal point for an area that lacks its own government. That's no accident: It was planned that way from the beginning.

When Cloverleaf was built, it was unique—designed by Alfred Browning Parker, its 50 lanes and blown-concrete construction were Florida firsts. Today, construction and the competition may have caught up, but the Cloverleaf ethnic—service above sport—remains the same.

"We're not just a business that's here to reap. We're putting a lot back," Smith says.

Smith allows that "business is excellent," and proudly points to his parts inventory room, his spare pin-setters and his spotless alleys as some of the reasons. But his heart doesn't burn for bowling—community service is his passion. That, he says, is what sets Cloverleaf apart.

He opens a classroom door to reveal dozens of schoolchildren learning how to score a game.

"Associating bowling and the adding and compilation of figures is important," he explains. The youth classes are one of Smith's pet projects. As much time is spent learning about Cloverleaf's kitchen and pin-setting operations as is spent knocking down pins.

Cloverleaf has "adopted" Highland Oaks Elementary and Junior High schools and Hibiscus Elementary, Smith says. The Lanes' "Turnaround" award, for the students in Northeast and Northwest Dade who show the greatest personal—not just scholastic—improvement, has a prominent place on the Cloverleaf wall.

Even its silver anniversary has a charitable function—about $5,000 in proceeds from this week's anniversary events will go to the Association of Retarded Citizens' Special Olympics Fund.

The events—beginning this morning with a champagne brunch for bowlers who have rolled at Cloverleaf 20 years or more and continuing through an Oldies Night next Sunday, with limbo and twist contests and a trivia competition—commemorate an unbroken chain of successes for the Cloverleaf operation.

Even in hard times, Smith notes, bowling does well because it is a relatively inexpensive game.

It will be even cheaper this week. From 8 a.m. to 6 p.m. each day, prices are being rolled back to 25 cents a game.

Other features of the celebration include a bowling tournament Saturday afternoon with celebrities and members of the media, and the biggest attraction of all, the Silver Guessathon.

The person guessing closest to the amount of silver—a mixture of quarters and Susan B. Anthony dollars—in a huge plastic replica of a bowling ball wins a trip to Jamaica. The contents of the ball aren't one of the prizes—when it is filled, it will hold more than $150,000, co-owner Tom Romanik said.

Owner-manager Romanik runs the day-to-day bowling operations with the help of Maura Favuzza. Smith devotes himself to Cloverleaf's community affairs.

By coincidence, both men came to Cloverleaf from Minnesota. They are effusive in their praise of each other. Romanik on Smith: "He's the guiding spirit of this place."

Smith: "I guess I just came with the building when Tom's family bought it . . . The future here is bright. We've got the young blood we need to be successful."

They also have a diversified business including a restaurant, bar, meeting rooms, video arcade, nursery, banquet room and lounge. What fuels it all, employes say, is a "family" feeling.

"Everybody cares about everybody else here," says Martin Hand, an 18-year-old junior champion who checks shoes and runs the register at the central control board five days a week.

"We have to," says Smith. "Caring is what makes it work."●

RONALD R. BUTTERS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. VALENTINE. Mr. Speaker, one of the more fascinating aspects of our Nation is the variety of English speech one encounters when traveling from region to region.

One man who has made a career of studying the regional differences of speech patterns is Ronald R. Butters, an associate professor of English and supervisor of freshman English instruction at Duke University in Durham, N.C. His dedication to linguistics reflects his recognition of the degree to which speech patterns dictate how human beings think and communicate. His work in this area brings greater vitality to English language study within the greater academic community, and especially in the Second Congressional District.

A recent article in the Raleigh News and Observer discusses Mr. Butters' work in greater depth, and I ask that it be inserted in the RECORD.

[From Raleigh (N.C.) News and Observer, Oct. 2, 1983]

STUDYING THE LANGUAGE THAT MAKES MAN UNIQUE

(By Guy Munger)

DURHAM.—Ronald R. Butters is a modern day equivalent of Professor Henry Higgins, the man who helped Eliza Doolittle untangle her Cockney tongue in "My Fair Lady."

But don't get him confused with Professor Doolittle, the man who talked to the animals. Butters finds experiments on communicating with animals interesting but isn't too optimistic about the results.

Butters 4, 3, is an associate professor of English and supervisor of freshman English instruction at Duke University. His specialty is linguistics, the study of human speech, and especially regional differences in speech patterns.

Butters is an acknowledged authority in his field. He has been a consultant to school systems and publications and since 1981 has edited the prestigious journal American Speech, quarterly publication of the American Dialect Society. Butters also serves as an occasional substitute for William Safire, The New York Times word columnist.

Butters is currently working on a comparison of dialects in Wilmington and Asheville, recording interviews in the field then transcribing and studying the results.

Linguistic research is not without its perils, Butters said, among them the temptation to do too much talking in a frantic effort to win the confidence of the person being interviewed.

"One of the things that I hate most about working over my tapes is listening to what I myself have to say," he said. "I've got one tape that I play for students, a sort of pastiche of interviews that I've done, and there's one thing that I deliberately left on there because it always breaks the kids up. It's where I found myself saying, 'Oh, Mrs. McMillan, you know I really love the Dewey decimal system.'

"Anything for rapport," Butters added with a laugh.

In field research, Butters said, a linguist looks for representative people in the population then starts asking questions:

"How do you get them to talk and give you something as close to the vernacular as possible? When you tell them—as we felt we had to do—that you are interested in language and they see the tape recorder, you tie them up and they give more formal speech, you've got to break that down.

"One thing you can do is interview several people at the same time. That gets a little complicated because you've got to have several mikes and several tape recorders. But if you can get them talking to each other, then they tend to forget the interviewer is present and normally you get a more informal type of speech.

"Also, if the interview goes on long enough, you establish a rapport and they tend to drift toward the vernacular, particularly if you get them talking about something they're quite upset or emotional about—an accident, illness.

"One of the best things with adolescents is to get them talking about a movie, to recount the plot. What they tell you turns out to be exceedingly boring from anything other than the linguistic point of view, but you get good data that way.

"We also wanted to get some data that had features that just don't come up that often in actual speech. How often does somebody say 'might could' or 'I'm plumb tuckered out'? So we would try to force responses there. We had a set questionnaire."

Butters described what he looks for when he goes over the transcripts and tapes of his interviews:

"I'm interested in things like, did they say 'singin' or 'singing'? 'He's here' or 'he here'? Did she say 'risk' or 'wrist'?

". . . I don't usually transcribe phonetically except for maybe one five-minute segment that looks like it's coming out of a particularly good vernacular piece, where they're relaxed. That's about all you need to establish the patterns of the speech.

"But for rare words and things like that, you want the whole tape down there in transcription. A lot of what we do is count things. . . . The frequency with which you say certain things will be different for different regions and different ages.

"For instance, you may hear, 'Ax him for me.' That's a very old form that goes back to old English times. But 'Ast him for me' is something special to this part of the country."

Butters is not overly impressed with the critics who say the English language is headed down the tubes.

"There's a long tradition of that kind of purism in the American culture going back to Ben Franklin I guess and beyond," Butters said, "and Edwin Newman and the others are not really doing anything that hasn't been done by previous generations, a sort of hand-wringing, deploring the decline of the language, the world-is-going-to-the-dogs sort of syndrome.

"I think that William Safire is pretty reasonable, the best of the popularizers. He has taken some time to acquaint himself with the subject matter. He has the good sense not to dismiss 150 years of linguistic scholarship as the drivel of arcane academic ivory tower folk.

". . . He has a good perspective. Indeed all these people have a good perspective. They stand as a good corrective to the excesses of the academic, just as the academic stands as

a good corrective to the excesses of the know-nothings, which is about where I classify Newman. He really doesn't know very much about what he's talking about. He's talking about his own prejudices, his own linguistic likes and dislikes and pretending that they are gospel. And I'd say pretty much the same thing about John Simon.

"I think those are the three best-known popularizers."

Butters is convinced that linguistics is an important field of study at the university level.

"You're talking really in terms of the fundamental goals of a liberal education," he said, "and I think linguistics—like literature or history—fits very much into that general scheme of things.

"There's a lot more to know about the way the human mind works. One of the ways is through the language, and psychologists are very much interested in linguistics, simply because they are interested in what we can say about how language affects the human mind.

"Language is somehow intrinsic to humanity. Look at the sort of studies that people have been doing recently, for instance, with apes and chimpanzees and trying to teach them to communicate by means of something similar to human language. These are experiments that require a good deal of linguistic sophistication just to interpret the results. They are fascinating in their own right.

"They are important, I think, in helping us to understand better what it is that can make man unique among all of God's creatures. From everything I've seen, the human linguistic capacity is something the other apes share only in some kind of markedly rudimentary sense.

"They cannot speak because they don't have the physical apparatus for it. They don't respond extremely well to spoken language because the wiring of the brain to their ears is not as sophisticated as the human wiring.

"What they've learned to do is pretty remarkable, but it's not even like a little child's language. It's just something similar to human language they're learning.

". . . I got off on a tangent that's not really my specialty, but it's one aspect of human language, and something that's been very much in the public's eye in recent years.

"The results with dolphins have been much less encouraging. But you can teach a chimpanzee a lot. You can teach a chimpanzee a chimp language which is very much like English and you can communicate with it in a way that man has never communicated before, using abstractions. The interesting thing about it is that the chimpanzees then seem to teach their children."

What are some of the big influences that are changing regional speech patterns?

"The most important one is migration," Butters said. "People move around so much. That tends to have a leveling effect at two levels, a national leveling so you get a vast area like California that is such a melting pot that California speech tends to be a kind of general American. Then you also get a lot of moving around within a region. . . . There are more people in Clinton sounding like Raleigh than there used to be.

"And I think education has been extremely important in standardizing grammar. People tend to look things up in a dictionary. There are more people going to college and they are extremely malleable. . . . The more college-educated people you have, the more they are going to tend to gravitate toward some kind of standard."

Butters then mentioned one of his theories about a special kind of change that seems to be occurring in American language:

"I think one of the reasons there may be an upsurge in Southern speech is that popular music has been so influential on several generations of adolescents and popular music tends to sound like Southern speech.

"When Bob Dylan used to sing 'Blowing in the Wind,' the vowels he was using were not typical of a Minnesota boy. They tended to gravitate more toward South and South Midland.

"I sat in a barbershop once in Guadalajara, Mexico, and heard a young man sing 'Dust in the Wind.' He sang in perfect English but it was perfect English of Tennessee and not perfect English of California. He was singing the song with the accent in which he'd heard it."

Butters stays on the go with his teaching, editing and research chores (lunch is often a couple of hard-boiled eggs eaten at his desk) but he took off last week on a trip to Charleston, S.C. It was a busman's—or linguist's—holiday.

Obviously with the unique accents of Charleston in mind, Butters said, "I'm looking forward to it very much."

You could almost hear the tape recorders start to turn.●

ACCOMPLISHMENTS OF MICHAEL J. HUNEKE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me to award a congressional commendation to Mr. Michael J. Huneke, who will become an Eagle Scout on November 3, 1983.

This is a remarkable achievement, considering Michael has only been a member of Scout Troop 124 for 2 years. In this short time, Michael has been the recipient of more than 40 merit badges as well as the World Conservation Award, the Fifty-Miler Award, and the World Crest Award. He deserves considerable recognition for the imagination and hard work involved in his Eagle Project, which consisted of building a nature trail in the Dr. Lewis Krause Memorial Park. The construction of the trail involved the design and placement of over 20 theme signs describing the park's environment.

In addition to his participation with the Boy Scouts, Michael has contributed in many ways to the Parkville community. He is an 8th grade honors student at Pine Grove Middle School, a member of the Pine Grove Choral Group, and plays football for the Parkville Recreation Council Football Team.

I am extremely proud to join Michael's parents, Edward and Patricia, and his three older brothers, Richard, Barry, and Kevin, in congratulating Michael not only on his investiture as an Eagle Scout, but on his many outstanding accomplishments.●

STUDENT KEPT DIARY ON GRENADA

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RATCHFORD. Mr. Speaker, we were all very worried about the safety of the American students in Grenada. I thought it would be interesting for my colleagues to read of the experiences of a student from my district, one of the last to be evacuated from the island.

The following is excerpted from the diary Nick Mongillo kept during the invasion, as reported by the Associated Press and as it appeared in my hometown newspaper, the News-Times of Danbury, Conn.

[From the Danbury (Conn.) News-Times, Oct. 31, 1983]

STUDENT KEPT DIARY ON GRENADA

CHARLESTON, S.C.—As bombs exploded around his house, American student Nick Mongillo, of Cheshire, Conn., recorded his view of the Grenada invasion in a 26-page diary.

He and other students at St. George's University Medical School were living in Westerhall, which was behind Cuban lines during much of the fighting, according to Mongillo.

The Cheshire, Conn., resident arrived here Saturday, carrying his diary, as the four-day airlift to evacuate civilians wound down.

His account covers the events from Oct. 21, two days after Prime Minister Maurice Bishop was killed, through his evacuation.

FRIDAY, OCT. 21

I want to be a doctor. I didn't get this chance in the United States. Grenada has given me the chance. I just hope that we can move around peacefully without fear of getting shot at.

SATURDAY, OCT. 22

I talked to mom and dad. They sounded OK. Dad spoke in Italian so the Grenadians listening to the conversation couldn't understand. He told me about a naval task force heading for Grenada.

The Grenadians believe (the government that is) that the ships are threatening to invade the island because of pressures put on the superpowers by small Caribbean nations.

SUNDAY, OCT. 23

I hope the Beirut killing of over 100 U.S. Marines doesn't aggravate old President Reagan to do something here.

Radio Free Grenada began issuing statements that Caricom has decided to expel Grenada from their group and voted to militarily intervene. The radio station called for militia to prepare to defend the country tonight against military invasion.

TUESDAY, OCT. 25

The Americans and somebody else have invaded Grenada! At 5:30 a.m. the Marines started coming in at Calvigny Bay, which is only a few minutes from here. The radio

station is going crazy. It sounds like the militia doen't want to help the People's Revolutionary Army. They are trying to stir the people up with "fight" and "freedom" songs. I don't know what to feel . . .

7:30 a.m.: I guess we were actually hostages in this military coup. I hope the U.S. can get us out . . .

8:30 a.m.: Bombs are being heard in the distance. True Blue and Grand Anse are surrounded by Marines.

9 a.m.: I just heard jets go overhead. Reagan is on the radio explaining the situation now.

6 p.m.: It is now night. The invasion is still continuing. Maybe we'll hear about a victory soon. Planes are still flying overhead. We can see their flashing lights in the distance. We're all a little frightened.

WEDNESDAY OCT. 26

1 p.m.: Early this morning I heard heavy bombing. There is still resistance being put up by the PRA (People's Revolutionary Army) and the Cuban construction workers. The soldiers are taking up positions in civilian homes and are parking their armored cars between houses in the Tanteen area of St. George's.

3:30 p.m.: We just got confirmation that the PRA is being disarmed. It is over! The planes are swerving up and down, speeding into the horizon. . . . The good ol' Marines did the job.

7 p.m.: It is dark again. No moon again. The helicopters are flying really close and bombs are going off overhead.

THURSDAY OCT. 27

8:30 a.m.: Bombs exploded really close today about 5 a.m. I'm just a little worried about the lack of communication. The phones are completely dead.

4 p.m.: Our friend Steve Tillen called and told us to stay inside because his maid . . . said she received a message in a leaflet from a helicopter to tell students to stay inside because they were shot at and possibly killed in Grand Anse.

Bombing is very intense. Planes all over the place and explosions are rocking the windows. We hit the ground twice.

Some congressman said that all Americans should be embarrassed when the history books are written about Grenada. That man is terribly wrong. A large majority of the Grenadians prayed for this to happen.

7:45 p.m.: Intense bombing again. That anti-aircraft gun is hanging on. President Reagan will speak on Voice of America at 8 p.m.

8:25 p.m.: It was an incredible speech. A bit political, but all in all it was great. The Marines got the attention they deserved, and the president brought a lump to my throat.

FRIDAY OCT. 28

2:30 p.m.: A servant came around warning there would be bombing in Calvingy Bay and so to evacuate. The students have to decide whether to leave the point and be vulnerable to sniper attack or to stay inside and weather the attack. We all decided to stay. God help us. We'll hide under tables with mattresses surrounding us.

4 p.m.: The bombing has begun, here we go again.

6:30 p.m.: Everybody is getting a little edgy. At this time, helicopters flew very close to us. We started waving sheets and towels to get their attention but no luck.

SATURDAY OCT. 29

7 a.m.: Intense bombing last night.

1:30 p.m.: Everything happened so fast. . . . Nobody knew about us! We quickly packed, waited for the others and then took off. Along the road we saw houses destroyed by air strikes and Marines, hundreds of them, along the road.

5 p.m.: We are airborne! After sitting down to eat . . . sniper fire started. The evacuees had to get down on their hands and knees and crawl into the hallways of the True Blue lecture halls and cafeteria. Soldiers set up machine guns through the windows. We had to lay low for about half hour.

We collected out bags outside, ran up a very steep hill . . . and hid at the end of a runway between cargos of mortars and helicopter rockets. The first plane took off because we were late. The next plane landed with troops and in about five minutes we were off and gone.●

NAVAL RESERVE SEEKS RECRUITS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SKELTON. Mr. Speaker, the Naval Reserve has initiated an expanded enlisted recruiting program. This Sea-Air Mariner, or SAM, program provides a long overdue emphasis on non-prior-service enlisted accessions. It includes a variety of new training options, expands the market of potential naval reservists and includes use of the Reserve enlistment bonus/educational assistance option authorized by Congress in 1978. This important program will enable the Naval Reserve to focus on critical ratings in junior pay grades (E–4 and below) to insure the highest possible quality of recruit to match specific mobilization requirements.

The program includes an option which will enable an applicant under age 26, who has civilian-acquired skills, to enlist in areas that match Naval Reserve requirements, go to basic and appropriate apprentice training, and then be placed in advanced pay grades (up to E–4) for specific ratings. This not only is a less cost alternative to traditional training, but should serve as an incentive to enlist for young people who already have technical training.

The SAM program will also have a split training option which will facilitate the enlistment of individuals who either are still in high school or have embarked on a college education. They will receive part of their required training in each of two successive summers and return to school during the interim.

The Navy and Naval Reserve should both be commended for this innovative program to increase dramatically the number of new enlistments in the Naval Reserve. The accession of 10,000 SAM's per year should enable the Navy's Selected Reserve strength to grow to match requirements with properly trained high quality enlisted personnel.

The manning level of the Naval Reserve directly relates to mobilization readiness. Currently, there are thousands of vacant billets at Naval Reserve activities in the junior enlisted pay grades. It is extremely difficult to fill junior billets with Navy veterans due to the high retention of the regular Navy.

Mr. Speaker, I urge support of the Navy's position to enlist 10,000 personnel into the Sea-Air Mariner program as outlined in the budget submission and funded in the bill before us.●

IT IS TIME TO TEAR UP THE GOVERNMENT'S CREDIT CARD

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DORGAN. Mr. Speaker, we all know that deficits in the Federal budget have gotten out of control, and continued high deficits force up interest rates and threaten to plunge the productive sectors of our economy back into a recession. We know that we need to enact legislation which insures that the deficits get slashed.

It is time we got dead serious about reducing Federal deficits, now and in the future.

That is why I am introducing the "Deficit Control Resolution of 1983." This resolution would freeze spending across-the-board at current spending levels. Spending in future years will not be allowed to rise above today's levels unless new revenues are found to pay for the spending increase.

This approach insures that deficits in the future will become smaller, and soon vanish, as spending remains stable while revenues rise through the effects of inflation.

It also provides a mechanism for making sure the programs we think are truly important receive adequate funding. I am aware that spending cuts in the past few years have hurt most the poor, reflected in the 1982 poverty rate of 15 percent, the highest in 17 years. I know that spending on programs targeted to the poor has decreased by more than one-fourth, in real terms, from fiscal year 1981 to fiscal year 1983, according to staff of the House Budget Committee.

My resolution provides a way of playing fair with those most in need, without increasing deficits. I would be the first to support necessary increases in feeding programs for poor mothers and infants, for example, so long as we made sure we took in the new Federal revenues to do so or cut spending in other programs.

There are other areas of spending where we can save some money. De-

fense is one. We could eliminate an estimated $4 billion a year in defense spending by improving the spare parts procurement process: opening it up for competitive bids, giving whistle blowers incentive to come forward, and through other means. We could save about $25 billion over the new few years by not proceeding with the MX missile system. We could save $115 millon in 1 year by not producing new chemical weapons. If we find that we need increased spending on defense in the future, we can spend what we need, so long as new revenues were taken in or spending for less essential programs was cut.

Let me emphasize again the need to reduce the Federal deficits. New interest payments by the Federal Government on the national debt have doubled every 4 years in the past decade, from $26.7 billion in 1976 to $52.5 billion in 1980 to an estimated $106 billion in 1984. In the same period net interest payments as a percentage of total Federal spending have risen from 7.1 percent in 1976 to 12.3 percent in 1984.

This is just crazy. Interest payments to the holders of the national debt—investors, banks, insurance companies—do not create productive wealth. They do not create jobs. They do not improve our defense, or help poor people eat properly. They really amount to a transfer of wealth from taxpayers to wealthy individuals and institutions.

As deficits mount up, the size of the national debt has become astronomical. The debt has gone from $632 billion in 1976 to $914 billion in 1980 to an estimated $1,606 billion in 1984. Paul McCracken, a member of President Nixon's Council of Economic Advisers, said recently in U.S. News and World Report:

> To see the true effect of big deficits—and by that I mean a string of them, not just one of two in recession years—you must look to the government's claim on available credit. As recently as the decade of the 1970's, the Treasury was borrowing about one fifth of the credit supply. Now its claim is up to about 40 percent. With the projected deficits, the Treasury will be absorbing more than half of all available credit before long. Add in the credit needs of government-sponsored agencies, and the figure could rise well above 60 percent. That leaves precious little for private borrowers and puts upward pressure on interest rates.

It is the cumulative amount of debt which helps drive up interest rates. Small businesses and farmers—the most productive members of the economy—feel the impact: The August 1983 survey by the Federal Reserve Board of bank loan rates found an average rate on small commercial and industrial loans of 13.99 percent. Loans to farmers averaged 13.72 percent. Small long-term commercial and industrial loans averaged 14.53 percent. Affordable credit is needed to fuel the engines of growth.

Passage of my "Deficit Control Resolution of 1983" will help put a stop to this nonsense. A recent CBO report estimated the 1985 Federal deficit at $205 billion, and the 1986 deficit at $214 billion, if no corrective action is taken. My estimates are that we would chop the annual deficit in half by the end of fiscal year 1986, if my resolution were in force. An across-the-board spending freeze would lower the deficit to $168 billion in fiscal year 1985, a savings of $37 billion, and to $114 billion in fiscal year 1986, a savings of $100 billion. The deficit would be completely eliminated—the Government would be running a surplus, and decreasing the national debt—by fiscal year 1989. This will release the pressure on interest rates and help get them down.

Getting the deficit under control has to be done. My resolution provides a sound mechanism for doing just that, while insuring that our national spending priorities receive adequate funding.●

HISTADRUT AWARD WINNERS FOR 1983

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. PATTERSON. Mr. Speaker, I am pleased to honor today before my colleagues two outstanding women from our Orange County community. These women will be recognized this evening before hundreds of their peers in the labor and business community. Being bestowed to Bonnie Castrey and Judy Perez-Weigand is the annual Histadrut Award given by the Orange County Trade Union Council of the Histadrut organization. As you know, Histadrut is based in Israel as the General Federation of Labor. So important is it to the nation in which it was founded that former Prime Minister Golda Meir once acknowledged it as "The great heart and backbone of Israel."

The contributions of the two honorees are consistent with the vital role that Histadrut and its thousands of members have always played. Having worked with both of these women throughout my 9 years in Congress, I can also attest firsthand to their laudable performance in work related and community endeavors. It would be impossible for me to convey the full extent of their contributions, but I am proud to at least mention a few examples.

Ms. Perez-Weigand has distinguished herself in many areas, primarily stemming from her work in the labor movement. Since 1972, she has served as an executive board member of the Communication Workers of America (CWA) Local 11500 and as its legislative cochairperson since 1975. Because of Ms. Perez-Weigand, CWA has long held a fine reputation for fostering equal participation among men and women. Another highlight to her career in labor relations is her service as the vice president of the Orange County Central Labor Council since 1976. In other areas of community participation, she has fought for the rights of women, and has served with honor on the prestigious Commission on the Status of Women. She has shown a commitment to the struggle for good government through the election of qualified and concerned candidates. We are indeed fortunate to have Ms. Perez-Weigand as a member of our community.

Ms. Castrey began her present career in Federal Mediation and Conciliation Service 8 years ago through a graduate intern program at Cornell University. She has become renowned as a top professional in this complex and demanding field. She has utilized her skills to benefit her colleagues through active service in such professional associations as the International Industrial Relations Association, the Industrial Relations Research Association at the national level, the Government Labor Relations Association, and the Society of Professionals in Dispute Resolution (SPIDR). In recent years, she has served SPIDR as its national membership chair and as the chair of its Orange County-Los Angeles Chapter. Similar to Ms. Perez-Weigand, Ms. Castrey has devoted a vast amount of time to the advancement of women in society by, among other means, service on the Commission on the Status of Women. Specifically, Ms. Castrey has dedicated herself to the goal of employment training through the employment for mature women program sponsored by the YWCA of South Orange County. As a scholar throughout her college career, as a leader in her profession, and as a spirited activist in civic, cultural, and other community projects, Ms. Castrey remains to be a source of much local pride.

Mr. Speaker, it has been a pleasure and an inspiration for me to work with these fine women, and I can only offer my sincerest appreciation to the Histadrut organization for having acknowledged them with such an esteemed honor at their awards banquet for 1983. The entire Orange County community owes them a debt of gratitude, and I know that my colleagues in Congress are as thrilled as I am to join in our own salute to their achievements.●

SOVIET JEWRY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SCHAEFER. Mr. Speaker, a recent trip to the Middle East brought me in contact with two families whose relatives have, for various reasons, been denied exit visas from the Soviet Union. My concerns about the plight of Soviet Jews are shared by many of my colleagues, and it is appropriate to address once again the injustices faced by members of a society shunned by the government and demeaned because of their faith: Soviet Jews.

Our ancestors came to this country in pursuit of freedom: intellectual, spiritual, economic. We find it hard to understand that a group of people can be so viciously handly by a government in the 20th century. Our Constitution is a magnificent document, establishing human rights and protecting the common man and woman. Our Constitution is honest. The Soviet Constitution is, in many ways, a brilliant document on paper; however, in practice, it is essentially a dishonest, meaningless instrument under whose guise intolerance and bigotry are commonplace. All the basic rights, religious freedom among them, are revoked at the whim of a despotic goverment determined to stamp out anything that is not Russian. "Soviet" is a term used by Americans to refer to the citizens of the U.S.S.R., but the discrimination of the Government against anyone from outside the Russian Soviet Federalist Socialist Republic makes clear the point that the autocracy of Moscow's czars has merely been replaced by the current Moscovite tyrants.

With such discrimination, we should not be surprised that Soviet Jews are treated so inhumanely by their Government. But we are. We must be. And we will continue to be, as long as men like Iosif Begun are given sentences for teaching Hebrew. How ludicrous. And because of his age, Begun's sentence may very well be a death sentence. Yakov Mesh awaits a visa, hoping to be able to join the members of his family waiting for him in the United States. Tatyana Ulanovsky nurses her ailing mother in Moscow, while her son, Lev, attempts to reunite the family in Israel.

The stories are seemingly endless, but we cannot be overwhelmed, and must continue our efforts to help. We must maintain a level of vigilance; we cannot allow the Soviets to continue to abuse citizens of their own country without calling this cruelty to the attention of the world community. In seeking a more stable world environment, we must not allow ourselves to be deluded by our deep desire for peace and international understanding. We must confront the harsh truth: Moscow's rulers are concerned primarily with their own survival. They feel threatened by any group not conforming to the Muscovite tradition. By definition, the Jewish heritage is one rich with the tradition of centuries; while the traditions are not always Russian in nature, Soviet Jews consider themselves Soviet Jews. They cannot understand why they are abused by their Government, to which they contribute academically and culturally.

In a twisted response to that contribution, Soviet Jews are barred from their professions, split from their families, and driven from their homeland. More heinous still, they are sent to psychiatric hospitals, as a form of punishment for their "civil disobedience." Their desires are simple: they wish to be allowed to practice their religion. Because the Soviet Government discriminates so vehemently against them, Soviet Jews feel compelled to request permission to leave their homeland. Upon applying for an exit visa, the Soviet Jew experiences a new form of discrimination. If he is one of the lucky few to be granted a visa, he may emigrate to Israel. Usually, though, the applicant is denied a visa. His life changes dramatically. He often loses his job; in extreme cases, he is sent to prison or to mental hospitals. Often, the charge is "crime against the Soviet state." That nebulous charge covers activities as diverse as publishing a book, teaching Hebrew, and displaying art.

In conclusion, Mr. Speaker, I would like to urge the House of Representatives to pursue an active role in freeing the Soviet Jews. One way to further promote the ideals of freedom and justice would be for each Member of Congress to show his unequivocal support for the Interparliamentary Group, an international organization being formed to act as a clearinghouse for human rights. The United States, Great Britain, and France are already members, and more nations will be joining soon. While it may be impossible to change the ways of the Soviet Union, we may be able to win individual victories for the people who so desperately desire freedom to worship and live as they please.●

CONGRATULATIONS TO NEW YORK COUNTY ON ITS 300TH BIRTHDAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GREEN. Mr. Speaker, today we celebrate the 300th anniversary of the county of New York, more widely known as Manhattan. It was on this day, in 1683, that the first provincial assembly, elected according to the institutions of the Duke of York, established by statute the foundation of the county of New York.

The founding of the county of New York played an integral part of the establishment of representative government and common law jurisprudence in this county. Throughout American history, Manhattan has continued to play a critical role in the struggle for, and the establishment of, democracy. New York City served as the seat of the National Government beginning in January 1785, when the Congress of the Confederation convened in City Hall (now Federal Hall). The city continued to serve as national capital during the period of the first Congress from March 4, 1789 until August 12, 1790. During that time, in April 1789, George Washington was inaugurated as our first president on the balcony of New York's Federal Hall.

In addition to the important role the county of New York has played in the establishment of our democracy, the county became and continues to be the heart of American commerce, finance, and international trade. Furthermore the county serves as one of America's greatest cultural centers.

The county of New York has made an outstanding contribution to the wealth of the United States by providing opportunities to the great number of individuals who have immigrated to our country through the gates of New York.

In every respect, Americans owe a great deal to the county of New York. In commemoration of its tricentennial I invite all members to join me in sending salutations to the people of the county.●

THE 11TH ANNIVERSARY OF AURORA CONCEPT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the 11th anniversary of Aurora Concept Inc., a pioneer in drug-free treatment of the victims of substance abuse. This occasion will be marked by a gala dinner-dance to be held on November 4.

Since its, founding, Aurora Concept has made an invaluable contribution to residents of my district, in Queens County, N.Y. To families in crisis, Aurora means hope, hope that a son or daughter involved with drugs can resume a purposeful life. The success that Aurora has had over the years is a tribute to its approach: The abuser is not isolated in the attempt to over-

come past problems. Instead, family and peers are actively involved.

Before treatment commences, the person first undergoes extensive evaluation and orientation. Interviews and tests are conducted, to insure that a program is tailored to the individual client. Day-care and evening options exist for those participants who hold jobs or attend school. Aurora is best known, however, for its residential program, where those persons in need of full-time supervison are admitted.

Once there, the participant experiences an environment free of drugs and full of understanding. Members of the facility share household chores; for some, this is the first time they have functioned as part of a group. These simple tasks engender a sense of belonging and a positive, productive attitude that is so important to one's emotional and career development.

Each week the members attend individual psychotherapy sessions with a staff psychologist. Supplementing these encounters are peer group counseling and extended group sessions, known as marathons. Often exhausting, and always probing, this form of treatment teaches the youngsters to release anger and frustration in a constructive way. The educational and vocational guidance programs that Aurora runs help solidify the client's growing sense of self-esteem and accomplishment.

Perhaps the most laudable aspect of the Aurora Concept approach is its commitment to complete rehabilitation. The family plays a pivotal role, as parents and siblings must be sensitive to the difficulties the former drug abuser has underwent. Once participants finish their stay at the residence, they are required to go to weekly follow-up meetings. Aurora also maintains an open door policy: Any graduate from any year may return to talk, renew acquaintances, or simply apprise others of his or her progress. These graduates are proof to kids with drug problems that there is an alternative.

Mr. Speaker, I know that all of my colleagues join me in saluting the work of Aurora Concept Inc., and its executive director, Edward Assa. To them we extend our best wishes on their 11th anniversary.●

TRIBUTE TO ADMIRAL RICKOVER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WOLF. Mr. Speaker, last year the U.S. House of Representatives joined the Senate in voting to authorize the Speaker of the House and the President pro tempore of the Senate to present a gold medal on our behalf to Adm. Hyman G. Rickover in recognition of his 60 years of distinguished service to the U.S. Navy. I am pleased that today the Congressional Gold Medal has been presented to Admiral Rickover at ceremonies in the U.S. Capitol.

This medal will demonstrate Congress appreciation of Admiral Rickover and the unsurpassed contribution he has made to the U.S. Navy, but there is no way any of us can express the tremendous debt of gratitude the United States and the entire free world owe to Admiral Rickover for his vision and determination in developing our nuclear Navy.

The submarines now on patrol, which owe their existence largely to him, are the most secure leg of the defensive triad which is now protecting our freedom and way of life, and will continue to protect it for years to come.

Since Admiral Rickover is a resident of the 10th Congressional District of Virginia, which I represent, it is with great pride that I join my colleagues in congratulating him on receiving this medal, and it is my hope that this will serve as some small token of the great esteem in which he is held by us in Congress and by the people of the United States who owe him so much for his long years of dedicated service and brilliant leadership.●

PERSONAL EXPLANATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RICHARDSON. Mr. Speaker, on Friday, October 28, 1983, when the House had under consideration H.R. 2655, the Domestic Volunteer Service Act, I was in Lebanon as a member of the congressional delegation investigating the attack on our marines in Beirut. Had I been present, I would have voted:

"Yea" on rollcall No. 427, approving the Journal of Thursday, October 27, 1983;

"Nay" on rollcall No. 429, an amendment to H.R. 2655 that sought to strike language providing authorization floors for the VISTA program; and

"Yea" on rollcall No. 430 for final passage of H.R. 2655 to strengthen the outstanding and successful VISTA program.●

POLISH AMERICAN CONGRESS STATEMENT ON CONTINUED REPRESSION OF SOLIDARITY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ZABLOCKI. Mr. Speaker, we are all deeply saddened by the Polish Government's continued repression of Solidarity and its leaders. The severe nature of that suppression is no where better illustrated than in the charges brought against the seven top leaders of Solidarity and the five leading representatives of KOR, the Social Self-Defense Committee.

These facts are highlighted in a recent statement by the Polish American Congress. I insert that statement in the RECORD at this point so that my colleagues, Americans everywhere, and the whole world may know the specious nature of these charges.

Together with the leaders of the Polish American Congress I denounce the repressive policies of the Polish Communist regime and once again urge support for the freedom-loving people of Poland and the imprisoned leaders of Solidarity and KOR.

POLISH AMERICAN CONGRESS, INC.

STATEMENT OF POLISH AMERICAN CONGRESS

CHARGES BROUGHT AGAINST LEADERS OF "SOLIDARITY" AND KOR ARE A TRAVESTY OF JUSTICE

The government of the Polish People's Republic has recently officially charged seven top leaders of "Solidarity" and five leaders of the Social Self-Defense Committee—KOR with "undertaking preparations to, or attempting to overthrow the political system by force". Under articles 123 and 125 of the Polish Penal Code, if convicted, the accused face sentences of death, or at a minimum long term imprisonment. It is expected that their trials may start very shortly.

The accused leaders are: Andrzej Gwiazda, Seweryn Jaworski, Marian Jurczyk, Karol Modzelewski, Grzegorz Palka, Andrzej Rozplochowski and Jan Rulewski of "Solidarity"; and Jack Kuron, Adam Michnik, Jan Jozef Lipski, Zbigniew Romaszewski and Henryk Wujec of KOR.

Their imprisonment since December 13, 1981, charges brought against them and their forthcoming trials constitute thinly disguised acts of political vengeance directed not only against them personally, but against the entire democratic human rights movement in Poland.

The whole process is intended to demonstrate total supremacy of the regime and its Party controlled police and judicial apparatus over the independent, democratic opposition to its totalitarian rule, and therefore futility of further resistance.

We consider the charges as completely unfounded. "Solidarity" and the Social Self-Defense Committee—KOR demanded respect for the Polish people's rights and dignity, a measure of democratic freedoms and the regime's accountability for its actions and policies; legitimate demands which in no sense can be interpreted as threatening the forcible overthrow of the existing political system of the country.

Nevertheless, given the political nature of the trials and the proven subordination of the judiciary to the Party interests, the guilty verdicts appear a foregone conclusion.

We protest and denounce these new flagrant attempts to terrorize the people of Poland into total submission to the Communist rule.

We demand that the trumped-up charges brought against the leaders of "Solidarity" and the Social Self-Defense Committee-KOR are dropped and that they are set free.

We demand that leaders of the Confederation for Poland's Independence—KPN: Leszek Moczulski, Tadeusz Stanski and Romuald Szeremietiew, sentenced in October, 1982 under the same articles of the Penal Code to 7-5 years imprisonment, are freed and their sentences annulled.

We demand that several other "Solidarity" leaders serving prison sentences imposed in quasi-judicial proceedings are freed.

Unabated policy of repression of people's human rights and basic freedoms, continued incarceration of political prisoners and the latest charges leveled against the leaders of "Solidarity" and the Social Self-Defense Committee—KOR, give a lie to the regime's professed moderation and its efforts at national reconciliation. In fact it appears that the authorities are consciously escalating the sense of confrontation in an obvious effort to break the spirit and force the nation to accept unquestioningly the brutal role of Communist totalitarianism.

Americans of Polish descent pledge our utmost support for the brave people of Poland and their leaders in their valiant struggle for freedom.

For: POLISH AMERICAN CONGRESS.
Aloysius A. Mazewski, President.
Helen Zielinski, Vice President.
Kazimierz Lukomski, Vice President.
Harriet Bielanski, Secretary.
Joseph A. Drobot, Treasurer.
October 24, 1983.●

A TRIBUTE TO SISTER M. MILDRED RADZIEWICZ

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RUSSO. Mr. Speaker, today I would like to pay tribute to Sister M. Mildred Radziewicz of Evergreen Park, Ill., who recently celebrated her 25th anniversary as a member of the Congregation of Sisters of the Little Company of Mary. Sister M. Mildred serves as chairman of the board of directors of Little Company of Mary Hospital in Evergreen Park as well as honorary chairman of the Hospital Auxiliary.

Sister M. Mildred was born in Parsons, Pa., and received her B.S. degree from St. Joseph's Mercy College and her R.N. degree from Marquette University. She entered the Congregation of Sisters of Little Company of Mary in September 1957 and the noviate in April 1958. Through the years she served in numerous nursing capacities at Little Company of Mary in Evergreen Park before being assigned to their hospitals in Jasper, Ind., and Torrance, Calif. She also participated in a program of religious studies at Gonzaga University in Spokane, Wash.

A mere reading of her background, however, does not bring to life the quality and depth of her contributions. I think it is important in these difficult times to remind ourselves of the goodness in the world. Someone like Sister M. Mildred exemplifies a life of goodness and love. She is an inspiration as one who has dedicated her life to others—ministering to them, comforting them in their pain, nursing them to physical and spiritual health in their hours of need. She has been devoted to promoting the religious ideals in her everyday life, and in each day she has touched and changed lives for the better.

I know my colleagues join with me in commending Sister M. Mildred Radziewicz for her fine works and congratulating her on the occasion of her 25th anniversary of service.●

THE CONFLICT CONTINUES

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. McGRATH. Mr. Speaker, I rise today to strongly protest the Washington visit of Mr. James Prior, Secretary of State for Northern Ireland. One thousand years of colonial rule and an unyielding history of anti-Catholic discrimination must make all question the verity of a British Government official's statements on the political, economic, and religious situation in Northern Ireland. Still, when members of the opposition are restricted from speaking out, as representatives of a democratic legislative body, we must focus attention on the irony of this injustice.

I do not object to the visit of Mr. Prior, but rather protest the fact that as an appointed member of the British Government, he is able to travel freely and present events both current and historical from the British point of view, while representatives from opposing parties are denied visas to the United States, and therefore the right to discuss events from another perspective.

To quote Father Sean McManus, director of the Irish National Caucus:

> Civil libertarians would argue that the Reverend Ian Paisley, the personification of anti-Catholic bigotry and violence in Northern Ireland, should be permitted entry into the United States to offer his views on the centuries old conflict in the north of Ireland. They would be correct in that assessment. America's constitutional principles ensure freedom of thought and freedom of speech for all. Any individual with an opinion on the conflict should be granted a visa and given the opportunity to express his views.

Yet, the American "open-entry" policy to those on both sides of the Northern Ireland question has been inconsistent as the Prior case demonstrates. Granting Mr. Prior a visa while legitimate members of Irish Catholic political movements such as Sinn Fein are excluded, must be questioned.

I urge my colleagues to investigate the issue and commit their efforts to resolve the hypocrisy of American visa policy when it concerns those involved in the Northern Ireland conflict.●

MEJIA GOVERNMENT

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SHANNON. Mr. Speaker, I recently had a visit from a Guatemalan nun who resides in southern Mexico. She is part of a group of religious persons who assist in the resettlement of refugees from Guatemala. She reports that the number of persons leaving Guatemala has increased following the recent coup, and the ascension to power of Gen. Mejia Victores. There are also widespread reports of a wave of disappearances from around the country. I am attaching for the record a partial list of those disappearances, compiled from published reports in the Guatemalan press and consisting of individuals who have disappeared since the coup. This list was compiled by the Washington Office on Latin America, following their recent visit to Guatemala.

In late September the Mejia government launched Operation Octopus in Guatemala City to conduct house-to-house searches for signs of subversive activity. During the first 6 days of the operation 2,264 individuals were detained in what many Guatemalans perceive as a campaign of threats and intimidation. Unconfirmed reports indicate that El Pavon, the main men's prison near Guatemala City built to house 800, is now holding 3,500 prisoners, mostly political. Of special concern is the fate of over 400 political prisoners who were being held under Rios Montt but of whom many were never consigned to the special tribunals or any other court. The special tribunals have been abolished but the prisoners, except for 71 who the Guatemalan press reports will be transferred to common civil courts, continue to be held with no public determination of their cases.

Extrajudical killings have also risen. During the single week of September 19-26 over 40 persons were reported killed in the Guatemalan press. Newspaper accounts tell of tortured cadavers found with their hands bound behind their backs as was common

under Lucas Garcia. Bodies are once again being thrown from vans over the edge of mountains above Guatemala City.

In the rural areas the civil patrols established by Rios Montt have been retained and supplemented by school patrols. Organized into parasecurity patrols, schoolchildren have been instructed to report on suspicious activities within their families and communities. Moreover, in Alta Verapaz over 4,000 internal refugees are being indoctrinated daily with classes in promilitary ideology. One Guatemalan described the situation by saying, "The entire energies of the Guatemalan Government are being directed toward security. There are no other plans."

This problem of disappearances is not new to Guatemala, or to Central and Latin America. I am hopeful that dissemination of this partial list in the U.S. press will help the disappeared. I am also determined that the injustices documented here will not be forgotten when we in Congress are again called upon to approve administration arms sales to the Government of Guatemala.

The list follows:

THE WASHINGTON OFFICE ON LATIN AMERICA

List of disappearances in Guatemala since Gen. Mejia Victores assumed the position of Guatemalan Head of State in an August 8, 1983, coup d'etat. The following list of disappearences include only those which appeared in the Guatemalan Press.

August 10—Abruno Lool Cumatzil, 18, and Teofilo Lool Corominal, 18, disappeared from home in San Martin Jilotepeque, Chimaltenango (El Grafico 8/18).

August 10—David Garrido Castillo, 24, disappeared in Quatemala City (Prensa Libre 9/8).

August 12—Agronomist Jorge Alberto Rosal Paz, kidnapped on road between Teculutan and Zacapa (several newspaper reports).

August 13—Florentino Isidro Barrios, Custodio Angel Gomez Matul, Artemico Miranda Godinez, Domingo Alonzo Mateo, Celso Justiniano Diaz Pineda, were kidnapped by heavily armed men while returning from work on the finca El Peru in El Tumbador, San Marcos (El Grafico 8/16).

August 17—Mario Enrique Avalos Marquez, disappeared since leaving his house in Las Huertas, Antigua (Prensa Libre 8/23).

August 18—Rogelio Gramajo Flores, 66, MLN leader disappeared on way to work in Nuevo San Carlos, Retalhuleau (Prensa Libre 8/23).

August 20—Jose Becerra, Nazario Delgado, and Ramiro Reyes Arguello, 3 Mexicans disappeared in La Esperanza, San Juan Ostuncalco, Quezaltenango (Prensa Libre 9/8).

August 21—Rafael Esteban Morales, 78, kidnapped by several men in Zona 9 while going to evangelical church (Prensa Libre 8/24).

August 22—Frisly Elvidio Munoz Navarro, 18, disappeared in Guatelmala City (Prensa Libre 8/26).

August 22—Olga Ileana Cifuentes, 14, Yolanda Caracun Gomez students in Instituto Centro America, Disappeared in Guatemala City (Prensa Libre 8/28).

August 25—Manuel Cifuentes Mendoza, 11, disappeared after leaving his house in Zone 6 (Prensa Libre 9/16).

August 25—Maria Emilia Orellana Medrana, disappeared going to work in Centro de Recuperacion in Zone 1, from her home in Zone 12 (El Grafico 8/29).

August 27—Jose Pajarito, and 3 campesinos kidnapped from Fundacion ULEU, a Cachiquel language institute in Chimaltenango, by the Army who surrounded building (Prensa Libre 9/13).

August 30—Maria Isabel Flores Camey and son, Jacinto Perez Najera, disappeared after leaving house in Amatitlan, aldea El Zapotal (Prensa Libre 9/5).

August 31—Corina Castillo Pernillo de del Cid and daughter Monica, disappeared after leaving home in Zone 11, Guatemala City (Prensa Libre 9/6).

August 31—Maria del Rosario Colindres Canizales, 17, disappeared after leaving house in Cerritos, Amatitlan (Prensa Libre 9/5).

August 31—Juana Flores Merlos, kidnapped by ex-house companion in Las Trojes, Amatitlan (Prensa Libre 9/5).

August 30-September 4—Sergio Armando Zelada, 18, kidnapped by a group of men in Santa Lucia Cotzumalguapa and released 5 days later (Prensa Libre 9/7).

September 1—Silvia Judith Fuentes, 15, Ignacio Fuentes, 35, Jesus Ramirez Lopez, 32, kidnapped by several men in La Blanca Ocos, San Marcos (El Grafico 9/3).

September 1—Antonio Martin y Martin, 60. Felipa Agustin, 50 and grandson Teofilo Santiago Barrios, 35, kidnapped by several men in Comunidad Agraria Colima Primero, San Pablo, San Marcos (El Grafico 9/3).

September 1—Heriberto Mus Barrientes, kidnapped in Coban.

Early September—Raul Yanes Barrera, kidnapped by men dressed in olive green in aldea El Caoba, Flores, El Peten (Prensa Libre 9/8).

September 3—Brothers Cesar Antonio and Mery Jeovani Hernandez Chung, 10 & 8 years and Alex Francisco Osorio Perez, 7, disappeared in Guatemala City on way to school (Prensa Libre 9/4).

September 4—Emilio Perez Catalan, 25, kidnapped by 2 guardias de hacienda in Escuintla. Perez was member of civil patrol (Prensa Libre 9/5).

Armando Saenz Merida, 33, heavily armed men grabbed him out of his house mid-day in Escuintla; part of a "wave of kidnappings" in this city (El Grafico 9/26).

September 5—Sara Emperatriz Monzon, 18, Eva Sonia Monzon Mazariegos, 7, disappeared mysteriously near bus station in Quezaltenango (Impacto 9/10).

September 7—Gustavo Adolfo Meza Soberanis, 26, doctor with clinic in Coban, kidnapped in Zone 12, Guatemala City (Grafico and Prensa Libre 9/15).

September 8—Mayra Janneth Meza Soberanis, 23, sister of preceding entry, psychologist, kidnapped in Zone 12 (Grafico and Prensa Libre 9/15).

September 8—Gerardo Gomez Guzman, 79, disappeared in Zone 1 (Prensa Libre 9/21).

September 8—Miguel Angel Castellanos Hernandez, 40, customs agent, disappeared in Zone 5, Guatemala City (Prensa Libre 9/18).

September 8—Jose Cuc Castaneda, worker, in finca Filipinos, San Marcos kidnapped (La Razon 9/9).

September 8—Jose Chanchuc, 22, disappeared while going to his house in El Tumbador, San Marcos (Impacto 9/10).

September 8—Lic. Marco Antonio Quinonez Flores, 33, kidnapped from his bed, Amatitlan by several men (9 several reports).

September 9—Guadalupe Beatriz Vasquez Lopez, 10, disappeared on the way to school in Mexico (Prensa Libre 9/10).

September 9—Lic. Luis Rene Juarez Vilela, professor, disappeared on his way home from the Instituto America de Villa Canales, Guatemala City (Prensa Libre 9/10).

September 10—Marco Antonio Montiefar Ramirez, 25, kidnapped with Celeste Meija Victores (Grafico 9/12).

September 10—Celeste Mejia Victores, 54, sister of Oscar Humberto Mejia Victores, kidnapped by a group of men while leaving IGSS hospital in Guatemala City (several reports).

September 11—Gilberto Ozaeta, 46, kidnapped in Nueva Concepcion, San Marcos (Grafico 9/24).

September 11—Alberto Palaez, kidnapped in Cocales, San Marcos (Grafico 9/24).

September 11—8 unknown campesinos kidnapped in San Marcos (Grafico 9/24).

September 11—Jose Rodolfo Perez, kidnapped by several men in front of his family, finca Tiquisate, Excuintla (Grafico 9/24).

September 14—Prof. Moises Ramirez Perez, 43, kidnapped by 4 men in a park on 14th St. & 12th Ave., Zone 1, Guatemala City (Prensa Libre 9/23).

September 14—Maria Leticia Catalan Obeda, 20, kidnapped by 5 men in a cafeteria on Ave. Petapa in zone 12 (Grafico 9/15).

September 15—Lilian Marlene Beltron Cardona, disappeared traveling to the Costa Sur (Prensa Libre 9/18).

September 17—Edwin Ronaldo de la Cerda Mijanges, 10, disappeared mysteriously when he was returning to his residence in zone 7, Guatamala City, after having visited firemen he was friends with (Prensa Libre 9/23).

September 18—Guadelupe Perez Lara, 32, in Santa Lucia Park, Cotzumalguapa, she was kidnapped. She resided in the village of Mircom (Grafico 9/27).

September 19—Maria de los Angeles Contreras Solorzano, 17, disappeared after she left her home in zone 18 to go to the Institute for Secretarial Training which is located on Ave. No. 11 and Street No. 10A, zone 1 (Prensa Libre).

September 20—Hector Enrique Jimenez Martinez, 37, Owner of the Jimenez Shop, he was kidnapped by 4 armed men who took him away on a blue pick-up truck (Prensa Libre 9/21).

September 20—Rodrigo Moran Paiz, a driver for the El Condor was kidnapped by three men, one block from the police barracks in Escuintla (Prensa Libre 9/21).

September 21—Efrain Amado Moreno Tax, 28, was kidnapped by four armed men with revolvers at 9:30 a.m. in zone 7 (Prensa Libre 9/27).

September 22—Luis Carlos Linares, 20, kidnapped in zone 10, his girlfriend shot and later died (Prensa Libre 9/24).

September 25—Jorge Chuc, 20, and Ernesto Chuc, 22, his brother, were kidnapped in Santa Lucia, Cotcumalguapa, Escuintla by six men who launched fragmentation grenades at their residence, killing their father Miguel Chuc Acutamul, 80 (Grafico 9/27).

September 26—Silvia Elizabeth Gonazlez Alvarez, 20, a teacher at Sacred Heart School, zone 11, was kidnapped by four men

at noon in front of children and two policemen (Grafico 9/27).

September 26—Eswaldo Francisco Sorces, 15, a second grade student in the Republica de Francia, disappeared while going home from a soccer match (Prensa Libre, Date ?).●

MASS SAVE ENERGY AUDITS: A GOOD IDEA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MARKEY. Mr. Speaker, I want to bring to the attention of my colleagues a new program designed to save Massachusetts homeowners hundreds of dollars in energy costs. Although our Nation is no longer beset by the acute energy crisis of years past, we should not lose sight of the fact that there is still an energy problem. Consequently, I suggest to my colleagues that we must take advantage of current stability in our energy situation by exploring our most promising energy resource—conservation.

Starting this month, Mass Save, a State, mandated energy conservation corporation, will provide home energy audits to certain neighborhoods throughout the Commonwealth. After reviewing the data collected, Boston Building Materials Corp., a private nonprofit corporation which rents equipment for, and gives instructions on, "do-it-yourself" fuel-saving home repairs, will place bids for a large number of the homes covered in the survey. Homeowners, working with Mass Save and this nonprofit corporation, can save a great deal of money in home repairs and, in the long run, will conserve our vital energy resources.

I commend Mass Save and BBMC on initiating this inovative approach to energy conservation. As a member of the Energy and Commerce Committee, I am convinced that one of the greatest problems facing economic development in the next 20 years will be meeting our energy demands safely and economically. I strongly believe that the situation demands unique and innovative responses like this one. Only through such innovative programs can utilities offer cheap energy and can customers continue to afford to use energy. To achieve this goal of better energy efficiency, we need more marriages like the one between Mass Save and local construction firms or utilities. I am pleased to share this situation with my colleagues and look forward to the day when every Member of the House can join me on the floor and tell of similar programs operating in their district.●

LIONEL CADE HONORED FOR 40 YEARS OF SERVICE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DYMALLY. Mr. Speaker, when his country needed him at the beginning of World War II, Lionel Cade did not hesitate to offer his help. And he has been helping citizens ever since. His military service includes not only World War II, but the Korean conflict, the California Army National Guard and the U.S. Army Reserves. Perhaps the first major demonstration of his leadership abilities came when as company commander he helped to train the first black parachute battalion in the U.S. Army.

Lionel was trained as a public accountant, and he has worked at his profession since the end of World War II. That is, he has worked at it in those spare moments which he has not devoted to public service to the citizens of the country and most especially to the people of California. His first civilian public service post was a senior field representative for the State board of equalization. As one might imagine, seeing that business and the State of California maintain a financially satisfactory relationship with each other is not the most comfortable job one could ever hope for. But Lionel upheld the duties of his office admirably. He left the board of equalization in 1959 and was able to practice as a public accountant for several years.

When State Senator Ralph Dills tapped him in 1967 to become his field representative, however, Lionel did not hesitate to accept the post. He has served in that post until his recent resignation. As the senator's right hand man in the district, Lionel has ably led constitutents down the halls of power in local, State, and Federal government for the past 15 years.

But his devotion to the citizens of south Los Angeles County hardly ends with his work as field representative. In his spare time he has managed to compile a truly impressive list of additional public service credits. Lionel was first elected to the Compton City Council in 1964. He served as a councilman for almost 10 years. His abilities were so well demonstrated to the people of Compton that they elected him mayor in 1977, and he served our community in that capacity until 1981.

Lionel's public service has not been restricted to his numerous posts in municipal and State government. He has also served in a number of our most prominent public interest groups. He has been a member of the board of directors, national treasurer, honorary life member and past president of Camp Fire Girls, Inc. He has been vice chairman of region V of United Way, Inc. As if these service activities were not enough, Lionel has also served as both secretary and president of the Compton Rotary Club. He has been a member of the welfare planning council and is also a member of the NAACP.

Lionel has been such a powerhouse for so many years that it is not easy to believe that he thinks he is going to retire this month. I suspect that November 1983 marks less a retirement than a transition to new forms of service. The first 65 years were just Lionel's opening act. I am pleased to acknowledge Lionel and the countless good works he has performed for our community here before the Members of the U.S. House of Representatives this first day of November 1983.●

DAIRY COMPROMISE PACKAGE

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DE LA GARZA. Mr. Speaker, I rise today to further inform the Members of the House about the cost associated with various dairy proposals which will be considered in this Chamber in the near future.

The Agriculture Committee has requested the Rules Committee to make in order consideration of H.R. 4196, a bill which incorporates provisions contained in H.R. 1875, as reported by the Agriculture Committee in June of this year.

This so-called dairy compromise package was worked out by members of the committee in close cooperation with their counterparts in the Senate and in close and constant communication with the administration, which gave the plan its approval. I quote from a letter of September 27 from Secretary Block to Senator HELMS in which the Secretary commends the Senate Agriculture Committee for its efforts in bringing the compromise about.

> The failure to act now on the dairy compromise that several of us negotiated may eventually destroy a dairy program that until 1979 worked well for nearly 30 years. We have all labored for a more reasonable dairy program, and now that we have achieved a high level of agreement, we still cannot get quick action on this issue. Our dairy farmers suffer under a despised assessment program, a program I also dislike.

Elsewhere in the letter, the Secretary writes: "I urge you and others to continue to fight on these crucial issues."

H.R. 4196 not only reduces production and surpluses with greater effectiveness and speed than other proposals currently being discussed in Congress—it will also result in far greater

savings than the $1.50 price support cut which has been championed by Congressman CONABLE and by Minority Leader MICHEL.

DAIRY PROGRAM COSTS

[Dollars in millions]

	1984	1985	Total 1984–88
H.R. 4169	$1,030	$1,320	$6,150
$1.50 cut	1,580	1,620	6,940
Difference	550	300	790

The Agriculture Committee is committed to reducing the cost of Federal farm programs. In this regard, over the past 3 years the committee has approved changes in programs which have resulted in savings in excess of $18 billion. Passage of H.R. 4196 will result in additional savings of $2.78 billion from current programs costs during the next 4 years.

I invite all Members who are interested in reducing the Federal deficit to support our effort.●

SWAN'S BAKERY: A GOOD NEIGHBOR FOR 100 YEARS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DUNCAN. Mr. Speaker, the family owned business is a cornerstone of the American culture. It shows the importance and success of small businesses in this country, and provides a continuity to a city or region. It offers an example of the American principle that one can build for future generations a company people can rely on. A family owned business plays an important role in the community, not only in providing products, but also in taking an interest in the community, its workers, and its consumers. It is in this role the family owned business displays its greatest asset by being a good neighbor.

Swan's Bakery has been a good neighbor to the people of Knoxville for the past 100 years. The operation of a business for 100 years is no small task in itself, but for the family owned business it is a special milestone. Generations have carried on a tradition of service to the community following the teachings of their ancestors. It is a tradition we can all respect.

Charles H. Swan set up his bakery at the corner of Central Avenue and Broadway in Knoxville in 1883. He gained a reputation as a quality baker and his produce was sold at the Markethouse in downtown Knoxville. Through hard work he was able to expand his business throughout east Tennessee. James H. Swan took over the business maintained the tradition of fine baked goods.

The bakery was moved to Magnolia Avenue in 1928. It has remained at that site for the past 55 years, and the aroma of the baked bread can be smelt in the homes of the neighborhood. Today John Swan is following in his grandfather's footsteps. As company president he is a respected man in Knoxville not only because of the bakery, but also because of the contributions Swan's has made to local charitable and civic organizations.

This Saturday he will join his neighbors, employees and patrons in celebrating a century of service to the people of east Tennessee. Over 3,000 guests are expected to attend to congratulate Swan's for achieving this milestone. It is a fitting tribute to the bakery's dedication to quality and service.

The success of this family and its business offers an example to us all. It shows what is possible with determination and a concern for one's community. It shows the importance of being a good neighbor.●

THE SOVIETS: NO CHANGE IN THEIR TACTICS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GILMAN. Mr. Speaker, we recently received a report that the U.S. Armed Forces in Grenada had unearthed significant supplies of Soviet weapons, and stockpiles of 18,000 uniforms—Grenada having armed forces numbering only 1,200 persons. This sounds all too familiar when we compare the Soviet's rhetoric to their record. The State Department, the Defense Department, and our intelligence agency reports more vividly depict huge military build ups in Grenada.

I want my colleagues to know that in the course of recent House Post Office Committee hearings we have gathered additional evidence that the Soviets say one thing but do another. By their interruption of mail, they are in clear violation of the Universal Postal Union Convention standards, the spirit of the Helsinki Accords, the Universal Declaration of Human Rights and the Constitution of the U.S.S.R.

We uncovered this evidence during an examination of over 1,700 documents gathered by our Post Office Subcommittee on Investigations, which has been looking into the Soviet interruption of international mail. The Soviet's violations are clear—and gross. There is evidence of forgery, theft, and a pattern of deceit from these exhibits, gathered from most States and from some 12 foreign countries. The records speak for themselves, bearing out that the Soviets have a way of saying one thing and then doing another. Anyone who has been following or involved in our Soviet mail investigation is not surprised to learn about the Soviet's plans for a military buildup in Grenada.

During the course of our recent hearings on Soviet tactics in circumventing the UPU standards, there appeared a witness who related her group's efforts to document these violations.

Ulana Mazurkevich, of the Ukranian Human Rights Committee, one of our chief witnesses, spoke of the "willful and consistent violation of human rights." In order to share her views with my colleagues, I am inserting her full statement at this point in the RECORD:

STATEMENT OF ULANA BAUCH MAZURKEVICH, CHAIRPERSON, UKRAINIAN HUMAN RIGHTS COMMITTEE

Mr. Chairman, I am very honored to appear before the subcommittee on Postal operations and to testify on the problem of non-delivery of mail.

As Chairperson of the Ukrainian Human Rights Committee, I know how important these hearings are, and I applaud Congressman Gilman for holding these hearings and thereby giving hope to the many in the Soviet Union who are denied their basic right, freedom of communication.

For the past 6 months our Committee has worked closely with David Eno, assistant to Congressman Gilman and it is because of their tenacity and dedication to this issue that so much data has been accumulated. It is obvious on the basis of 1600 exhibits that there are gross violations by the Soviet Union in regards to the Universal Postal Union Convention.

Human Rights within the Soviet Union are constantly violated. The most flagrant denial of the basic human right, the right to life, was wiped out by Moscow in the downing of KAL 007. This great crime against humanity is receiving world condemnation, and rightfully so. But, everyday the Soviet Union willfully and consistently violates human rights and these violations are totally ignored by the world press as well as by the American media.

At this time, I am not talking about the 4 million political prisoners who are languishing in Soviet concentration camps or are being injected with mind boggling drugs in psychiatric hospitals for speaking out against the denial of basic human rights in the Soviet Union. I am not talking about these brave men and women and their noble struggle. I am talking about your ordinary Ukrainian citizens and their right to communicate.

The flow of mail between people across international boundaries is guaranteed by various treaties and covenants that the Soviet Union signed. Yet, it is clear that there is a definite calculated attempt by the Soviet government not to abide by these agreements.

Freedom of communication, which is guaranteed by the various provisions are considered by the Soviets to be a "privelege", and not a right. The Soviet government is using this "right" to isolate non-Russian groups, by denying them a lifeline to the outside world. They do it by falsely

signing registered mail and then confiscating the mail or by returning legitimate mail marked "addressee unknown", when in fact our sources verify that the addressees are living at the stated address. In other instances postal items have been confiscated, opened, inspected and simply discarded. There is also a calculated program of harassment through surcharges on parcel post items.

To this end, I have submitted exhibits 958, 959, 960 pertaining to service charges by the U.S.S.R. licensed postal services. In addition, we have submitted documents entered as exhibit 904 in which people in Ukraine were asked to refuse packages by their own postal authorities. This occurred in April 1983 in Ivano-Frankivsk region of Ukraine and were verified by tourists. In another instance, the Soviet Postal Authorities had the gall to tell one addressee "Do not accept this package, it isn't honorable. Soon no one will be getting packages."

Furthermore, we submitted exhibit 536 in which we talked about the need for more action by the U.S. Postal Service and the concern over the high charges being charged by the parcel services licensed by the U.S.S.R. and doing business at some 40 locations throughout the United States. I urge you, to take a strong look at these parcel services and determine if they should in some fashion be supervised by the Federal Government.

The fragile lifeline between those U.S. citizens who wish to correspond with friends or relatives in the Soviet Union is very tenuous because of Soviet policy of isolating individuals from the outside world thru the non-delivery of mail. In most instances the families are without any political involvement whatsoever and yet, their mail does not reach them or the mail that they send out to their relatives outside the Soviet Union is held back. Their letters are not political, they are simply personal correspondence. Mail is their only connection with families and friends outside the Soviet Union and parcels sent to them, in many cases, are their only means of sustenance.

The mailing of parcels to the Soviet Union is a costly and difficult proposition. The import tax is so steep that it almost doubles the cost of the parcel itself. The assessed value of some items sent to the Soviet Union are many times their normal value. Also, the Soviet government imposed stricter regulations with regard to how many items could be sent in a single parcel. In some cases the packages do not get through even though the sender has prepaid for the package, the Soviet authorities simply confiscate the package for their own use and tell the addressee that the package got lost. In other instances the parcel is returned without any explanations and the sender has to redeem the package by paying as high as $60.

The Soviet government comes out the winner, it receives the hard currency it so desperately needs and, in the process it further dehumanizes and isolates the family for whom the package was intended.

In documents entered as exhibit 961 thru and including 1046 we have submitted evidence about high service charges by the Soviet licensed parcel services and the high surcharges upon the return of the merchandise to this country.

The most notorious violation of mail communication is into Soviet concentration camps. Various Human Rights organizations regularly send letters of support to political prisoners, although these letters never reach the political prisoner invariably they hear about them.

This spring President Reagan received a letter smuggled out of concentration camp #36, which is part of a vast penal gulag located near the city of Perm, Russia. The letter initiated by Mykola Rudenko, poet and founding member of the Ukrainian Helsinki Group, and signed by 9 political prisoners, asked President Reagan to help form an international commission to inspect Soviet prison camps. They said that lawlessness is so widespread that it is no longer merely a question of violation of human rights, but of premeditated inhumanity. In their appeal to the President, they stated that not a single letter from abroad reached the camp in the last several years.●

NOTICE THAT THE COMMITTEE ON ENERGY AND COMMERCE WILL SEEK A RULE LIMITING GERMANE AMENDMENTS TO H.R. 2755

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DINGELL. Mr. Speaker, pursuant to the rules for the Democratic Caucus, notice is hereby given that the Committee on Energy and Commerce is seeking a rule which would limit germane amendments to the bill, H.R. 2755, the Federal Communications Commission Authorization Act of 1983, which was reported from the committee on September 15, 1983.●

BRAVE MEN, FUTILE MISSION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MINETA. Mr. Speaker, the San Jose Mercury has once again voiced a clear and unambiguous view of this administration's policy in Lebanon. In an editorial on October 30, the Mercury said the men who died in Lebanon were honorable men, but that the "policy that sent them to Beirut deserves no such honor."

Along with my colleague DON EDWARDS, I urge Members to consider carefully this thoughtful editorial:

BRAVE MEN, FUTILE MISSION

Having relinquished the moral high ground in Grenada, President Reagan sought to regain it in Lebanon last week, suggesting to Americans that to alter the nation's course in Beirut would dishonor the dead.

Few politicians ever have so skillfully attempted to enlist America's emotions to embrace such a futile mission.

Who among us does not mourn the death of the more than 200 Americans? Who does not long to believe that our brave countrymen died for a great and distinguished cause? Who could fail to hope that though their lives were lost, their peace mission was not?

The president understood the depth of our feelings and our instinctive desire for both vengeance and purpose. And he appealed to our hearts, not our minds.

"Brave young men have been taken from us. Many others have been grievously wounded," he said. "Are we to tell them their sacrifice was wasted? They gave their lives in defense of our national security every bit as much as any man who ever died fighting a war. We must not strip every ounce of meaning and purpose from their courageous sacrifice . . .

"We cannot and will not dishonor them now and the sacrifices they have made by failing to remain as faithful to the cause of freedom and the pursuit of peace as they have been."

He seemed to suggest that those who love their fellow Americans must not now criticize the policies that placed them in Beirut. Failure to invest confidence in America's presence in Lebanon, the president seemed to say, is to desecrate our fallen comrades.

But painful as they may be, the deaths of Americans cannot now be made to rationalize a policy that was flawed from the start. Conscience and reason demand that those who believe the president was wrong to send Marines to Beirut do not now justify their deaths by accepting the president's Mideast mission.

Reagan has failed to show that either Israel's security or our own demands an American presence in Beirut. Nor has it been demonstrated that our presence there is building or even keeping the peace. If Israel remains confident of its safety with the Syrians occupying the Bekaa Valley, why cannot we?

The Marines should not withdraw immediately. Having been wounded by a faceless enemy against whom retaliation has not been possible, the United States should take no action that suggests it can be so easily intimidated.

But our troops should withdraw soon. America should not persist in implementing a military mission that has no genuine hope of success. Amin Gemayal and other leaders in Lebanon should be given 60 days to begin serious reconciliation moves. After that, American forces should pull out, at least to offshore ships.

In the meantime, the Marines must recognize they are not a neutral force in Beirut and must therefore adopt the defensive posture of troops in a deadly war zone.

At home, Americans and their representatives in Congress should reject the argument that says criticism of the nation's foreign policy either endangers troops or dishonors the dead.

This emotional appeal and the ensuing failure to ask "Why?" is precisely what led to 57,000 American deaths in Vietnam.

American soldiers on the battlefield must be protected regardless of the policy that placed them there. But we must not stifle criticism of that policy when it is wrong. To do so sacrifices reason when it is most needed to protect against further deaths.

What greater waste can there be than to spill more American blood on a mission that defies success?

The Americans who died in Beirut felt it was their duty to serve their country as soldiers. They were honorable men. But the policy that sent them to Beirut deserves no such honor. To try now to cover that policy with glory would, indeed, denigrate the survivors as well as the dead.●

THE 40TH ANNIVERSARY OF CHINA LAKE NAVAL WEAPONS CENTER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. THOMAS of California. Mr. Speaker, I would like to bring to the attention of Congress the fine record of service compiled during the last four decades by the Naval Weapons Center at China Lake in my district.

China Lake Naval Weapons Center celebrates its 40th year of service on Friday, November 4, and it has indeed been a distinguished 40 years for the center. Most of the conventional airborne weaponry used by the free world today was developed at China Lake NWC, which is the Navy's top research, development, test and evaluation center for air warfare systems. More than 550 different programs encompassing all sorts of weapons and technology are carried on at NWC, which is quite a large mission for a facility created at an isolated desert crossroads.

In 1943, the Navy needed more room for a new proving ground for its aviation ordnance, and the California Institute of Technology needed space to test a new 3.5-inch aircraft rocket being considered for use as a weapon in World War II. The Navy and CalTech started looking for a site, and they settled on the Indian Wells Valley, 150 miles out in the Mojave Desert from Los Angeles. Virtually overnight, a test center and accompanying community sprang up. In the years following World War II, the Naval Ordnance Testing Station (which became the Naval Weapons Center in 1967) was to play a critical role in developing such weapons as the Zuni rocket, the Shrike antiradiation missile, the Polaris missile, and the Sidewinder guided missile used by our Navy pilots in 1981 to shoot down two Libyan jets which attacked them over the Mediterranean Sea.

The work carried on at China Lake is vitally important to our national defense. NWC's motto is "Insuring a Modern Navy," and the technology developed at China Lake will help keep all of our armed services better prepared to meet the challenges posed to America's security in the years ahead.

Mr. Speaker, I am proud of the men and women working at China Lake Naval Weapons Center. They are a group of dedicated people, and they deserve a grateful salute from the rest of us as NWC reaches its 40th anniversary. It truly takes "the right stuff" to keep our Nation's defenses prepared, and these people have it.●

1983 SIDNEY R. RABB AWARD TO DONALD O. SCHNUCK

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. YOUNG of Missouri. Mr. Speaker, on October 18, I had the pleasure of attending the annual banquet of the Food Marketing Institute, the trade association for food wholesalers and retailers. The high point of the evening was the presentation of the most esteemed award in the supermarket industry—the Sidney R. Rabb award. It is given to an individual who has demonstrated outstanding concern for the consumer, the industry, and the community. This year, the award was presented to my constituent and very dear friend, Donald O. Schnuck, president and chief executive officer of Schnuck Markets of Bridgeton, Mo.

Rather than try to paraphrase the evening's remarks, I will read the complete text of the presentation:

TEXT OF PRESENTATION OF 1983 SIDNEY R. RABB AWARD TO DONALD O. SCHNUCK BY BYRON ALLUMBAUGH, CHAIRMAN, FOOD MARKETING INSTITUTE

Now let's turn to the award tonight. And once again we find the award goes to a family it has visited before. The winner of the 1983 Sidney R. Rabb Award is Donald O. Schnuck, the president and chief executive officer of Schnuck Markets, Inc.

He and his father and brother, Ed, founded the company when they sold their neighborhood grocery stores, which they had individually operated after World War II in St. Louis. They pooled their resources to buy one supermarket in 1952.

Since then, the company has grown into the largest retail food chain in the St. Louis area and enjoys the largest market share by a comfortable margin. Schnucks now operates 60 supermarkets in Missouri, Illinois, Indiana, and Kentucky.

Beyond that, the company is completely integrated. It operates its own mechanized warehouses and distribution facility, an egg-laying farm and feed mill, and a dairy processing plant.

Don has long been committed to serving the consumer, which is the basic business philosophy responsible for his success. Schnucks has been innovative through the years in initiating dialogue with consumer leaders and being the first to offer new consumer programs.

As a matter of fact, Schnucks was probably the first company to receive the endorsement of Missouri's leading consumer activist, favoring scanning with shelf pricing. This came in the face of intense labor and political opposition.

Don has received numerous civic and marketing awards during his career. He has been heavily involved in the St. Louis Community.

Currently, Don is Chairman of the Board of Trustees of the St. Louis Children's Hospital. In that capacity, he also serves on the Board of Directors of the Washington University Medical Center in St. Louis. This medical center is the fourth largest in the U.S.

During his more than ten years of service to Children's Hospital, Don has served on nearly every committee of the hospital. He was particularly responsible for the planning for a new 84 million dollar Children's Hospital—which will open its doors in the spring of 1984.

This is a 500 thousand-square-foot facility, which, in Don's words, is "destined to become the premier provider of children's health care in the United States, if not the world, because of our already established reputation as one of the leading research and teaching children's hospitals in the U.S."

Don holds directorships on the boards of Mercantile Bancorporation, Mercantile Trust Company and the YMCA of Greater St. Louis.

Don is the immediate past chairman of the Junior Achievement of Mississippi Valley. As a long-time supporter, he has served on that board for nine years. This has been the leading JA program in the country for the past 20 years. He has guided the direction of JA programs so that during the last school year, 16 thousand students participated in the Mississippi Valley program.

Of those, 85 hundred high school students participated in traditional JA companies. The remaining 75 hundred were eighth and ninth graders who studied business topics with a guest business consultant in their social studies classes once a week for 15 weeks.

In a new pilot program, fifth and sixth graders are learning basic business principles. During his tenure as chairman of Junior Achievement, Don appointed a long-range planning committee and successfully directed its work.

He has also been personally responsible for continuous fund-raising activities. For example, he secured an 80 thousand dollar donation of tools and equipment from another St. Louis firm.

Don is an active member of Civic Progress. This is an association of chief executive officers of large corporations with headquarters in St. Louis. It was established to encourage business participation in community affairs. Don has served on many government food industry committees and as president of the Board of Trustees of John Burroughs School.

In 1982, an honorary Doctor of Laws degree was conferred upon him by Maryville College in St. Louis. He is an honorary member of the Epsilon Chapter of Beta Gamma and the National Honor Society, and a recipient of the DeMolay Legion of Honor degree.

Don has been a leader in the Food Marketing Institute and its predecessor organizations. Don served as chairman of FMI from 1979 to 1981. One of the many accomplishments during his term was the creation of the Industry Relations Committee. This panel helps maximize cooperation and coordination among food retailers, wholesalers and suppliers—for the benefit of the industry and the consumers we serve.

He served as vice chairman of the National Association of Food Chains. And he continues to serve on numerous committees of the institute.

Don attended Washburn University in Topeka, Kansas and Washington University in St. Louis—majoring in business administration. He served as a commissioned officer in the U.S. Navy during World War Two. Don and his wife, Doris, have six children and nine grandchildren.

Don is a native of St. Louis, and he takes his commitment to the community very seriously. I would like to close by relating one example that shows how he lives up to that commitment.

Last December St. Louis was hit by disastrous floods. Literally overnight, thousands of people were left homeless. Don stepped in immediately, even before the official disaster relief could be organized. His company donated 50 thousand dollars in food, transportation and services to aid the victims.

Don worked with the emergency crews of the Salvation Army and the Red Cross, personally seeing to it that emergency supplies—ranging from food to medical supplies to baby food and disposable diapers—were transported from the Schnucks warehouses to where they were needed.

Once Don got the ball rolling, other St. Louis companies responded in a similar way. Numerous suppliers and manufacturers offered assistance, because they knew they had a responsible and organized clearing house to distribute the goods they wished to donate.

Don provided a facility near the flooded area, which was desperately needed to process victims and to use as a staging area for supplies for the Salvation Army. In fact, this facility stayed open into the spring of this year while the Salvation Army continued its clean-up work.

Schnuck employees responded to his leadership by donating their own time to sort clothing and clean up the homes of fellow employees who are victims of the flooding. The employees even organized their own victim relief fund for their colleagues, which included cash donations and Christmas gifts, as well.

That is the sort of response that Don Schnuck makes when he takes on a project. And that is the response his leadership brings out in other people. Don, congratulations, the award is well deserved.●

VAPID DEPLOYMENT FORCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LANTOS. Mr. Speaker, in the turbulent Middle East, it is critical that the American people and the U.S. Congress clearly understand who are our truly dependable allies.

In this connection, I would like to share with my colleagues in Congress a thoughtful and analytical article from the New Republic of November 14, 1983.

VAPID DEPLOYMENT FORCE

The massacre of Marines in Beirut graphically illustrates how difficult it is to maintain an American presence in Lebanon and how determined are those opposed to it. The Persian Gulf, certainly as important to the United States as Lebanon, is at least as great a challenge. President Carter declared it such vital interest that the United States was prepared to use military force if necessary to defend it. For a long time, the United States didn't have to. The Shah of Iran was a strong and willing surrogate. Since his fall, the U.S. has been running around the area trying to find someone to defend its interest in the Gulf. It is a serious problem that has yielded a string of unserious solutions.

Zbigniew Brzezinski was partial to Iraq. True, Iraq was and is, the most virulently anti-American Arab state in the Gulf. It has spearheaded the Arab rejection of Camp David, led the boycott of Anwar Sadat, and backed the Abu Nidal gang, whose specialty is equal opportunity terror (it attacks Palestinian moderates and European synagogues, anything to make peace more difficult). Bravely refusing to confuse power with principle, Mr. Brzezinski advocated a tilt toward Iraq because of its strength. Iraq put its strength on display by picking a war with a convulsed and almost technologically disarmed Iran. Iraq now finds itself desperately suing for peace. (Now that Iraq has been beaten, there are voices in the current Administration calling for a new tilt to Iraq, a development that proves once again that when ignorance is wedded to stubbornness it can transcend even ideology.)

Next there was Egypt. Operation Bright Star, which featured Egyptian and American boys shoulder to shoulder in the desert as spectacular live bombing runs took place overhead, was a symbol of American-Egyptian military cooperation. The difficulty had to do with substance. When Libya invaded Chad earlier this year, the United States (and then France) looked for ways to stop its advance. Not only did President Mubarak not lift a finger on behalf of Chad, but when the United States sent AWACS planes to the Sudan as a warning to Qaddafi, Egypt hastened to assure the world that it had nothing to do with this American action. Next customer.

The perennial candidate for defender of American interests in the Gulf, the Harold Stassen of the region, is the King of Saudi Arabia. The point of the AWACS sale of 1981, and the F-15 sale of 1978, was to induce the Saudi rulers into closer cooperation with the United States. To that end we've given them enough sophisticated equipment to sink the *New Jersey*, and that for an armed force about half the size of New York City's (excluding Guardian Angels). Yet Saudi Arabia is so weak that it cannot even defend its interests in the Gulf, let alone ours. Its current idea of defense is to throw money at Iraq so it can fight Iran. And as for military cooperation with the United States, the Saudis make a point of refusing any, as a way of placating their enemies. Their loud and frequent protestations of neutrality always feature the declaration that they will not permit American use of their military facilities. They long ago shut down their U.S. air bases; they insisted that the AWACS sent to defend them be transfered to Saudi control (that was the point of the sale); and they regularly pressure the smaller Gulf states to embrace a similar neutrality.

The reductio ad absurdum of a policy of relying on moderate Arabs to act on behalf of the United States would be to lean on the weakest reed of them all, King Hussein of Jordan; and now this has happened. For two years the Reagan Administration has been secretly training and preparing to equip Jordan with advanced aircraft, sophisticated anti-aircraft missiles, and light tanks, for . . . a Jordanian rapid deployment force, to fly around the Middle East putting out anti-American and anti-moderate-Arab fires.

It's hard to know where to start on this one. Hussein has never been known to deploy anything rapidly, and certainly not an armed force in defense of others' interests. He can barely defend his own. As for larger issues, Hussein, to put it kindly, doesn't like to get out front. He refuses to act without an Arab consensus at his back, which is as good as a pledge of paralysis. Six months ago he gave up a chance to pursue President Reagan's Middle East peace plan—which promised to return the West Bank to him—because he couldn't get Yasir Arafat's permission. This is the man we expect to throw his armed forces into the breach when we need him in the Gulf?

This plan is now said to be jeopardized by public exposure. Why? Because Hussein, like other Arab moderates, is afraid of being perceived as militarily linked to the United States. The point of most secret agreements is to keep them from enemy eyes; a secret agreement with Hussein, however, must be kept from his own people, and from others on whose behalf military force is presumably to be deployed. Some agreement.

The most disagreeable bit of rationalization to defend this zany idea was produced by the Administration official who argued that in the light of Israeli "retrenchment" the United States had to turn elsewhere for help. But the Jordanian R.D.F. idea came up two years ago, when Israeli retrenchment was hardly an issue. (That was when Israel was retrenching its way into Iraqi nuclear reactors.) Israeli "retrenchment" is barely two months old. It consists of Israeli withdrawal from Beirut (the United States had opposed the original advance) to the twenty-five-mile line which only a year ago critics had proclaimed the limit of legitimate Israeli security interests in Lebanon.

How does the United States defend its interests in the Gulf? If it wants to rely on a surrogate, there's only one nation in the area that is a strong, stable, and organic ally. Its people don't have to be denied information about military arrangements with the United States, its military can project force from Uganda to Iraq (the Nile to the Euphrates, as some would have it), and it has more than once welcomed military cooperation with the United States.

The United States may choose not to avail itself of Israel. In that case it must do the work of a great power and rely on itself.●

THE DEATH OF THE GREAT GEORGE HALAS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GOODLING. Mr. Speaker, on October 31, the Nation lost one of its great personalities, football's George Halas. Mr. Halas owned the National Football League's Chicago Bears since the early 1920's and is recognized as one of the founding fathers of professional football. Through his unbridled efforts, Mr. Halas helped make professional football one of the major entertainment mediums in our Nation today. He was instrumental in bringing pleasure and enjoyment into countless American homes.

George Halas' accomplishments in the sporting world are innumerable; I would like to take this opportunity to try to cite just a few. For a short time he played rightfield for the New York

Yankees before being replaced by one Babe Ruth, whose prominence in that sport need not be mentioned. He was also a member of the team that won the 1919 Rose Bowl. As a coach and owner, George Halas' teams had unparalleled success. He coached the Chicago Bears to 326 wins and 5 league championships.

Perhaps my most important comments on Mr. Halas should not be made about his career in sports, but of his personal commitment to his fellow man and his Nation. He was a fiercely loyal and principled man who was greatly respected by those who came to know him. On two occasions, he left his civilian life to serve his Nation in the U.S. Navy—during World War I and again during World War II.

Mr. Speaker, I would like to express my appreciation of Mr. Halas' accomplishments and recognize the outstanding contribution he has made to the American lifestyle. My prayers and sympathy go out to his family and loved ones. The Nation has lost one of its most colorful and significant personalities.●

DEFICIT SPENDING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TALLON. Mr. Speaker, 9 years ago the Congress enacted the Budget Act in order to control spending. The Federal deficit in that year was a little more than $4.5 billion. In the following years, under both Republican and Democratic Presidents, there were Federal Government deficits ranging from $27 billion to $110 billion. Now in fiscal year 1983, the deficit has risen to $195 billion.

These deficits have placed an enormous burden on our already weakened economy. Deficit spending forces the Government to borrow available credit which then diminishes the amount of capital available in the private sector for investment and personal borrowing.

For too many years, the Federal Government has used deficit spending to finance Government programs. I, for one, am tired of financing Government spending splurges with deficits that weaken the economy and leave a debt that future generations of American taxpayers will be forced to pay. It is time to tear up the national credit card by adopting a new, bold, and effective budget strategy which will force this Congress to make hard decisions.

That new strategy is the pay as you go budget. This budget proposal is a workable and nonpartisan plan. It is similar to the budget procedures used by over 40 of our State governments. It does not mean that spending cannot increase; it does mean that new spending will not mean new deficits.

The operation of the pay as you go process is very simple. Under this plan, we would establish a spending baseline at the current year's budget outlay total.

Pay as you go prohibits the Government from spending any more money next year than it did this year, unless Congress is willing to totally offset that new spending either by raising revenues or by cutting spending elsewhere in the budget. Unlike a strict budget freeze, pay as you go permits additional spending above the current spending levels—for education, defense, social security cost-of-living adjustments, highways, or any other program—but only if we are willing to pay for those new spending decisions. Pay as you go says to the Congress, to the President, and to our constituents that we must have the courage to pay for our spending decisions rather than deferring payment by increasing the national debt.

Implementation of the pay as you go process will achieve a rapid reduction in Federal deficits. It will stop the Federal Government from consuming the credit which is required to finance economic growth and provide jobs.

According to the Congressional Budget Office, if pay as you go had been adopted when it was first introduced in 1982, the Federal budget would have run a surplus of more than $27 billion in fiscal year 1985. Now we are finishing a year with a $195 billion deficit, and it will take us longer to cut back our deficits and balance the budget. In the budget resolution that the Federal Government is currently operating under, the deficit for 1986 is projected to be $130 billion. Under the pay as you go budget, the 1986 deficit would be $49 billion. In 1988 with pay as you go, we would have a balanced budget.

Adoption of the pay as you go budget process would be a historic moment for this Congress. No longer would we continue to spend billions of deficit dollars to conceal waste, special interest benefits, or outdated and lavish programs that the economy cannot afford and the voters do not support.

We have an opportunity to change the budget. We have an opportunity to make the budget process fair. We have an opportunity to balance the budget, and maybe even more importantly, we have an opportunity for the first time to provide a budget process that all Americans can understand because it is very simple and direct.

During the 98th Congress, this may be the most important issue before us. Are we going to shackle the taxpayer, the investor, the small businessman, and the first-time home buyer with $200 billion deficits? Or will we be able to end this spending drain on the American public?

Over 150 years ago, Thomas Jefferson wrote that it is incumbent on every generation to pay its own debts as it goes. I think the time has come to follow Mr. Jefferson's instructions.●

BLATANT DISCRIMINATION INHERENT IN U.S. VISA POLICY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LENT. Mr. Speaker, Secretary of State for Northern Ireland, Mr. James Prior, will be arriving in Washington today as the first stop on his American tour. This ironic situation clearly demonstrates the blatant discrimination inherent in the State Department's policy on visa applications.

Secretary Prior, an appointed member of the British Government is permitted to travel and speak freely in the United States regarding his Government's policy in Northern Ireland. However, the official spokesman for the Sinn Fein Party, Joe Austin, Rev. Ian Paisley, and others have been denied visas and the opportunities afforded Secretary Prior. The denials have even been directed at officially elected members of the British Parliament from Northern Ireland.

Americans accustomed to constitutional guarantees of freedom of speech greatly resent the State Department's denial of such rights to those who oppose British oppression of Northern Ireland.

As a concerned member of the ad hoc congressional committee on Irish affairs, I demand the State Department reevaluate its present policy and institute a more open, more fair visa policy with respect to visitors from Northern Ireland.●

THE SOLUTION TO THE ACID RAIN PROBLEM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OTTINGER. Mr. Speaker, an excellent article appeared today in the New York Times written by my distinguished colleague from Minnesota, GERRY SIKORSKI. In this article, Mr. SIKORSKI outlines very succinctly the issues related to acid rain control and how we can begin to deal with this devastating problem.

I would like to urge my colleagues to read the following article and then to endorse H.R. 3400, the acid rain control legislation that Mr. SIKORSKI has authored along with Mr. WAXMAN.

[From the New York Times, Nov. 1, 1983]

TO FIGHT ACID RAIN

(By Gerry Sikorksi)

WASHINGTON.—There is a growing consensus in America and the Congress that it is time to control acid rain by reducing emissions of its two principal ingredients, sulfur dioxide and nitrogen oxide. But the problem has been wrongly construed as one facing only the Northeastern states, and the solution an Eastern one. In fact, the problem is national in scope and can be resolved only with an approach in which clean-up costs are borne equally by all the states.

The Environmental Protection Agency has reported that the regions of the United States that are vulnerable to acid rain stretch from Florida to the state of Washington, and from California to Maine. According to the Reagan Administration's Interagency Task Force on Acid Precipitation, vast areas of the South, Southwest and West are vulnerable to acid rain. In all probability, acid rain will begin to damage those areas in coming decades—if the damage has not in fact already started.

There are two ways to reduce emissions of sulfur dioxide from their main source: coal-burning utilities. One is to require utilities to switch from high-sulfur, Eastern coal to low-sulfur coal from the West. But this switch has been strongly resisted by Eastern coal-mining states, which stand to lose as many as 300,000 jobs, according to a Congressional Research Service study.

The alternative is to require utilities to install scrubbers to remove sulfur dioxide from plant emissions. Scrubbers are so costly, however, that their installation would cause double-digit rate hikes in many Midwestern states.

The best solution to the dilemma of protecting jobs and the environment is national cost-sharing, as is proposed in the National Acid Deposition Control Act of 1983. The bill would add a fee of one-tenth of a cent for each electric kilowatt generated by every utility in the continental United States. This would cost an average American family 50 to 75 cents a month. The money collected would pay up to 90 percent of the onetime cost of installing scrubbers at the 50 dirtiest plants in the nation. Sulfur dioxide emissions would be cut by seven million tons a year while allowing the utilities to continue burning high-sulfur Eastern coal, protecting thousands of mining jobs.

Beyond this, the legislation calls for removing four million tons of nitrogen oxide a year through strict controls on new power plants and trucks, and another three million tons a year of sulfur dioxide in a complex formula. States that exceed a certain minimum level of sulfur dioxide emissions would share in the added reductions in proportion to their contribution to the pollution, minus a credit for reductions gained by cleaning up any of the 50 dirtiest plants located within their borders. For example, if Ohio is responsible for 10 percent of the nation's sulfur dioxide emissions, then it would have to reduce its emissions by 300,000 tons minus the reductions already gained by placing scrubbers on any of the 50 dirtiest plants that are located in the state.

It is often argued that, instead of mandating the installation of scrubbers, the Government should allow utilities to choose between scrubbers and switching to alternate fuels. But utilities have already made their choice, and it is to spend their pollution downwind, eventually damaging the ecosystems of distant states. This irresponsible practice, with its manifestly harmful effects, must end.

Some have proposed a sulfur dioxide emissions tax, which would put the economic burden on those who produce the pollution. While this argument is attractive to residents of the Northeast, in practical terms it means that emissions would not be reduced. The administrative complexities of an emissions tax are forbidding, since it would require monitoring every power plant and factory in the country to insure their compliance with the law.

The National Acid Deposition Control Act is gathering widespread support. The Denver Post has called the approach "sound" and the total price a "bargain." The Los Angeles Times said that the act is in America's interest, even while pointing out that most of the damage is occurring in the Northeast. These Western papers support the measure because it is fair and economical, and because it will end an environmental assault that the National Academy of Sciences said is costing the East $5 billion a year.

The well-documented destructiveness of acid rain is too great to allow us the luxury of experimenting with well-intentioned but untried and unacceptable, ideas. Instead, we should seek a solution that we know can work. The bipartisan National Acid Deposition Control Act equitably distributes the economic burden, preserves jobs and vigorously attacks the problem of acid rain. America needs this legislation now.●

DON'T CUT FUNDS FOR EDUCATION!

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HUBBARD. Mr. Speaker, I recently received a letter from Dr. Kala M. Stroup, the president of Murray State University, Murray, Ky., which I would like to share with my colleagues at this time. Dr. Stroup writes regarding her deep concern about proposed funding cuts in TRIO programs which benefit disadvantaged youth. In light of the successful Upward Bound project at Murray State University and at other institutions across the Nation, I am hopeful that my colleagues will listen to her plea for support of higher education and disadvantaged youth programs and funding.

Dr. Stroup's letter follows:

MURRAY STATE UNIVERSITY,
Murray, Ky., September 30, 1983.

Representative CARROLL HUBBARD, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HUBBARD: I am writing you to express my deep concern about proposed funding cuts in TRIO programs which benefit disadvantaged youth.

Since 1964, the Murray State University Upward Bound Project has provided an invaluable service to the disadvantaged high school students of the Jackson Purchase by helping them pursue a college education. The programs designed by our Upward Bound Project offer an array of support services which help students develop the academic, problem solving, and inquiry skills and talents so needed for success in higher education.

The other TRIO program which we operate at Murray State is The Special Services For Disadvantaged Students Project which serves low-income, first generation, and disabled college students. The special services provided include tutoring, counseling, individual planning, and readers, interpreters, notetakers, and typists for disabled students.

As you are no doubt aware, the President proposes to reduce TRIO funding in the fiscal year 1984 by 77 percent. He has not included any monies for Upward Bound projects in his fiscal year 1984 Budget. The results of these proposed cuts would be to eliminate all 640 Special Services projects nationwide, or to cut all 430 Upward Bound budgets by 35 percent and to eliminate 230 Special Services projects.

I am asking for your continued strong support for TRIO programs. In the past we have appreciated your support of funding of TRIO programs and other higher education legislation. A $170 million level of funding for TRIO would make up for the 29 percent loss of real dollars (adjusted to reflect increases in the consumer price index) between fiscal year 1980 and fiscal year 1983.

We appreciate your interest in these programs and your support of higher education.

Sincerely,

KALA M. STROUP.●

COMPUTER SECURITY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WYDEN. Mr. Speaker, the problem of protecting computer and automated information systems from abuse has been playing center stage in the media lately.

In particular, the electronic trespassing by a group of Milwaukee, Wis., youths of the Los Alamos Nuclear Laboratory and the Sloan-Kettering Cancer Center has focused a great deal of attention on the capabilities—and vulnerabilities—of computer systems across the country.

Because computer security has international as well as domestic ramifications, it is interesting to note that this complex subject was a principal topic of the International Carnahan Conference on Security Technology held October 4-6, 1983 in Zurich, Switzerland.

Louise Giovane Becker, specialist in Information Sciences and Technology at the Library of Congress Congressional Research Service, and one of the country's leading experts in the field of computer security, presented a significant paper at this conference that addresses some of the policy concerns related to computer security.

Because of the importance of this issue and the great insight which Mrs. Becker brings to the issue, I am including excerpts from her paper:

COMPUTER AND COMMUNICATION SYSTEMS SECURITY: POLICY CONSIDERATIONS IN A TECHNOLOGICAL AGE

UNDERSTANDING THE PROBLEM

Computers and associated technologies affect programs ranging from national defense, intelligence, and space programs to air traffic control, health, manufacturing, financial activities, education, and personal computing capability. The broad spectrum of computer activities and the value of these resources prompts consideration to adequate controls.

Information technologies, including computers, telecommunications, data networks, and word processors, provide the framework for the remarkable information age. While these technologies are valuable resources in themselves the data and information handled by these innovations often represent a considerable investment.

In certain environments computer security is considered an integral part of the management effort. This is most apparent in national security systems in which there is a dedication to protecting information from being compromised. The computer security management commitment in national defense arena is rarely found or necessarily desired in other environments.

In some organizations there is reluctance to institute computer security measures. Often a lack of awareness of the threats and vulnerabilities is a barrier to putting good computer security practices to work.

Many organizations do not have an appropriate set of support systems to protect computerized resources. They may even find that it is difficult to pinpoint responsibilities or institute controls to protect these resources.

Another problem is the reluctance of certain organizations to share information on the fact that a penetration of their systems has occurred. In these organizations' acknowledgement of problem or threat will not necessarily prompt management action. Fearing that the public trust may be harmed, organizations may fail to report or remedy certain problems.

THREATS AND VULNERABILITIES

Computer vulnerabilities, real and imagined, provide the basis for the continuing concern with protecting information resources. Computers are associated with the critical functions (such as, air safety, banking, and electrical/nuclear power controls) remain vulnerable. Specific computer abuses have prompted media attention or law enforcement investigations. These are indicative of the problems confronting computerized resources. Reports of computer crime, illegal use of systems, misuse of automated information resources, and denial of access to information and services contributes to the concern with computer vulnerabilities.

RESOURCE ALLOCATION AND ORDERING PRIORITIES

The allocation of resources is central to an effective computer security program. Organizations face a difficult problem of balancing security requirements and costs. Another resource allocation difficulty is the dichotomy between systems performance and organizational or mission objectives versus security requirements. In Federal agencies as well as private sector organizations where mission or objectives are consistent with security goals it is often relatively easy to justify the cost of security. Organizations with too few resources and a limited understanding of the problems often are reluctant to allocate resources to security matters. In many instances balancing the probability of losses of data or systems availability with costly security measures is a dilemma.

Even when resources are available there is the problem of ordering priorities. Often organizations are not always aware of the risks or may not fully understand the value of the computerized resources. In such a situation it is difficult to set priorities. In addition, goals may not always be sufficiently defined to provide a realistic framework for ordering priorities. Lack of awareness of the dangers, poor identification of problems, and limited understanding of the remedies lessens the possibility that an appropriate set of priorities will be identified.

Another factor influencing ordering of priorities is the possibility that there may be a narrow interpretation of organizational goals or mission. This narrow perception of goals may cause an override of security considerations. For example, an agency may place a high priority on its mission (such as sending out welfare or social security checks) than maintaining good security practices. The result is that the mission requirement is pursued and the security measure dismissed. This condition, generally referred to as "mission override" is a real dilemma in some Federal agencies and private sector organizations.

LEGISLATIVE CONCERN AND INTEREST

Congress has an ongoing interest in computer security, especially as it relates to Federal operations and programs. Through the years there has been a continuing interest by the Congress in protecting information from unwarranted disclosure. As discussed above, legislation limiting certain data from unwanted dissemination has been a major congressional concern. National security, effectiveness of Government computers and information systems, privacy of certain record systems, and protecting Government assets has prompted Congress to examine computer security related matters. Decades of interest in this subject cannot be adequately reflected in this summary, however, this section highlights the Federal legislators in certain computer security issues, namely: privacy, computer crime, and Federal information resources management.

In the 98th Congress two bills relating to computer crime are pending in the House of Representatives.

The Federal Computer Systems Protection Act, H.R. 1092, introduced by Rep. Bill Nelson, addresses four distinct areas: fraudulent records or data; unauthorized utilization of data; alteration or destruction of data; and stealing products, services, or data associated with computers or automated information systems.

H.R. 3075, the Small Business Computer Crime Prevention Act, sponsored by Rep. Ron Wyden, is designed to assist the small business community cope with computer crime. The bill requires the Small Business Administration establish a Task Force on computer crime to determine the nature and scope of computer crime in the small business community.

SOME OBSERVATIONS AND CONCLUSIONS

The computer security effort represents an important aspect of resources management. The considerable investment that most organizations place into computerized resources requires that these assets be safeguarded. An effective computer security program contributes to an organization's stability and productivity. The dynamic nature of the associated technologies and the dependency of the organization on the technology may require different approaches.

Over the years there have been significant improvements and developments in protecting computer resources. The private sector and Government continue to make important contributions to the development of computer security technologies. The community of computer security experts has raised managers awareness of the problems and given impetus to the use of appropriate security tools and techniques.

The commitment to computer security varies greatly. Organizations which traditionally handle sensitive data, especially government classified information, tend to dedicate resources to computer security efforts. These groups have developed standards and operational procedures which support the computer security function. The benefits of allocating resources for security are understood and facilitated by management at all levels within the organization. In this environment it is generally easier to protect computerized resources. In other organizations whose history and objectives may not be as conducive to supporting the computer security function putting such programs together remain difficult. This latter group often consider computer and information protection as a luxury option.

A number of problems make implementation of a computer security program difficult. A major problem is faced by organizations with little experience in protecting computerized resources. Instituting controls or pinpointing responsibility is difficult. The lack of trained personnel or in appropriate resource allocation remains a problem.

The role of the computer security function is not always clearly defined or accepted in some organizations. There are problems with misplacement of the function. Often the computer security responsibility is placed in the data processing office. This placement often makes it difficult to maintain the needed objectivity and to insure that policies will be followed.

The lack of computerized resources security policies and well documented practices has presented a serious problem for some organizations. The managers and decision-makers face a special challenge in meeting computerized resources security goals; maintaining appropriate controls over resource development; and improving the productivity of information systems.●

CRITICS OF KEEPING PEOPLE FREE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MYERS. Mr. Speaker, this past weekend I spoke with a very, very brave family. Betty and Richard Cline of Belle Union, Ind., had just received word that their son, Sgt. Randy Cline, 1st Battalion, 75th Rangers had given his life in the Grenada mission. The family was proud of their son and brother. He was a good ranger. They were not angry. For that, they showed a lot of courage. They blame only the Communists for his death. They had

questions, though, not with the administration or our efforts to maintain peace in the Caribbean. Their question was with some people in this country, and they named a few, the media, they said, who were constantly looking for trouble and what was wrong with the country instead of what was good in the country.

They questioned those in politics who do not stand behind our country. But they mostly questioned a group of students at Indiana University who seized upon this opportunity at the bereavement of a few to criticize what our country was trying to do.

Randy's brothers and his father said that these students were going to school exercising the right and privilege of free speech, but their statements would tear down that very freedom itself. By those statements and their actions, the Communists would be encouraged. They questioned how anyone in this country could be critical of the efforts to keep people free.

Our country is praying today and all of us are in prayer with the families of those who lost their lives in Lebanon and those who have lost their lives on Grenada. My prayers today are with Sergeant Cline's widow, Vera, their unborn child due in February, his brothers, his sister, his parents, his grandparents, and all of those who knew Randy and loved him.●

LIBERALS SHOULD BE CHEERING U.S. ACTION IN GRENADA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HYDE. Mr. Speaker, once again a column by Morton Kondracke in the Chicago Sun-Times hits the nail on the head. I hope my colleagues will read what he has to say:

LIBERALS SHOULD BE CHEERING U.S. ACTION IN GRENADA

Why so many long faces? The United States invaded Grenada to save lives, oust a gang of murderous thugs, prevent establishment of a major Cuban military base and show that America can use force successfully. We did succeed, with a minimum loss of life. I say—I say as a liberal—hooray!

Liberals seem to think they can't be loyal to their values unless they condemn President Reagan for this action, but it is precisely because of their values that they ought to praise it.

Liberals believe in democracy, and Reagan would deserve condemnation if he had acted to crush a democratically elected government. The Nixon administration may have done such a thing in Chile but in Grenada the United States did nothing of the kind.

Grenada's government, if it can be called that, came to power last month in a bloody coup that cost at least 18 lives, including that of former Prime Minister Maurice Bishop, who had himself come to power in a coup, failed to hold elections as promised and steered Grenada into the Cuban-Soviet political orbit.

Under intense pressure from democratic leaders on neighboring islands, Bishop seems to have had second thoughts about his closeness to Cuba, and he came to Washington to see if he could patch up relations. Some critics contend that if Reagan had only embraced him, the invasion would not have been necessary.

The evidence seems to be exactly to the contrary. The minute Bishop showed signs of tilting ever so slightly away from Cuba, he was ousted and murdered.

That is the appropriate parallel to be drawn between Grenada and Afghanistan. Some liberal columnists have likened the U.S. invasion to the Soviet invasion in 1979, but when the Soviets moved in they murdered a prime minister who had shown some independence of Moscow and they have kept 100,000 troops in the country to impose their will on a hostile population, using poison gas in the process.

The United States has promised to withdraw swiftly and the people of Grenada will be able to elect their next government. Anyone who believes that democracy is better than dictatorship has to agree that the people of Grenada are better off now than they were the week before last.

We liberals oppose the use of force on principle and prefer the rule of law. But honest people have to admit that, unfortunately, force has its place in this world. We do not yet live in a world of law. Even in countries where law does prevail, the use of force to defend innocent life is permitted—by police or by citizens in the absence of police. Reagan had reason to fear the U.S. medical students on Grenada might be harmed or taken hostage and he acted to protect them.

But liberals suspect that the saving-lives argument is just a cover or a convenience, that Reagan was just itching to take a shot at some leftist regime to prove that the United States could win one.

I think so, too, but I still say, as a liberal, well done. If liberalism values self-determination, peaceful change and democracy, then liberal values are being threatened in the Caribbean and around the world. They need to be defended, and Reagan defended them.

Grenada's neighbor islands of Barbados, Dominica, Antigua, St. Lucia and St. Vincent—democracies all—felt threatened by the buildup of Grenada's military forces, by the influx of armed and trained Cuban "construction workers," and the subsequent construction of a world-class military airport, and by Soviet contacts with leftist rebel groups in their own countries.

If the Reagan administration is correct, Grenada was soon to become a major Cuban-Soviet outpost in the Western Hemisphere, supporting subversion not only of neighboring islands, but throughout the region. The presence of 30 Soviets, including a senior general, seems to support the fear.

Beyond the immediate case of Grenada, the U.S. invasion will warn the Soviets, Cubans, Sandinistas and other aggressive leftists that the United States has overcome its Vietnam-bred reluctance to use military power to defend its interests and its values. We have employed our power to win a quick, reasonably clean victory in a very small place, but they cannot know where we might use it later.

If that deters them from aggression, that will save lives and liberty elsewhere, and that is something liberals ought to cheer.●

COMMENDING THE CONTRACT FOR LIFE

HON. WILLIAM F. GOODLING

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GOODLING. Mr. Speaker, I would like to bring to the attention of my colleagues a recent effort by the Distilled Spirits Council of the United States, Inc. (DISCUS) to combat the national problem of teenage drunken driving known as "The Contract for Life," which is one way for families to make their own personal commitment to help reduce highway accidents.

The "Contract for Life" is a cooperative public service program of "Students Against Drunk Driving (SADD), the National Football League (NFL), and DISCUS. It calls on parents and teenagers to agree that either may call home for help at any time they or their driver has had too much to drink to drive safely. After parents and teenagers have signed, the contract becomes an important family document—a pledge of mutual support and understanding.

DISCUS has announced that the contract will be offered in a series of TV, radio and magazine ads which were developed for the program. Millions of Americans watched public service messages sponsored by DISCUS and the NFL on the "Contract for Life" featuring Cowboys wide receiver Drew Pearson during the Cowboys-Raiders National Football League game on October 23. In addition to prime-time exposure during NFL games on TV and radio, DISCUS has sent the campaign materials to more than 400 TV outlets and 1,000 radio stations and requested that the messages be scheduled during their other programming. I also understand that in the coming months, the magazine ads offering the contract will appear in programs published by several NFL teams and in many general circulation magazines which DISCUS has invited to joint the effort.

I encourage my colleagues to take a look at the "Contract for Life" which DISCUS has sent to your office. It was developed by Mr. Robert Anastas, founder and executive director of SADD, "Students Against Drunk Driving." Under the terms of the SADD drinking-driver contract, a teenager pledges that he or she agrees to call a parent at any hour, from any place, if I am ever in a situation where I have had too much to drink or a friend or date who is driving me has had too much to drink. The parent of that teenager likewise agrees to come and get you at any hour, any place, no questions asked and no argument at that time, or I will pay for a taxi to bring you home safely. I expect we

would discuss this issue at a later time. I agree to seek safe, sober transportation home if I am ever in a situation where I have had too much to drink or a friend who is driving me has had too much to drink.

I have been very active in Congress in urging that my colleagues support legislative initiatives aimed at reducing the carnage on our Nation's highways which results from epidemic teenage drunken driving. I applaud the work of DISCUSS, SADD, and the NFL in this area, and will be working to promote the contracts among families and school in my own congressional district. I urge all of my colleagues to do likewise.●

MYTHS ABOUT POVERTY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WEISS. Mr. Speaker, during the last 6 months, those of us who serve on the Select Committee on Children, Youth and Families have heard deeply disturbing testimony concerning the significant increases in the numbers of poor children and poor families in this Nation. Over 8 million Americans have fallen into poverty in the last 3 years, a dramatic reversal of nearly two decades of decline in the number of poor people. Three million of them were children, the largest increase in the number of poor children on record.

These economic declines, coupled with the Draconian cuts in vital health, education and social service programs pushed through by the Reagan administration, have strained the coping capacities of millions of American families. Hunger, homelessness and reported incidents of child and spouse abuse are on the rise. There is even evidence that infant mortality rates, after nearly a century of decline, are going up in some poor communities.

The problems of poor people in this country are very substantial and very real. Unfortunately, as Cesar A. Perales, commissioner of the New York State Department of Social Services points out in a recent New York Times editorial, myths about the poor and their problems abound, and the Reagan administration has done little to dispel these damaging fallacies. He notes:

> The Reagan administration with its talk about the truly needy and the safety net, has not contributed to an understanding of the problem.

Commissioner Perales goes on to clarify a number of the mistaken images of the poor, and shows that our support of those in poverty is far less beneficent than many of us imagine.

I commend this enlightening article to my colleagues and hope that each of them will take the time to read Commissioner Perales' timely and insightful comments.

The article follows:

MYTHS ABOUT POVERTY

(By Cesar A. Perales)

ALBANY.—Not much is ever said about the poor that is accurate or clear. The Reagan Administration does not say much about the poor at all. So when it provides useful statistics, they ought to be examined.

In August, a Federal census report contained data that amounted to this: One American had fallen below the official poverty line every 12 seconds.

But the report did not point out that in the same 12 seconds, the Government spent $72,000 more on defense programs than on Aid to Families with Dependent Children, Supplemental Security Income, Medicaid, food stamps, the earned income tax credit, the work incentives program and the Jobs Corps combined.

Far from being a huge, burdensome program, welfare is dwarfed by other Federal Government activities. It looms far larger in controversy and myth than in reality, and no program—no group of people—is so badly understood as welfare and those who receive it.

The Reagan Administration, with its talk about the "truly needy" and the "safety net," has not contributed to an understanding of the problem. In fact, there has not been much effort to do so at any level of government for a long time. Thus, the myths persist, programs are cut or crippled, the number of poor people grows, and very few people understand why the "safety net" is suddenly so full.

Here are some of the myths.

People get on welfare and never get off.

The most persistent fallacy is that there are two classes of poor people—the "working poor" and the "welfare poor." Actually, the so-called welfare poor are simply the working poor who have fallen on hard times. Several studies show that most A.F.D.C. cases are open for just two years, or less. These usually come about because of some major interruption of income: illness of the wage-earner, exhaustion of unemployment benefits, desertion by a husband or father. In 40 percent of A.F.D.C. families, the adults move between low-wage seasonal labor and the welfare rolls. For them, public assistance fills the gaps in the nation's unemployment, disability and job-retraining systems. Only 10 percent of the heads of welfare families fall into the "chronic" area, receiving benefits for most of their working years.

Welfare destroys the incentive to work.

Statistics show that this isn't so. The number of New York State residents living below the poverty line increased by an estimated 22 percent between 1979 and 1982, but the public assistance caseload rose by less than 1 percent. This means that in most instances, families held on to low-wage jobs or borrowed from friends and family, turning to public assistance only as a last resort. This is confirmed by a Department of Social Services study involving 5,707 extremely low-wage families that had been receiving public assistance along with Medicaid and food stamps. They were denied benefits as a result of Federal cutbacks beginning in January 1982, and it was widely forecast that a significant majority would abandon work and return to the rolls. As of last March, 77 percent had never returned to public assistance, despite a deep recession and high unemployment; of the remaining 23 percent, about half returned briefly, then left the welfare rolls.

Women on welfare have large numbers of children so that they can increase their benefits.

In fact, the size of welfare families has fallen rapidly in recent years: Between 1969 and 1982, the average welfare household decreased by two people. Today's typical public assistance family consists of only three people—a mother and two children.

Welfare benefit levels in New York State are too generous, and attract poor residents from other states and abroad.

The 1980 census shows that 92.6 percent of all public assistance recipients were living in the state five years earlier. New York, the second most populous state, ranks ninth in A.F.D.C. benefits. Fifty-eight percent of the families in New York State receiving public assistance still live below the official poverty line. (A family of three in New York City receives $5,088 a year, which combines the basic grant, rent and food stamps; the official poverty level for that family is $7,693.)

What is decidedly not mythical is that these myths tend to guide national policy in conservative times. Moreover, a growing body of evidence points to the appearance of a small but permanent caste at the bottom of the economic ladder for whom there is no opportunity and no hope. Under the Reagan administration, many people have learned simply to expect this—it has become part of the permanent misfortune on which economic policy rests these days. And in 12 seconds, the problem will get worse.●

THE RETIREMENT OF WILLARD J. (BUCK) GRANT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DAUB. Mr. Speaker, it is indeed a pleasure to call to the attention of my colleagues the outstanding contributions of Willard J. (Buck) Grant. Later this month, Buck will retire after dedicating many years of service to his community and to the dairymen of our Nation.

Buck is a native Nebraskan, born on a farm near David City, and later graduated from high school in Bennington. Following his naval service during the war, Buck was employed as the general manager of the Nebraska-Iowa Cooperative Milk Association. After this organization merged with the Farmers Union Cooperative Creamery and the Farmers Cooperative Creamery, Buck was named general manager.

Another merger promoted Buck to vice president and general manager of the Central States Division of Mid-America Dairymen in 1975, and later that year, Buck acquired increased responsibilities as the vice president and general manager of Western Operations of Mid-Am where his duties ex-

tended beyond Nebraska into neighboring States.

While Buck has contributed directly to the dairy business through his daily work, he has also demonstrated outstanding leadership in other areas as well. His accomplishments are numerous including service as director on the National Dairy Council, secretary and president of the Dairy Council of Omaha and Council Bluffs, director of the Nebraska Dairy Industries Association and the American Dairy Association of Nebraska.

Buck has served as the first vice president of the National Milk Producers Federation and as director of Dairy Society International and the Dairy Council of Central States and as a former member of the building committee of St. Timothy's Lutheran Church in Omaha.

Buck Grant's impressive contributions were recognized by the Nebraska Agribusiness Club when he was honored with the "Distinguished Service Award;" yet, his greatest recognition has surely been the admiration and respect of all who have been privileged to work and to be acquainted with Buck and his gracious and remarkable wife, Lillian.

The compilation of all these accomplishments make this upcoming retirement a special event indeed. His invaluable achievements throughout his years of service to our dairymen and to his community are worthy of the highest commendation, and I am proud to share them with my colleagues.●

CONGRESSIONAL SALUTE TO HON. JOSEPH J. MARTINI, DDS OF NEW JERSEY, ESTEEMED DENTIST, OUTSTANDING COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ROE. Mr. Speaker, on Sunday, November 6, the residents of my congressional district and State of New Jersey will join together in testimony to an esteemed dentist, outstanding community leader, and good friend—Hon. Joseph J. Martini, DDS, whose standards of excellence throughout his lifetime—and particularly his exemplary expertise and professional skills as a doctor of dental surgery, have truly enriched our community, State, and Nation.

As Dr. Martini is feted by his colleagues and friends for a half century of dedication and devotion to the dental health care of the people of our community, I know that you and our colleagues here in the Congress will want to join with me in deep appreciation of all of his good works and share great pride in the success of his achievements with his good wife Dorothy, his children, grandchildren, and other family members.

Mr. Speaker, when you reflect upon the fact that the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a State and Nation depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of Dr. Joseph Martini's outstanding contribution to the quality of life and way of life for all of our people.

Dr. Martini has indeed earned the highest respect and esteem of all of us who have had the good fortune to know him. We are proud to boast that he was born in the city of Paterson and for over six decades was a resident of the city of Passaic—both located in my congressional district of New Jersey. He graduated from Passaic High School in 1928 and it is interesting to note has served as chairman of his high school class reunion four times. The 55th reunion of his high school class is the oldest in the history of Passaic High School and was attended by 102 people.

Upon his graduation from high school, Dr. Martini attended Fordham University—1928-29—and attained his doctorate from the University of Maryland, Baltimore College of Dental Surgery where he graduated Cum Laude in 1934 and was elected into the Omicron Kappa Upsilon national honorary dental society. From 1937 to 1939 he furthered his educational pursuits at Columbia University, School of Dental and Oral Surgery.

We applaud Dr. Martini's knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community. He has presented essays, clinics, and seminars on subjects relating to dentistry at State, regional, and national meetings throughout the country as well as abroad.

In 1939 he joined the staff of Columbia University, School of Dental and Oral Surgery, N.Y. until 1956. During the period 1957 to 1963 he was clinical professor of dental radiology at Seton Hall College of Medicine and Dentistry, N.J.

Among his many other accomplishments in dental education and delivery systems he was director of professional services at Lactona Corp., Hatfield, Pa., in 1982. On April 27, 1983 he participated in the Joe Franklin program on WOR Television on the subject of periodontal disease. On August 23, 1983 he again joined the participants of the Joe Franklin program to present a highly comprehensive dissertation on temporomandibular joint problems.

He has authored many published papers on the practice of dentistry and dental care including the following publications:

Maxillofacial Radiology—1950: New York Institute of Clinical Oral Pathology;

Maxillofacial Radiology: Oral Surgery, Oral Medicine, Oral Pathology: December, 1950;

Novel Technic in Periapical Roentgenology Dental Radiography and Photography, Eastman Kodak Co.: 1955;

The Desirability of a Small Focal Spot for Optimum Roentgenographic Quality, Southern California State Dental Association Meeting April 8, 9, 10, 1957;

Symposium on the Temporomandibular Joint, Seton Hall College of Medicine and Dentistry, February, 1962;

The Value of Conservation of Dental Tissues in the Reconstruction of A Cleft Palate-Lip-Anodontic Case with the Aid of Endosseous Implants coauthored by Joseph J. Martini, DDS and Leonard I. Linkow, DDS; and

Periodontal Health and Oral Hygiene Quintessence Dental Digest: 1983.

Numbered among the professional projects and studies in dentistry that he has conducted through grants are the following:

Size of focal spot, 1956—North American Phillips Co., New York, N.Y.

Study of fortizyme, 1962—Breon Laboratories, New York, N.Y.

Penthrane study, 1956-67—nitrous oxide-oxygen-penthrane amnalgesia, Abbott Laboratories, North Chicago, Ill.

A kodachrome sound movie (16 minutes) titled "Intra-articular Injection Technic for the Treatment of Temporomandibular Joint Conditions and Dysfunctions"—Merck & Co., Rahway, N.J.

Throughout his lifetime Dr. Martini has forged ahead with dedication, devotion, and sincerity of purpose in his daily pursuits. He has always applied the most sophisticated and advanced techniques of his profession.

Dr. Martini has also been a staunch supporter and active participant in many civic and community improvement programs. Among some of these important endeavors, we are especially appreciative of his record of achievement as a member of the board of education of the city of Passaic—1947-53—and on the Passaic Redevelopment Agency—1968-73.

He was the 1980 "Man of the Year" of the Heart Association, Passaic County Chapter and the 1981 Man of the Year of UNICO, one of our most prestigious Italian-American organizations, with special commendations for his outstanding good deeds on behalf

of the victims of the devastating earthquake disaster in Italy. He received the highly coveted awards of distinction and citations of merit in service to our country, as follows:

Selective Service Medal of World War II and Certificate of Merit: The Congress of the United States and President Harry S. Truman;

Retired Captain of the Military Surgeons of the United States; and

Retired Senior Dental Surgeon in the Reserve Corps of the Public Health Service, U.S. Department of Health, Education, and Welfare.

It is also important to note that in an inauguration ceremony in New York City on May 20, 1983, Dr. Martini was invested with the esteemed rank of "Knight of Malta" and thus officially endowed with the dignity of a knight in the highly prestigious religious and military order of Hospitalers.

Mr. Speaker, these are some of the highlights that will be cited at the tribute to Joseph J. Martini on Sunday, November 6, by all in attendance and particularly by the distinguished members of the testimonial dinner committee and guest speaker—namely;

TESTIMONIAL DINNER COMMITTEE—TRIBUTE TO JOSEPH J. MARTINI, DDS

The Honorable: Judge Dominick Giordano, Chairman; Rev. Dr. Norman Vincent Peale, Guest Speaker; Armanek Marderossian, John J. Cascioli, Lee Terzekian, David Friedbauer, Dr. Richard Fadil, Charles Scavuzzo, Dr. Michael Ramundo, Michael Novack, Rose C. Cascioli, Eileen Donatelli, and Eileen A. Weiss.

Mr. Speaker, I appreciate the opportunity to join with these distinguished citizens in commending Dr. Martini's lifetime of outstanding public service and seek this national recognition of him and all of his good works. We do indeed salute an outstanding citizen, good friend, and great American—Hon. Joseph J. Martini, DDS—for his contribution to the quality of life for the people of our community, State, and Nation.●

STATEMENT ON INVASION OF GRENADA

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. JEFFORDS. Mr. Speaker, the question of whether or not the United States was justified in participation in the invasion is likely to remain open to debate among analysts and historians for the foreseeable future. What is urgent now is that we withdraw our troops as soon as possible.

Some of the facts and circumstances regarding the President's decision remain incomplete and murky. If we attempt to view the situation from the President's perspective, there are some facts we can all agree upon. There was a bloody coup in Grenada. The embassies of Communist nations in that tiny country were staffed with abnormally large numbers of personnel. The number of militarily-oriented Cubans on Grenada appears to be larger than previously thought, and the discovery of large supplies of Cuban and Soviet weapons points to the strategic importance of Grenada for the Communists. And we were asked to intervene by the Organization of Eastern Caribbean States (OECS).

The most questionable area at present is whether our action was justified by concern for the lives of U.S. citizens in Grenada. There is very little evidence to date that the Americans were in jeopardy. Obviously, a shoot-on-sight curfew is a matter of great concern. But only one American had been detained, and had been released. Most evidence supports the contention that if necessary, orderly evacuation of the students and other Americans could have been arranged without military intervention.

In the aftermath of the terrible tragedy in Lebanon, it is understandable if U.S. leaders err on the side of protecting the lives of our citizens. But it is not at all clear that this cause was served by the invasion.

On the purely negative side, we have antagonized many of our allies, including Britain and major Latin American nations whose interest in Grenada is at least as strong as ours. They feel that, at best, we made a serious mistake, and at worst, our larger foreign policy objectives have been placed in question. The credibility of the U.S. position in other trouble spots has, rightly or wrongly, suffered. Significant questions are raised regarding the legality of the U.S. action, under the sometimes conflicting provisions of the Organization of American States (OAS) charter and the OECS treaty, as well as our own War Powers Act. We have, at minimum, entered a gray area of both international and domestic law. However, overall I support the President's decision.

But the crucial, immediate question is what will we do next. If our role is to be legally and morally defensible, it must be limited in both scope and time. The scope must be limited to allowing Grenadians to choose their next government, even a provisional one, free from interference by any outside nation, including ours.

The opportunity for immediate withdrawal is complicated by the necessity of removing the 700 Cubans in Grenada, a nation which, like the rest of the OECS nations, lacks effective military defense. But the longer we stay, the greater the suspicion that the United States, like Cuba, is seeking to undermine the right of Grenadians to determine their own future. House Joint Resolution 402, which states that section 4(a)(1) of the War Powers Act became operational on October 25, 1983, is an important assertion of the role of Congress in approving any extended commitment of U.S. troops abroad. While I strongly hope that our troops will be home long before the 60 days expire, I voted to formalize this limitation on the President's authority to keep our forces in Grenada.

NORTHERN IRELAND AND UNITED STATES VISA POLICY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. BORSKI. Mr. Speaker, the visit this week to the United States of James Prior, the Secretary of State for Northern Ireland, prompts me to comment on U.S. visa policy.

Mr. Prior is an appointed British official, the highest ranking member of Mrs. Thatcher's government in Northern Ireland. Mr. Prior is being welcomed by the U.S. Government, and is able to travel freely throughout our country to espouse British policy in Northern Ireland. That is fine. I believe that he should be given the opportunity to explain Britain's role in Northern Ireland.

But it is ironic, Mr. Speaker, that other leaders from Northern Ireland, elected officials, are not given the same opportunity. Our State Department has regularly denied visas to political leaders who do not necessarily share Mr. Prior's view of the situation in Northern Ireland.

For example, members of the Sinn Fein, a legitimate political party in Northern Ireland, are regularly denied visas to the United States.

Mr. Speaker, I don't think that is fair, and I don't think it serves America's interests. I believe our visa policy should be evenhanded. I believe that the American people have the right to hear from all points of view from Northern Ireland.

We have a long tradition in this country of free and open debate. We believe in hearing from all sides on an issue before making up our minds. I believe in that tradition as do most Americans. And yet our State Department seeks to deny us the chance to hear from all sides in the debate on Northern Ireland through their highly selective visa policy.

Mr. Speaker, under the leadership of Mr. BIAGGI, the chairman of the Ad Hoc Congressional Committee on Irish Affairs, I intend to continue to press the State Department on this issue. It is a matter of great concern to all of us who care about Northern Ireland.●

THE DOMESTIC STEEL INDUSTRY

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. KOLTER. Mr. Speaker, at a time when the Nation's steelmakers are releasing their third quarter financial statements, I believe it is appropriate to focus on the industry's prospects for the future.

Even though the domestic steel industry appears to be recovering from its dismal, near disastrous performance in 1982, we should not assume that its problems are at an end. Events in the industry and the economy have cast a dark shadow over the future of the older and marginal facilities across the Nation. Unfortunately, this limited recovery within the industry has bypassed several steel towns in western Pennsylvania completely.

According to an analysis of recent economic forecasts of the steel industry, prepared for me by the Congressional Research Service, recovery in this industry will only bring it back to the levels of production experienced in 1981. If the projections are accurate, it will not be until 1986 that this level will be attained.

Furthermore, a rebound in steel production will not necessarily result in any substantial upswing in employment. Although production and nonproduction employment is expected to increase by nearly 9 percent in 1983, it is expected to increase at much lower rates in subsequent years, according to CRS calculations.

Imports of unfairly subsidized basic steel products will continue absorbing a substantial share of our domestic markets unless we resolve to halt the flow.

Certainly, a strong economy will generally help the steel industry. This does not mean that we should reduce our level of concern for the health of this vital basic industry. Instead, we must continue exploring effective methods of addressing the problems of import penetration and capital formation to insure that the steel industry plays an active role in an expanding economy, and is not just a beneficiary of it. If these problems receive the attention they deserve, perhaps some of the unemployed will be able to return to work again.

Mr. Speaker, I recommend this CRS report, 83-590E: The Outlook for Steel, 1983-86, "An Analysis Based on the Data Resources, Incorporated Interindustry Model Projections," by David J. Cantor, as must reading to all of my colleagues. With your consent, I present here its main conclusions:

The steel industry in the United States is expected to experience a substantial increase in output in 1983 and 1984, although the yearly rates of growth would fall thereafter. Over the period, 1982-1986, output is projected to rise at an annual rate of about 10 percent to a new plateau of 110 to 120 million tons per year. This growth pattern is projected by three economic forecasting organizations—Data Resources, Incorporated, Wharton Econometric Forecasting Associates and Chase Econometrics.

Steel output is projected to grow at a faster rate than real GNP in the period, 1982-1986. In 1982-83, steel output would grow seven times faster than real GNP. In 1985-86, however, steel output growth is about equal to the growth of real GNP.

The growth in steel output is not expected to result in any substantial increase in employment in the industry. In 1983, employment would grow by 9 percent, or about half the rate of growth of output. By 1986, steel employment is projected to increase by one percent, and to decline after 1986. To a large extent, the lower rates of growth of steel employment relative to steel output are explained by technological change and gains in productivity resulting from it.

Demand for steel in the United States is expected to grow at an annual rate of nearly 11-percent from 1982 to 1986, or faster than output, which is projected to increase at an annual rate of about 10 percent. Although traditional markets for steel (e.g., construction and motor vehicles) will continue to dominate the market, the share of these traditional markets will decline. In 1982, the traditional market accounted for nearly 80 percent of total domestic demand. In particular, the motor vehicle market for steel is projected to grow at a much lower rate than both total demand and output, the motor vehicle industry's demand for steel is expected to increase by 8.5 percent per year as compared with the 11-percent annual growth in total demand, and the 10-percent annual growth in steel output.

Imports will continue to represent a substantial share of the market, approximately 15 percent. Although expected to grow, imports would be in the range of 15.5 to 18 million tons, or at about the same levels as in recent years.

The significance of the growth of markets is demonstrated by simulations of two markets: construction and motor vehicles. If construction sector output were to increase by 10-percent, the demand for and output of steel would increase by about 4 percent and represents about 4 million tons of basic steel. The effect of a 10-percent increase in motor vehicle output is much smaller than construction; steel demand would increase by about 1.3 percent, and total output, by 1.5 percent. The lesser stimulus provided by motor vehicle demand is, in large part, the result of factor substitution of materials in this motor vehicle industry and the trend to smaller cars. The results of these simulations suggest that the steel industry's outlook for both output and employment depends upon the strength of the economy generally, and its steel-using sectors in particular.●

THE TRICENTENNIAL OF THE COUNTY OF NEW YORK: COMMEMORATING A LEGACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RANGEL. Mr. Speaker, I rise to congratulate the County of New York on its 300th anniversary.

The County of New York—more commonly known as Manhattan—was incorporated on November 1, 1683 when the British consolidated the Hudson River Valley. When a constituent assembly was created to govern the new county, the English democratic foundation merged with the Dutch tradition of free trade to bring about a uniquely vibrant culture. This was the beginning of the great Yankee tradition of democracy and economic freedom.

During the 19th century, the clipper ships that made America a great mercantile power used New York as a home port. The county's choice location at the mouth of the Hudson made it a center of commercial activity, a trait which has continued to the present day.

America's greatest heritage is the ethnic diversity of her ethnic people. New York has contributed to this heritage more than any other port in the Nation. Twelve million people passed through Ellis Island between 1900 and 1920, providing much-needed labor for our growing industrial base.

The County of New York in the 20th century is as vibrant as ever. Theaters on Broadway, merchants in the garment district, and bankers on Wall Street all contribute to make Manhattan one of the most cosmopolitan centers in the world. It is no mistake that the United Nations is located there.

Mr. Speaker, commemorating the tricentennial of New York County is a commemoration of a legacy that is the foundation of all that is great in America. I extend my most sincere congratulations. I am indeed proud to be a New Yorker.●

TRIBUTE TO MEMPHIS BLACK MERCHANTS ASSOCIATION

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FORD of Tennessee. Mr. Speaker, the minority business community historically has played an important role in creating economic development opportunities for black citizens. Despite adverse conditions and diminishing support from the Federal Government, these businesses continue to

provide not only jobs, but also provide a vital service in communities throughout our Nation.

Memphis, Tenn., which is the congressional district that I represent, has had the good fortune of having the Black Merchants Association and the leadership it has provided in promoting economic development opportunities for black businesses.

This association, comprised of over 200 black businesses, was formed in 1976. Since that time, its members have worked diligently and tirelessly on behalf of the Memphis black business community. Their efforts have resulted in expanded and enhanced opportunities for many Memphians.

The outstanding work of this the Black Merchants Association has resulted in a more cohesive black business community in Memphis, and a stronger economic development base in the communities that its members serve.

It is no secret that members of the Black Merchants Association not only operate their businesses in the black community, but they also live in these communities, and they participate in numerous community activities.

I ask that my colleagues join with me in commending the Black Merchants Association, under the capable leadership of Willie Rounds, president; and Roscoe Dixon, executive director; for their accomplishments, and in wishing them continued success as they celebrate their sixth annual banquet.●

PERSONAL EXPLANATION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Ms. FERRARO. Mr. Speaker, due to official congressional business in New York State, I was unavoidably absent from the House on Friday, October 28. Had I been present, I would have voted as follows on the matters considered that day in the House Chamber.

Rollcall No. 427—On approval of the Journal of Thursday, October 27, 1983, "yea."

Rollcall No. 429—On an amendment that sought to strike language providing authorization floors for VISTA, "aye."

Rollcall No. 430—On passage of the bill H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973, "yea."●

BANKRUPTCY LAW: WHAT BOB DOLE FORGOT TO MENTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. EDWARDS of California. Mr. Speaker, I want to share with my colleagues the unedited text of my op-ed article on bankruptcy legislation which appeared in the Washington Post on October 29, 1983:

Senator Bob Dole's October 20 op-ed piece on bankruptcy legislation was long on rhetoric and short on facts. The article would have us believe that the Senate passed a package of noncontroversial substantive changes in bankruptcy law, that the Senate has taken the lead in legislating a constitutionally sound bankruptcy court system, and that the response of the House, "and more particularly, Chairman Rodino of the House Judiciary Committee, has been to do nothing."

In fact, no bankruptcy court bill was even introduced in the Senate last year to deal with the constitutional problem in the court system in spite of two deadlines imposed by the Supreme Court in October and December. Mr. Rodino's House Judiciary Committee met the deadlines. The bankruptcy court legislation that the Senate finally passed this year would create an enormously inefficient and uneconomical system and is widely considered to be unconstitutional. It is therefore no solution at all. The House Judiciary Committee, under Chairman Rodino's prodding both this year and last reported bills that would establish bankruptcy courts of clear constitutionality.

Far from passing noncontroversial changes and straightening out "the bankruptcy mess," what the Senate did in passing its bankruptcy package was take a pressing legislative issue—the need to establish a legally sound court system—and fashion a Christmas tree on which it hung every bauble that the money lender special interest groups could ever hope for. The consumer finance industry used a constitutional crisis to fashion radical changes in substantive law that poor, honest debtors have every reason to fear.

Every one of the specific consumer changes that Senator Dole chose to mention in his article has been introduced in the House in H.R. 1147 by Chairman Rodino, whom Senator Dole berates. Senator Dole simply chose not to mention the overreaching, onerous and anticonsumer provisions of the Senate package.

He did not mention, for instance, that the Senate bill would abolish the requirement that the courts approve any reaffirmation agreement between a creditor and a debtor who has filed for bankruptcy. As then chairman of the Judiciary subcommittee that drafted the 1978 law after years of hearings, I can assure you that this provision was written into the law only after evidence showed conclusively that creditors simply would not let debtors get a fresh start in life, even after their debts had been discharged. Instead, they would hound debtors with threats of repossession of household goods, wage garnishment, or collection from unsuspecting cosigners until beleaguered victims reaffirmed debts that had been legally forgiven. Nor did Senator Dole explain that the Senate bill would make the bankruptcy courts into federally financed collection agencies for the lenders—at incalculable costs to all of us who pay the taxes that finance the court system. Consumer and civil rights groups have strongly opposed these radical changes.

The bankruptcy system is now operating under an emergency rule fashioned by the courts. The band aid is about to break. Its legality has been questioned by several courts, and the rule expires next March 31.

Chairman Rodino's record for civil rights, consumer protection and the public interest as against special interests speaks for itself. He is to be commended for insisting on first resolving the constitutional issue so that debtors and creditors are certain of the force of judicial decrees in bankruptcy cases. And he is right to proceed carefully on changes in substantive law. Nobody wants to shelter deadbeats. But, while preventing possible debtor abuse, consumers and borrowers want to be assured that the changes will not impose inequitable burden on debtors who need the fresh start that is the historic function of the bankruptcy laws.

Senator Dole, as a long-time member and now Chairman of the Finance Committee, knows well how the tax code is riddled with loopholes to accommodate just about every special interest known to man. And, to give him credit, he has fought to close some of the more gaping ones. It is ironic, then, that, as chairman of the Judiciary subcommittee on courts, he should support a bill that is of no benefit to consumers but seeks to satisfy special pleaders who want an unfettered ability to harass honest debtors and to shift the cost of their credit-granting mistakes to the nation's taxpayers, who finance the courts.●

THOUGHTS IN AN AFTERNOON AT SAMPSON

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HORTON. Mr. Speaker, a military installation in my congressional district in New York, the Seneca Army Depot, has been the focal point of continuous antinuclear demonstrations that began early this past summer. Recently, an additional effort was mounted at the gates of the depot and in nearby Sampson State Park to further demonstrate the deep concern of many Americans over the threat of nuclear war. Many articles were written in newspapers throughout my district in the wake of the protest, but one article in particular sheds a great deal of light on the effectiveness of such demonstrations and the direction to which concerned Americans should turn to help solve the nuclear dilemma. This article appeared in the October 27, issue of the Penfield Post-Republican and I am submitting it here to be printed in the RECORD. I urge my colleagues to read these important and enlightening words.

THOUGHTS IN AN AFTERNOON AT SAMPSON

The disturbing and discouraging thing about the anti-nuclear peace rally at Sampson State Park last weekend was not that it occurred.

Or that as a major demonstration it fizzled.

Rather, the disappointment was that the rally symbolized the national failure to develop an intelligent, informed, and courageous search for a peaceful world order.

None of the speakers at the rally said anything that hasn't been heard a thousand times before.

None of them dealt with the problems posed by a tyrannical, closed Russian oligarchy.

None of them dealt with the problem of the West still trying to impose democratic ideals and procedures upon a world population of which 90 percent have little present use for such philosophy.

None of them touched upon the undoubted fact that within a few years many nations may possess nuclear capability.

None of them dealt with solutions to problems posed by Islamic radicals, whose capacity for cruelty and destruction was so amply demonstrated a day later in Beirut.

None of them had constructive answers for the definition of an accepted role for Israel in the Near East.

None of them would have had an answer if another Hitler suddenly posed a nuclear threat.

Hundreds of thousands of dollars went into last Summer's "peace" encampment—and hundreds of thousands more into the planning and protection of Saturday's rally.

Could not all those funds and all that energy have been used to make some contribution, no matter how slight, to develop the rational, realistic understanding we will need to prevent the kind of nuclear disaster we all fear?

Missiles and warheads are not the basic threat—any other more than that rocks of the type with which Cain slugged Abel were the basic problem.

The problem is what went on in Cain's head—and in the fact that there still are Cains.

It would, indeed, be very simple if we really could blame America for the world's problems. As a rational, democratic nation we could then take steps to eliminate those evils and create a happy, peaceful world. But it is not that simple.

The tens of millions of Americans who ignored Saturday's rallies know that very well.

The sombre, discouraged mood of many of the people at Sampson indicates that they, too, realize this.●

CLARKE SUPPORTS WATER RESOURCES RESEARCH ACT OF 1983

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CLARKE. Mr. Speaker, the United States today faces a serious water resource problem. In many areas of the country, water supplies so vital to agriculture and industry are being depleted at an alarming rate. In addition, the issues of the impairment of water quality, the need to restore damaged water supplies, and water rights need to be addressed by this Congress.

In my opinion, the passage Monday of H.R. 2911, a bill to authorize an ongoing program of water research, was an important step for the House to take to work for a solution to these water resource problems.

This measure would establish a water research center in each State at a land grant university or other educational institution and provide funding for technological transfer so that the institutes which funnel research results to the community will also learn current research needs. This legislation would also transfer Federal water desalinization plants to Roswell, N. Mex., and Wrightville Beach, N.C., which is needed because the plants were not funded in last year's Department of the Interior budget. I support the initiative and desire of these communities to take over the plants.

I feel that all will benefit from this important bipartisan bill. Conversely, we will all know the consequences if Congress fails to enact legislation to address an impending water crisis. A similar bill has already passed in the Senate, and I hope that a quick compromise can soon be reached.●

THE RETIREMENT EQUITY ACT OF 1983

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am proud to join Chairman WILLIAM CLAY and the members of the Subcommittee on Labor-Management Relations, of which I am the ranking minority member, in introducing the Retirement Equity Act of 1983, which eliminates existing inequities in the pension laws and brings those laws into conformity with social changes affecting the role of women.

This bill was ordered reported by our subcommittee today and, hopefully, will be acted upon by the full Education and Labor Committee soon. The leadership of subcommittee Chairman CLAY in making this bill a priority of the subcommittee is to be commended, as is the guidance and support provided by the gentleman from Illinois (JOHN ERLENBORN), whose pension law expertise has made this a responsible, while effective, measure. The role of the gentlewoman from New York (GERALDINE FERRARO), who is also a cosponsor of this bill, must also be lauded for bringing this problem to the Congress attention at an early date and persisting in her efforts to remedy it.

The jobs of childrearing and homemaking are now recognized as being of equal importance to those jobs which require a woman to leave the home. Unfortunately, existing pension laws, whether intentionally or unintentionally, fail to recognize that value.

Consider the following situation: A man works 30 years for an employer, while supported at home by his wife who draws no paycheck and has no pension contributions in her name. The man dies at age 54, having long since vested in a pension with a substantial accrual of benefits. Present law presumes that only the husband has a legitimate claim to that pension and no benefits are required to be paid to his widow. Our subcommittee has received testimony providing several concrete illustrations of such tragic situations.

The Retirement Equity Act of 1983, would insure that the role of the surviving spouse is properly recognized in such situations. The bill would require availability of a joint and survivor benefit option for the spouse of any employee who has worked at least 10 years. Furthermore, the bill insures against any excess costs to the pension plan by allowing the plan to pass on those costs to the participants in the form of a lower joint and survivor annuity.

Another change this bill addresses is the increasing number of women who are entering careers, with the intention of working until retirement. In addition, these decisions often include the possibility of childrearing in addition to a career. Consequently, we find increasing numbers of women entering, leaving, and then reentering the work force at varying stages in their lives.

Unfortunately, these new career patterns run up against a number of roadblocks in our pension system—some which cannot be remedied by law, but many which can.

In the first place, the law currently requires that a pension plan include as participants only those who are age 25 or older. In addition, vesting credits need not be provided below the age of 22. These requirements ignore the fact that women between the ages of 20 and 24 participate more heavily in the work force than any other age group. In addition, a significant number of women begin working immedately out of high school, terminating their employment in their late twenties or early thirties to raise a family. The existing minimum age requirements for pensions penalize such women.

This bill addresses these work patterns by requiring that persons 21 and over be included as participants in the plan and that persons 18 and over receive vesting credit.

In addition, the current law frequently deprives women of participation and vesting credits they have received prior to taking a maternity

leave. In such instances, they return to work for the same employer with no credit for their previous service. This bill will insure that, in most instances, those credits are not lost.

The final reality this bill recognizes is the explosion in the divorce rate that has occurred over the past several years. In many instances, a woman who is divorced finds herself foreclosed from receiving any pension survivor benefits, even though she may be morally entitled to a share through her work in the home.

This bill significantly increases the coverage of divorced women by requiring that survivor benefits be paid to a person who divorced the deceased participant after the pension annuities began. In addition, the bill clears up a current confusion in the law that has inhibited a number of divorce courts from awarding pension benefits, for fear of violating the prohibition in ERISA against assignment of benefits.

These and other provisions in the bill will bring our pension laws into the 1980's as far as the role of women is concerned. It is tragic to note that 81 percent of all women over the age of 65 who live alone are living in poverty. The importance of a pension in this regard is illustrated by the fact that 98 percent of those who receive a pension and social security are above the poverty level, while 34 percent of those who just receive social security are below that level. We must reform our laws now before more women enter a period of their lives when the security of a pension can make the difference between financial survival and poverty. One witness who appeared before our subcommittee stated the problem with the current pension laws in a most eloquent fashion: "The price of childrearing may be an old age of poverty."

Mr. Speaker, I urge the House to take quick, favorable action on this measure to remedy as soon as possible these existing inequities.●

HONORING MEMBERS OF THE PERPETUAL ADORATION SOCIETY OF THE CHURCH OF SAINT HILARY, PICO RIVERA, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TORRES. Mr. Speaker, on November 5, 1983, the Perpetual Adoration Society of the Church of Saint Hilary in Pico Rivera, will celebrate its 25th anniversary of praying for world peace.

The Perpetual Adoration Society was established on November 7, 1958. The society's membership of 400 includes not only the parishioners of the Church of Saint Hilary's but also the parishioners of other Catholic churches and Christian religious beliefs.

Every day since 1958, at least one member of the Society has prayed for world peace at St. Hilary's. During these 25 years, the members have registered over 500,000 hours of prayer.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating the members of the Perpetual Adoration Society of my congressional district for creating this opportunity to pray for world peace and ask that we extend our best wishes on this most memorable occasion.●

REAGAN ADMINISTRATION TAKEN BY JAPANESE IN NEGOTIATIONS OVER AUTO RESTRAINTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DINGELL. Mr. Speaker, early last July the Japanese Government surprised the Reagan administration by announcing to its automakers that Japan did not plan to extend beyond March 1984 its voluntary auto restraint agreement of 1.68 million cars. I wrote Ambassador William Brock and asked what the administration knew about the Japanese announcement and what the administration planned to do to counter it.

I never received a reply to my letter to the Ambassador. I monitored the public record closely as the administration agonized over the matter with no public reply of any kind—not even a mild question asking why Japan planned to ignore the concerns of our domestic auto industry and its most important resource, its workers.

But a few days ago the administration finally leaked a story that when the Ambassador traveled to Japan he would insist upon a 1-year extension. The administration also leaked the story that we planned not to negotiate with the Japanese, but would show we were good guys, offering to increase the imports of Japanese autos from 1.68 million to 1.8 million. The Ambassador quietly passed the word not to worry: "That's our bottom line."

You guessed it. Like all of us, the Japanese knew it was an administration leak. They took the leak and said—"1 year is OK, but we would have to give on the number." So the Ambassador, presumably with the President's approval, caved in and raised the car level to 1.85 million—plus presumably a 10-percent increase in the 70,000 vehicles shipped to Puerto Rico and the 82,500 trucks for a total of 2.02 million vehicles.

Mr. Speaker, this is a giant giveaway. It insures no new investments by the Japanese in the United States. It does not deal with the adverse effects caused by the yen-dollar imbalance. It guarantees no movement by our domestic firms away from outsourcing. What it will do, however, is surely cause a loss of 40,000-50,000 U.S. jobs.

This experience proves that we cannot trust our negotiators to be firm, particularly when their hearts are not in it. The administration will not tell the Japanese that their deals are all one sided. Congress must do so when it votes for H.R. 1234, the domestic content bill.●

IN HONOR OF WILLIAM RATCLIFFE ON HIS RETIREMENT FROM THE UNITED FOOD AND COMMERCIAL WORKERS UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LANTOS. Mr. Speaker, it is my privilege today to pay tribute to William Ratcliffe who recently retired after distinguished service as president of the local United Food and Commercial Workers Union of San Mateo County, Calif.

Bill Ratcliffe has devoted many years of his life to effective union leadership and community service in California's 11th Congressional District.

His career with the union movement took him from business representative of the Retail Clerks Union—recently renamed the United Food and Commercial Workers Union—in 1967, to the presidency of that union only 3 years later. Bill also served as a trustee of the pension, health, and welfare trust funds for his union, and served as one of three trustees of San Mateo County Labor, the local union newspaper.

Bill was also involved with the Bay Area Council and the Southwestern Council of the Retail Clerks Union, earning widespread respect among his colleagues for his expertise and hard work.

Community service was always an integral part of Bill's life as well. He served as a member of the Northern California's Food and Drug Council, and in this capacity helped the community in which he lived.

Although he was a highly successful leader, Bill always had time for his family. He and his wife made an exemplary home for their three sons. When they retire soon, to their new home in Hawaii, their many friends, colleagues, and neighbors will miss them.

William Ratcliffe is a union leader of the first rank, and a devoted public

citizen. I am pleased to pay tribute to him.●

SUPPORT FOR BIPARTISAN DEFICIT REDUCTION COMMISSION

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TALLON. Mr. Speaker, I join my colleagues in support of the establishment of a bipartisan national commission on Federal budget deficit reduction. A national commission offers the best chance for finding solutions to our mounting deficit crisis. If we fail to act now, we will run the risk of ruining our present economic recovery with Government debt, double-digit interest rates, and enormous trade deficits.

Federal budget deficits in this decade are staggering. In fiscal year 1982, the budget deficit topped $100 billion for the first time. In fiscal year 1983, the deficit soared to $195 billion. Projections for fiscal year 1984 are for a deficit of $160 to $180 billion and a public debt of approximately $1.6 trillion—nearly $6,000 for every man, woman, and child in this country.

These deficits are a roadblock to the return of a robust American economy. America's savings will be absorbed by the Federal Government in subsidizing the deficit. Capital investment will be inhibited by this draining of the savings pool. There will not be funds available for private sector investments.

This bleak picture makes it imperative that we establish a bipartisan national commission with the goal of seeking consensus solutions for reducing the budget deficits. Similar to the Presidential Commission to break the deadlock on social security reform, the commission would be directed to review all elements of fiscal and monetary policy, analyze all options which would result in deficit reductions, and provide recommendations within 90 days on deficit reduction alternatives.

Creation of a bipartisan commission is a recognition of the fact that budget deficits are not a Democratic or Republican issue. It is not a problem that can be solved by partisan rhetoric and finger pointing. Both parties must share in the blame in the creation of our present deficits; but by working together through this commission, we can take the necessary first step to solving the problem.●

TRIBUTE TO MICHELE MARIE STARZECKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HARRISON. Mr. Speaker, an outstanding young woman from Wilkes-Barre, Pa., Ms. Michele Marie Starzecki, recently received an award in recognition of having been selected for "Who's Who" among American high school students for the second consecutive year. This represents an outstanding achievement, and one in which all of us take justifiable pride.

Michele is currently attending the Bloomsburg State University in Pennsylvania, and is a 1983 honor graduate of Bishop Hoban High School in Wilkes-Barre, Pa., where she was a member of the chorus. She is the daughter of Loretta and the late James Starzecki of Wilkes-Barre.

Mr. Speaker, I join with her family and friends in paying tribute to this outstanding young person.●

DR. SAMMY LEE AND COL. YOUNG KIM

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. BURTON of California. Mr. Speaker, I am pleased to bring to the attention of my colleagues an event in San Francisco to honor two outstanding Korean Americans, Olympic diving champion Dr. Sammy Lee and U.S. Army war hero Col. Young Kim. These fine gentlemen will be honored by the Korean Community Service Center on November 13 at a "Celebration of Korean American Contributions to American History."

Colonel Kim and Dr. Lee are two of the most distinguished yet unsung heroes of the second-generation, American-born Koreans who are also the products of the pioneering, first-generation immigrant Korean Americans at the beginning of this century.

Dr. Sammy Lee, 63, is the first double Olympic gold medalist in diving—1948 London and 1952 Helsinki games. He is also the first non-Caucasian and the first Asian to win the celebrated James E. Sullivan Award of 1953 as "U.S. Amateur Athlete of the Year."

In his sport, Dr. Lee is known as an innovator—he invented the running 3½ somersault—and one of the best coaches, having coached Bob Webster to two Olympic gold medals, 1960 and 1964. Dr. Lee was inducted into the International Swimming and Diving Hall of Fame in 1967.

Col. Young Kim, 64, rose to executive officer as the only Korean-American officer in the famed Japanese American "Go For Broke" unit: the 100th/442d Regimental Combat Team, America's most highly decorated offensive combat outfit in World War II.

Colonel Kim's decorations for valor include the Distinguished Service Cross, two Silver Stars, Bronze Star, three Purple Hearts, two Legions of Merit, three Presidential Unit Citations, Italian Cross of Valor—Italy's highest honor, and the French Croix de Guerre—France's highest honor, making him the most decorated Asian-American soldier in World War II and the Korean war.

I congratulate the Korean Community Service Center for their efforts honoring these two men and, in addition, for their ongoing service to the Korean community in San Francisco.●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEWIS of Florida. Mr. Speaker, while returning from my district early Monday, October 31, I missed two votes instructing the conferees on H.R. 3222, making appropriations for Commerce, Justice, and State, the Judiciary and related agencies for fiscal year 1984. Had I been present, I would have voted "nay" on rollcall No. 431, in opposition to ordering the previous question, and I would have voted "yea" on rollcall No. 432, in favor of the amendment to instruct conferees with respect to appropriations for the endowment of democracy.●

MR. BROCK'S INADEQUATE QUOTA AGREEMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OTTINGER. Mr. Speaker, Ambassador Brock and the Japanese Government agreed today to extend the 3 year volutary restraint agreement for Japanese automobile imports for an additional year at a level of 1.85 million vehicles, an increase of 170,000 cars.

Mr. Brock had little choice but to seek this agreement given Congress concern about the continued deterioration of the American auto industry. I believe this agreement illustrates his half-hearted efforts. He obtained no relief from Japan's severe restrictions on our exports of citrus, tobacco, beef, other agricultural products, baseball

bats, and so forth. With respect to autos I am appalled at the higher quota level of the agreement, and even more so at this administration's belief that this Band-Aid somehow passes for real policy.

Does not Mr. Brock know that even under the old agreement, Japanese penetration of the American auto market jumped from 16.5 percent to 22 percent? Does not Mr. Brock know that this new agreement will cost Americans yet another 78,000 jobs? An increase of 170,000 imports will cost approximately 12,000 direct automobile jobs, another 43,200 jobs in supplier industries. Counting the ripple effects on nonauto related employment, the increased imports under the agreement are estimated to cost a total of 78,000 jobs. This agreement will almost certainly permit Japanese import penetration to rise even above the 22 percent they already hold.

Press reports say Mr. Brock pointed to the spectre of domestic content legislation to convince the Japanese to extend the quotas. If that is true it shows the effective leverage this bill has—the only trouble is, Mr. Brock did not pursue it hard enough, settling too easily and for much too little.

I assume Mr. Brock will now point to this agreement in an attempt to convince Congress that domestic content legislation need not be passed. Quite the contrary, the agreement demonstates the importance of having domestic content as an active threat.

I would also like to ask Mr. Brock what concessions the American Government has gotten from this agreement to increase the quota level. Will MITI agree to ease the trade restrictions and tax burdens which plague American car companies trying to sell their products in the Japanese market? Has there been any concession on any other Japanese trade restrictions or has Mr. Brock been so hasty in reaching the agreement, that he forgot to gain any concessions on behalf of American exports to Japan in return for the quota increase?

I would like to remind Mr. Brock that quotas—even this weak one—are a stopgap measure, not a trade policy. Domestic content promotes a policy to rebuild the American auto industry while preserving competition and consumer choice.

The ostensible theory of these voluntary quotas is to provide American manufacturers with breathing room to develop a competitive small car. But the quotas do not achieve this objective. The quota increase, for example, will permit GM to import the first installment of 300,000 Isuzu and Suzuki small cars from the Japanese and sell them under the GM label, which would eliminate 71,400 auto jobs in this country and send them to Japan. The quota agreement will not, as H.R. 1234 would, force GM to make the investments necessary to improve its small car production in the United States under H.R. 1234, a company such as GM could no longer reap the benefits of quotas while refusing to make productivity improving investments.

The quotas by their very nature, protect particular industries from competition. By setting a limit on the number of cars that can be sold by foreign manufacturers, the Government is favoring a depressed industry at the expense of competition, low prices and consumer choice. H.R. 1234 would assist the American auto market to regain its competitiveness while maintaining consumer choice. The enactment of the domestic content requirements will create an expanded auto market, where automobile companies must manufacture inexpensive, efficient and well-built cars in order to maintain their market position.

The past 3 years of quotas have not been all bad for the Japanese by any means. According to a recent article in Business Week the quotas have actually been a boon for the Japanese auto industry. One auto analyst from Tokyo maintained that 50 to 70 percent of the total earnings of the three largest Japanese car companies comes from their U.S. sales, though these imports only account for 30 percent of their total production. The rebounding U.S. market has given the Japanese the cash they need to maintain a competitive position in their own market, where a car can sell for $3,000 less than an identical model in the United States. H.R. 1234 would change all this. The revenues which are earned by all manufacturers selling automobiles in this country will be recycled into the U.S. economy rather than sent overseas.

This Congress must enact a long-term policy which will rebuild the auto industry and rehire the thousands of auto workers. H.R. 1234 is the legislation we need to meet this goal.●

THE LATE HONORABLE JAMES A. BURKE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. JACOBS. Mr. Speaker, "Who did not like Jimmy Burke?"

Our fallen colleague, James Burke of Massachusetts, was the quintessential man in motion. He made us laugh. He made us think. He made us care.

Jimmy Burke was a rugged individualist in a sea of conformity and his memory should guide us.●

EX-MARINE WILL DIRECT CEMETERY REDEDICATION IN NORRISTOWN, PA.

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. COUGHLIN. Mr. Speaker, I am honored to report to my colleagues the rededication of a historic cemetery in Norristown, Pa. in my congressional district, where hundreds of American war veterans are buried.

In these times of sacrifice by our servicemen and their families, I believe it is appropriate that the rededication of Montgomery Cemetery will be led on Saturday, November 12, 1983, by a constituent and Marine hero, Robert M. Reed, of Norristown. It was his personal perserverance, dedication, and courage that led to the event.

Bob Reed, a highly-decorated and wounded veteran of Vietnam combat, will direct the rededication of the cemetery in Norristown's west end in ceremonies sponsored by the Valley Forge Detachment, Marine Corps League. Other veterans and organizations will take part in the ceremonies to mark the repair and restoration of this 35-acre private burial plot.

Owned by the Mills family, the cemetery was incorporated in 1849. Some 12,000 persons are buried there. About 600 of these graves are those of veterans of the Civil War, the Spanish-American War, World War I, World War II, and the Korean conflict.

Historic records reveal that seven generals are buried in the cemetery. The remains of at least two Medal of Honor winners also are buried there.

Bob Reed, a former gunnery sergeant and west end native, noticed the disrepair of the cemetery at the end of last June and decided to do something about it. With the permission of Mrs. Scott Mills, owner of the burial ground, he began to clear the brush, restore tombstones and rehabilitate the cemetery.

With the help of the Marine Corps detachment and other volunteers, Bob worked through the summer to restore the cemetery. By autumn, the work contingent consisted of Bob, his father, and three detachment members.

In Bob's case, he worked against handicaps sustained in combat. He holds 12 Purple Hearts, the Navy Cross, and the Bronze Star along with numerous other medals. His wounds left him with multiple orthopedic problems.

To all who have made the restoration of the cemetery a fact goes the thanks of concerned citizens. To Bob especially goes a debt of gratitude for his devotion to duty as a former

marine and as a private citizen. Despite a personal battle involving his own health, Bob Reed has demonstrated pluck and perserverance of which all of us can envy.

As a former marine and Bob Reed's U.S. Representative, I am proud to salute him.●

THE CONGRESSIONAL STUDENT FORUM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEVIN of Michigan. Mr. Speaker, I would like to take this opportunity to present my colleagues with the results of a recent meeting of high school students I sponsored in my district. This program, which is called the Congressional Student Forum, was established to offer high school students in the 17th District an opportunity to study some of the most important issues and institutions of our day. Throughout the year, these students will meet to analyze local, State, and Federal Government, the role of the media, national defense, and other important topics.

Mr. Speaker, I think it was most appropriate that the first of these meetings examined one of most important of today's issues, and certainly one of the most relevant to these students: education. The October meeting of the forum brought together over 200 students from 23 schools. From large urban to small suburban, public, and private, these students represented a broad cross section of American education. The discussion was a clear demonstration that our Nation's students are as concerned about the quality of their own education as anyone.

In preparation for the October meeting, copies of the recent report by the National Commission on Excellence in Education, "A Nation at Risk," were distributed to the students through their teacher sponsors. I must say I was most impressed by the obviously thorough study this document was given by the students as evidenced by their insightful questions and comments.

In the final hour of the program, the students divided into five caucuses. Each individual caucus debated and eventually proposed a specific resolution which is reported below. While none of the resolutions were voted on by the full forum and thus do not necessarily represent the views of the majority of students participating, they all, nevertheless, demonstrate the strong concern of students everywhere for an excellent education.

Mr. Speaker, I have made copies of these resolutions available to the appropriate chairs of the House Education Committees. At this time, on behalf of the 17th District Congressional Student Forum, I insert the following five resolutions into the CONGRESSIONAL RECORD:

RESOLUTION FROM CAUCUS A

Be it resolved that the Federal government should establish uniform standards in education be setting: (1) Federal uniform competency tests for teachers and (2) minimum competency tests for graduation from high school in the United States.

Be it further resolved that education be given a higher priority in the Federal Budget.

RESOLUTION FROM CAUCUS B

Be it resolved that Congress allocate monies through the Federal Revenue Sharing program back to States to improve education, and that the administration of these funds be supervised by the Departments of Education in each state which will set minimum requirements for improvement.

RESOLUTION FROM CAUCUS C

Be it resolved that the Federal government assume the responsibility for setting up and funding a system of summer retraining programs for teachers to update their skills and learn new teaching techniques. Every teacher should be required to participate in one of these workshops every 3 years. Teachers would receive additional pay for completing these federally funded workshops.

Be it further resolved that tax incentives be given to businesses and industries who contribute money, equipment and training personnel to public schools enabling the schools to update academic programs.

Be it further resolved that public schools be required to provide the opportunity for students, parents, and faculty (including administrators) to meet together at least once a month; and be required to ensure equal speaking time for all parties to:

A. urge parents to become active in such meetings and become aware of how the school is operating and how their children are affected

B. allow student requests for changes and sentiment toward school policy and operations to be expressed and considered without fear of punishment

The goal of this action is reinvolvement of the community in schools and to decrease parent apathy.

RESOLUTION FROM CAUCUS D

Be it resolved that the Federal government will take a role in establishing minimal standards of competency in academic areas for promotion from grade to grade and provide Federal funds to school districts to foster fulfillment of these goals.

RESOLUTION FROM CAUCUS E

Be it resolved that a tuition tax credit be made available to assist those who choose to send their children to private schools. We feel that these types of tax credit are not a shelter for the rich. The majority of private school students come from families of modest means, who support and share the cost of public education with their property tax dollars.

The schools represented at this meeting of the Congressional Student Forum were as follows:

Annapolis High—Dearborn Heights.
Benedictine High—Detroit.
Berkley High—Berkley.
Bishop Borgess High—Redford.
Clawson High—Clawson.
Cody High—Detroit.
Detroit Country Day School—Birmingham.
Dondero High—Royal Oak.
Ferndale High—Ferndale.
Henry Ford High—Detroit.
Inkster High—Inkster.
Kimball High—Royal Oak.
Lamphere High—Madison Heights.
Madison High—Madison Heights.
Marian High—Birmingham.
Oak Park High—Oak Park.
Mercy High—Farmington.
Redford High—Detroit.
Redford Union High—Detroit.
St. Agatha High—Redford.
Southfield High—Southfield.
Southfield-Lathrup High—Southfield.
Thurston High—Redford.